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Intellectual Property Registration Framework (Nigeria)

Securing Innovation, Preserving Value, and Protecting
Competitive Advantage

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**Intellectual Property Registration Framework (Nigeria):
Securing Innovation, Preserving Value, and Protecting Competitive Advantage**

ABSTRACT

Intellectual property is often the foundation of competitive advantage, yet it remains one of the most under-protected categories of business assets in Nigeria. Brands, inventions, creative works, product designs, and digital identities require deliberate and structured protection to retain their commercial value and prevent unauthorized use.

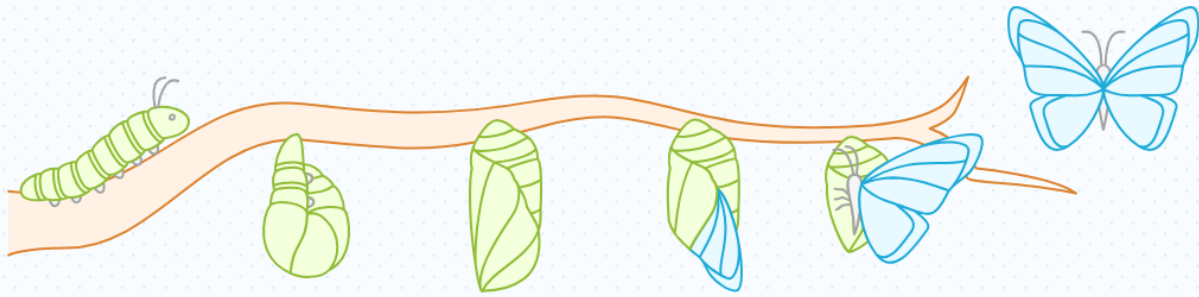
Without proper registration and oversight, businesses face risks ranging from brand dilution to loss of proprietary innovation.

This framework provides a clear and practical guide to identifying, securing, and managing intellectual property rights in Nigeria, covering trademarks, patents, copyrights, industrial designs, and domain names, while ensuring alignment with regulatory requirements and long-term business strategy.



**Barrister Isioma Ewelukwa
Partner**

Intellectual Property Protection in Nigeria



Under-Protected Assets

Brands, inventions, creative works lack formal protection

Foundational Stage

Identify and align IP with business strategy

Pre-Filing Due Diligence

Conduct searches and reviews to reduce risk

Registration Process

File applications for trademarks, patents, etc.

Post-Registration Management

Renewals, monitoring, and enforcement

Protected Assets

IP is registered, enforceable, and commercially viable

1. FOUNDATIONAL STAGE: IDENTIFICATION & STRATEGIC ALIGNMENT

Clarity at the outset ensures that protection efforts are focused and commercially relevant.

Key Actions

- **Asset Identification**
 - Brand names, logos, slogans → Trademark
 - Inventions, processes, technical solutions → Patent
 - Literary, artistic, and software works → Copyright
 - Product designs (shape, configuration, patterns) → Industrial Design
 - Online identity → Domain Name
 - **Ownership Verification**
 - Confirm whether rights vest in an individual, company, or joint parties
 - Review employment, consultancy, and assignment agreements
 - **Commercial Prioritization**
 - Identify assets central to revenue generation, branding, or competitive positioning
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2. PRE-FILING DUE DILIGENCE

Preliminary checks reduce the risk of rejection, opposition, or future disputes.

Key Actions

- **Trademark Availability Search**
 - Conduct searches at the Nigerian Trademarks Registry
- **Patent & Design Search**
 - Confirm novelty and absence of prior registrations
- **Copyright Review**
 - Confirm originality and authorship
- **Domain Name Search**

- Check availability through Nigeria Internet Registration Association (NiRA)-accredited registrars

Outputs

- Clearance status or risk assessment
 - Recommendations for modification where necessary
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3. TRADEMARK REGISTRATION PROCESS

Protects brand identity and market distinction.

Steps

1. Availability Search
2. Application Filing
 - Applicant details
 - Representation of the mark
 - Classification of goods/services (Nice Classification)
3. Acknowledgement & Filing Number
4. Substantive Examination
5. Acceptance & Publication in Trademarks Journal
6. Opposition Period (2 months)
7. Issuance of Certificate

Timeline

- Typically 12–18 months (subject to registry timelines)

Validity

- Initial term: 7 years
 - Renewable indefinitely in 14-year periods
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4. PATENT REGISTRATION PROCESS

Protects inventions and technical innovations.

Steps

1. Preparation of Patent Specification
 - Description, claims, and drawings
2. Filing at the Patents Registry
3. Formal Examination
 - Nigeria applies a non-substantive examination system
4. Grant of Patent

Key Requirements

- Novelty
- Inventive step
- Industrial applicability

Timeline

- Approximately 6–12 months (if documentation is complete)

Validity

- 20 years, subject to annual renewal fees
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5. COPYRIGHT PROTECTION & REGISTRATION

Protects original creative works.

Key Points

- Protection arises automatically upon creation under Nigerian law
- Registration with the Nigerian Copyright Commission (NCC) is optional but strengthens evidentiary value

Steps

1. Prepare Work for Deposit

2. Submit Application to NCC
3. Obtain Certificate of Notification

Protected Works

- Literary works
 - Musical works
 - Artistic works
 - Films
 - Software
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6. INDUSTRIAL DESIGN REGISTRATION

Protects the aesthetic or visual features of a product.

Steps

1. Prepare Design Representations
 - Drawings or photographs
2. File Application at the Patents and Designs Registry
3. Formal Examination
4. Registration and Certification

Key Requirements

- Newness
- Originality
- Not contrary to public policy

Validity

- 5 years initially
 - Renewable for two further 5-year periods (maximum 15 years)
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7. DOMAIN NAME REGISTRATION

Protects digital identity and brand presence online.

Steps

1. Search for Domain Availability
2. Select NiRA-Accredited Registrar
3. Register Domain Name (e.g., .ng, .com.ng)
4. Configure and Maintain Renewal

Key Considerations

- Align domain names with registered trademarks
 - Secure multiple variations to prevent third-party misuse
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8. POST-REGISTRATION MANAGEMENT & ENFORCEMENT

Registration must be followed by active management to preserve value.

Key Actions

- **Renewals Management**
 - Maintain a calendar of renewal deadlines
 - **Monitoring**
 - Track potential infringements or conflicting filings
 - **Commercialization**
 - Licensing, assignments, franchising, and royalty arrangements
 - **Enforcement**
 - Cease-and-desist communications
 - Administrative actions
 - Litigation where necessary
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9. DOCUMENTATION & INTERNAL GOVERNANCE

A structured record-keeping system supports compliance and enforcement.

Essential Records

- Certificates of registration
- Filing acknowledgements
- Renewal receipts
- Licensing and assignment agreements

Internal Controls

- Maintain an internal IP register
 - Assign responsibility for IP oversight (legal/compliance function)
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10. CROSS-BORDER PROTECTION STRATEGY

Intellectual property rights are territorial.

Key Actions

- Identify jurisdictions relevant to business expansion
 - Consider international filing systems where applicable:
 - Madrid Protocol (trademarks)
 - ARIPO (regional protection)
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CONCLUSION: STRUCTURE AS A DRIVER OF VALUE

A structured intellectual property framework transforms intangible ideas into protected, enforceable, and commercially viable assets. It strengthens brand integrity, supports innovation, and enhances investor confidence.

When approached systematically, intellectual property protection becomes not merely a legal requirement, but a strategic tool for sustainable growth and long-term value creation.

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