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AN OVERVIEW OF THE NATIONAL INTELLECTUAL PROPERTY POLICY AND STRATEGY (NIPPS):

A POTENTIAL TURNING POINT FOR NIGERIA'S INTELLECTUAL PROPERTY ECOSYSTEM

INTRODUCTION

Intellectual property (IP) has quietly become one of the most important drivers of modern economies. Today, brands outlive factories and data crosses borders faster than goods ever could. For many businesses, the real value no longer lies in their machinery or inventory, but in algorithms, trademarks, research outputs, creative works, and proprietary systems. Competitive advantage increasingly depends on how well those intangible assets are identified, protected, and deployed. For a long time, Nigeria's intellectual property framework did not fully reflect this reality. Major statutes such as the Patents and Designs Act (Cap P2 LFN 2004) and the Trade Marks Act (Cap T13 LFN 2004) remained largely unchanged for decades. Although the Copyright Act 2022 introduced important updates, administrative inefficiencies and weak enforcement mechanisms continued to undermine confidence in the system.

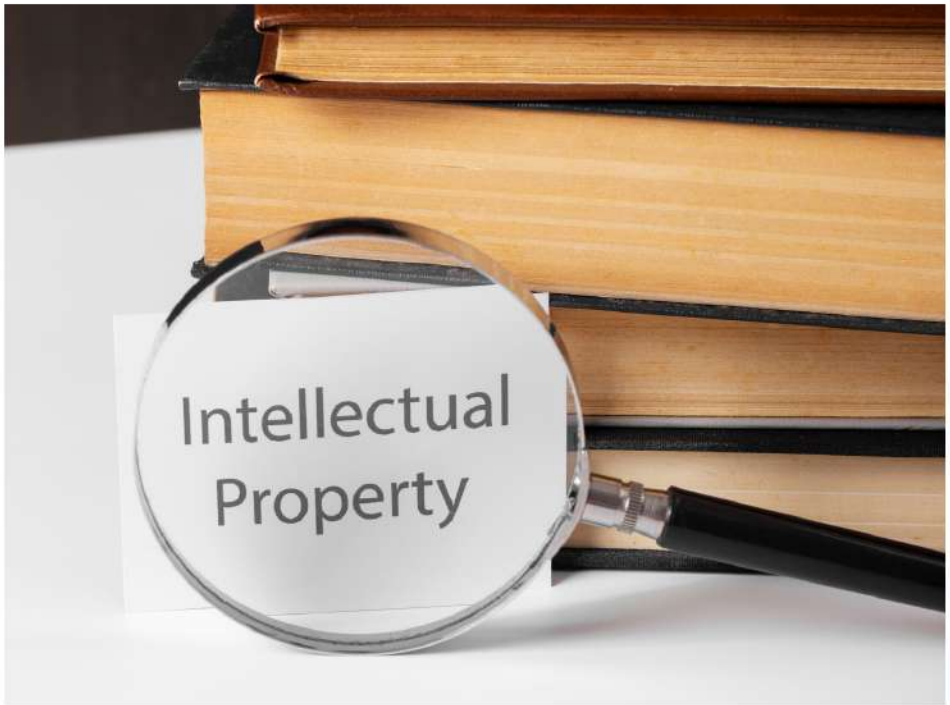
Institutions operated in isolation, registration processes were slow, and IP was often treated as a narrow legal right rather than as part of a broader economic infrastructure. Against this backdrop, the Federal Executive Council approved the National Intellectual Property Policy and Strategy (NIPPS) in 2025. While NIPPS is not a statute and does not create new proprietary rights, it is designed to function as a national blueprint. It sets out how intellectual property should be governed, administered, enforced, and integrated into Nigeria's development agenda. In practical terms, it attempts to reposition IP from the margins of legal regulation to the center of innovation, trade, and competitiveness policy. This article provides an overview of NIPPS, examines its key reform pillars, and considers what it may mean in practice for businesses, innovators, and policymakers.

BACKGROUND OF NIPPS

NIPPS emerged from a growing recognition that Nigeria's IP system was no longer fit for the economy it was meant to support. Despite having one of Africa's largest creative sectors, an expanding technology sector, and significant agricultural and research potential, the country's IP framework relied on outdated statutes drafted decades ago. For instance, the Patents and Designs Act provides for patent protection based on novelty, inventive step, and industrial applicability, but in practice, Nigeria has historically operated a formal examination system. This has allowed for quicker grant processes but has also raised concerns about patent quality and enforceability. The Trade Marks Act offers registration-based protection, but the registration process has always been slow and difficult to navigate. Even under the modernized Copyright Act 2022, enforcement and rights management remain challenging in practice, and clear pathways for commercializing intellectual assets remain nonexistent. In response to the foregoing, the Federal Government, with technical support from the World Intellectual Property Organization (WIPO), embarked on a review of Nigeria's IP ecosystem. This involved an audit of existing laws and institutions, followed by extensive consultations with government agencies, the private sector, academia, and civil society. The result of that process is NIPPS. A policy designed to move Nigeria from fragmented IP administration towards a more coordinated, development-oriented system that aligns with Nigeria's obligations under TRIPS, relevant WIPO treaties, and the African Continental Free Trade Area (AfCFTA) IP Protocol.

THE SCOPE AND OBJECTIVE OF NIPPS

At its core, NIPPS treats intellectual property as a strategic economic asset rather than a purely legal concept. It does not replace existing IP laws; instead, it provides direction on how those laws should evolve and how the institutions responsible for administering them are expected to function. The scope of the policy covers the full lifecycle of IP, from its creation and registration, through protection and enforcement, to commercial use and extraction of value. It addresses patents, trademarks, industrial designs, copyright and related rights, plant varieties, and emerging areas such as traditional knowledge and genetic resources. Importantly, NIPPS looks beyond rights holders alone. It considers the entire ecosystem that enables IP to function effectively, including registries, courts, customs authorities, enforcement agencies, universities, research institutes, regulators, and even financial institutions. The underlying assumption of the policy is simple and straightforward: that IP delivers real value when the overall system is coherent, predictable, and capable of supporting both protection and use.



The policy's objectives are operationalized through several core reform pillars:

1. Institutional modernization and administrative reform
2. Strengthened enforcement and legal reform
3. Commercialization and economic utilization of IP
4. Structured treatment of traditional knowledge and genetic resources

Each of these pillars reinforces the others. **None stands alone.**

1. Institutional Modernization and Administrative Reform

One of the most practical and potentially impactful aspects of NIPPS is its focus on institutional and administrative reform. For many businesses operating in Nigeria, the major challenge has not been the absence of rights but the difficulty of navigating slow, opaque, and sometimes inconsistent administrative processes. The policy, therefore, places strong emphasis on the modernization of IP institutions, beginning with the digital transformation of registries. It calls for the automation of trademark, patent, and industrial design filings, the development of more reliable and searchable databases, and clearer procedural guidelines. These changes are aimed at reducing delays, improving access to information, and increasing confidence in official records. An important area of focus is patent administration. NIPPS proposes gradual strengthening of technical capacity within the patent office, including examiner training, access to prior art databases, and improved examination standards over time. Notably, the policy frames this as a phased improvement rather than an abrupt overhaul. Beyond registry reform, NIPPS emphasizes inter-agency coordination. Customs authorities, regulatory bodies, enforcement agencies, and IP offices are expected to work more closely together, particularly in addressing counterfeiting, piracy, and cross-border infringement. Tosupport this, the policy provides for inter-ministerial and inter-agency coordination structures designed to reduce fragmentation and institutional isolation. In practice, this institutional focus is critical because predictable timelines, accurate and accessible records, and coordinated enforcement mechanisms often matter more than ambitious legal reforms that never fully translate into day-to-day operations. If implemented effectively, these reforms could materially improve how intellectual property functions as a commercial asset in Nigeria.

2. Commercialization and Economic Utilization of IP

This is a significant feature introduced by NIPPS that IP must move beyond registration and formal ownership. Protection, on its own, should not be the end goal, as IP should be actively utilized, managed, and leveraged as part of broader economic activity. In practical terms, NIPPS seeks to strengthen the pathways that connect research and creativity to commercial outcomes. This includes improving technology transfer between universities and research institutions to industry. Encouraging licensing frameworks, collaborative research models, and structured IP management policies within publicly funded institutions. This is a significant feature introduced by NIPPS that IP must move beyond registration and formal ownership. Protection, on its own, should not be the end goal, as IP should be actively utilized, managed, and leveraged as part of broader economic activity. In practical terms, NIPPS seeks to strengthen the pathways that connect research and creativity to commercial outcomes. This includes improving technology transfer between universities and research institutions to industry. Encouraging licensing frameworks, collaborative research models, and structured IP management policies within publicly funded institutions.

The policy recognizes that, in Nigeria, many innovators and startups struggle not because of a lack of ideas, but because of funding and weak institutional support. In an environment where access to venture capital remains limited and traditional collateral is often out of reach, NIPPS supports the use of IP as a financial asset. The intention is to create conditions under which patents, trademarks, and creative assets can play a more meaningful role in attracting investment, supported by clearer valuation frameworks and stronger institutional confidence.

If properly structured and supported by clear valuation and enforcement mechanisms, this could open new funding avenues for startups and small and medium-sized enterprises that are often rich in intangible assets but short on capital. Commercialization under NIPPS is not limited to conventional IP assets. The policy also extends to traditional knowledge and new plant varieties, with a focus on proper documentation, verification of ownership, fair benefit-sharing, and structured use.

3. Enforcement and Legal Reform

Weak and inconsistent enforcement mechanisms have undermined confidence in Nigeria's IP system for years. Rights that exist on paper often lose their practical value when infringement is difficult to prevent or remedy. NIPPS addresses this issue from multiple angles. At an operational level, the policy emphasizes closer collaboration among enforcement agencies. It also supports stronger border control measures to address counterfeiting and piracy, alongside greater use of technology in monitoring and responding to infringement. NIPPS also recognizes the role of dispute resolution in building confidence in the system. It encourages the development of specialist adjudication pathways, including dedicated intellectual property tribunals and the use of alternative dispute resolution mechanisms where appropriate. The aim is to improve the quality, speed, and consistency of outcomes, especially in technically complex IP cases. Capacity-building is central to this pillar. Judges, enforcement officers, and regulators are expected to receive specialized training. Enforcement, in this framework, is not simply about imposing harsher penalties; it is about building institutional competence and predictability.

4. Traditional Knowledge and Customary Law

Traditional knowledge is one of the most sensitive and complex areas addressed by NIPPS. Nigeria's existing IP laws were never designed to accommodate communal knowledge systems or cultural expressions that do not fit within conventional ownership models. The policy acknowledges this gap. Rather than immediately imposing a rigid statutory framework, it proposes gradual development of documentation systems, possible registries, and legislative reforms that recognize communal interests and benefit-sharing principles. Importantly, the policy acknowledges the importance of customary law in shaping future regulatory approaches. This cautious approach is both a strength and a limitation. On the one hand, it reflects a realistic appreciation of the legal, cultural, and administrative challenges involved in integrating customary knowledge systems into statutory IP law. On the other hand, it means that some of the most difficult questions, particularly around ownership, representation, and enforcement, are deferred to future legislation. How these issues are ultimately resolved will be central to whether traditional knowledge can be protected and used in a way that is both economically meaningful and socially legitimate.

STRENGTHS AND LIMITATIONS OF THE POLICY

NIPPS's greatest strength lies in its coherence. For the first time, Nigeria has a single, unified policy that explains how IP fits within broader national development objectives. It moves the discussion beyond piece meal or sector-specific reforms and places IP squarely within the context of trade, policy, innovation, and economic planning. The policy's strong institutional focus is another clear advantage. By prioritizing administration, coordination, and capacity-building, NIPPS addresses the practical realities that shape how IP systems function day to day. Faster processes, clearer mandates, and better-trained personnel often do more to build confidence in an IP regime than ambitious legal reforms that are slow to materialize. At the same time, NIPPS is a roadmap, not a statute. It does not have the force of law, and many of its objectives depend on follow-on legislation, updated regulations, sustained funding, and political commitment over time. Implementation will be the real test. Without clear timelines, accountability mechanisms, and institutional ownership, even well-designed policies can lose momentum once the initial attention fades.

WHAT THIS MEANS FOR BUSINESSES AND POLICYMAKERS

For businesses, NIPPS marks a shift in expectations. Intellectual property is likely to play a more visible role in regulatory compliance, investment decisions, and long-term commercial planning. As institutions modernize and enforcement becomes more coordinated, companies that continue to treat IP as an afterthought may find themselves increasingly exposed, whether in relation to brand protection, market entry, or competitive positioning. For innovators and creators, the policy suggests a more supportive environment, particularly if the promised reforms around commercialization, financing, and enforcement materialize. For policy makers and regulators, NIPPS sets a clear benchmark. The success of the policy will not be measured by its approval, but by visible improvements in processing times, enforcement outcomes, institutional coordination, and economic utilization of IP assets. Over time, the credibility of the framework will rest on whether it delivers greater certainty for rights holders, better coordination across institutions, and tangible value for the wider economy.

CONCLUSION

Nigeria's National Intellectual Property Policy and Strategy represents a meaningful shift in how IP is understood and positioned within national development. It reframes IP as an economic tool rather than a narrow legal concern. It acknowledges long-standing weaknesses, proposes structured reforms, and aligns IP governance with broader development objectives. Whether NIPPS ultimately becomes a turning point will depend on execution and implementation. Policies alone do not transform systems; rather, funding, institutional commitment, legislative follow-through, and sustained political support all matter. Still, NIPPS provides something Nigeria has not previously had: a coherent national roadmap for a clearer path toward modern IP governance. For businesses, innovators, and policymakers alike, that alone makes it worth engaging with now, rather than waiting for the reforms to take full shape.

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