

— Quick Notes

Patent Protection Framework: Nigeria

Three **Essential Patentability** Criteria
for Successful Registration





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Novelty

The invention must be new and not previously disclosed to the public anywhere in the world.

● **Required**



Inventive Step

The invention must involve a non-obvious step that would not be obvious to a person skilled in the art.

● **Required**



Industrial Application

The invention must be capable of being made or used in some kind of industry.

● **Required**



Important: All three criteria must be satisfied. Missing any one criterion results in rejection, regardless of commercial potential.



20-Year Exclusive Rights & Term

Understanding patent duration, maintenance requirements, and scope of protection



Patent Term Timeline



Year 0 Filing
Year 5 Active
Year 10 Active
Year 15 Active
Year 20 Expiry



Annual fees must be paid to maintain patent protection



Exclusive Rights



Stop Making

Prevent manufacturing



Stop Using

Prevent unauthorized use



Stop Selling

Prevent sales



Stop Importing

Prevent import



Important: Patent maintenance requires timely annual fee payments. **Failure to pay results in lapse of rights.** Set up reminders for fee deadlines.



PCT Filing: Strategic International Protection

Optimize global patent strategy with delayed commitment

158

Countries Covered

Including Nigeria • 30 months to decide

1



Single Filing

One PCT application preserves priority across all jurisdictions

2



30-Month Window

Extended decision period to assess market viability

3



Strategic Entry

Select high-value jurisdictions for national phase



Cost-efficient approach: Test market viability and secure funding before committing to individual national filings. This strategic delay maximizes ROI while minimizing upfront costs.



Foreign Applicant Requirements

Essential steps for international patent applicants filing in Nigeria



Local Agent & Incorporation



Registered Nigerian Patent Agent

Foreign applicants must file through a registered Nigerian patent agent who handles all procedural requirements.



Local Incorporation (CAMA Section 78)

Carrying on business in Nigeria requires local incorporation under the Companies and Allied Matters Act.



Legal Requirement

Section 78 of CAMA: Foreign companies must register as a company in Nigeria or establish a branch office to carry on business activities.



Practical Guidance



Appoint qualified Nigerian patent agent early to streamline the filing process



Prepare Power of Attorney documents before filing to avoid delays



Organize priority documents and translations well in advance



Consider incorporation timing for business operations

Early engagement with local counsel streamlines the filing process and ensures compliance with Nigerian patent law requirements.



Enforcement: Litigation vs ADR

Comparing traditional court proceedings with alternative dispute resolution mechanisms



Federal High Court Litigation

Exclusive jurisdiction over patent disputes

✓ **Jurisdiction:** Federal High Court has exclusive authority over all patent disputes in Nigeria

✓ **Remedies:** Injunctions, damages, and account of profits available

✓ **Timeline:** Subject to significant delays (2-3 years typical)

⚠ **Warning:** Judicial delays are common. Cases may take 2-3 years to resolve.



Alternative Dispute Resolution

Mediation and arbitration options

✓ **Faster Resolution:** 6-12 months

✓ **Lower Costs:** Reduced fees

✓ **Confidential:** Private proceedings

✓ **Preserves:** Business relationships



Strategic Consideration

While the Federal High Court provides comprehensive remedies, ADR offers a pragmatic first-step approach given typical litigation timelines.



High-Growth Patent Sectors in Nigeria

Investment opportunities in four key innovation-driven industries



Fintech

Mobile payments & digital banking
KYC & identity verification
Lending technology platforms



Agritech

Precision farming solutions
Supply chain optimization
Product traceability systems



Renewable Energy

Solar power generation
Microgrid solutions
Energy storage systems



Digital Infrastructure

Broadband & connectivity
Cloud computing platforms
Cybersecurity solutions



Market Signal: Rising M&A activity across these sectors indicates increasing commercial value for well-protected intellectual property. Strategic patent portfolios are becoming key assets in deal valuations.



PATENT PROTECTION

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