Book Review: Intellectual Property Law in Nigeria: Emerging Trends, Theories and Practice, D.O. Oriahkogha and A.I. Olubiyi (Benin City: Paclerd Press, 2023)

By:

Uzoamaka Emerole

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Uzoamaka Emerole is a partner in the Lagos office of Dentons ACAS-Law. She is a member of the Corporate and Commercial Practice Group and leads the Intellectual Property Department.

Certainly, the law is not static. It is dynamic in nature and subject to continuous change. So is the case with intellectual property (IP) law. The world is rapidly evolving, and IP law must be able to adapt to the changes, challenges and opportunities presented by globalization, innovation, and advancements in technology. This is the second collaboration by experts in the field of IP law, Dr. Desmond Oriakhogba and Dr Ifeoluwa Olubiyi, who have come together again

to make substantial changes to the first edition of their text which assessed the theories, practices, and emerging trends of IP law in Nigeria. In their resourceful second edition, the authors have taken upon themselves the responsibility of analyzing the dynamic realm of IP law, and how it continues to shape and protect IP property rights in an increasingly multifaceted and interrelated world. They recognize that the Nigerian IP law landscape will need to keep up with technological advancements in the space even as technology continues to develop.

The book, amongst other topical issues, recognizes the varied developments in IP law, not only in Nigeria, but at the regional and the international levels. Touching on the national level briefly, for several years in Nigeria, we have had to deal with stagnant and outdated IP laws, the absence of laws dealing with specific subject matters and laws that do not match up with the level of technological advancement or digitization. However, in recent times, Nigeria has witnessed some development in the IP space, spanning the passage of varied IP focused laws or laws which have a bearing on IP. Some of the laws that were passed between the year 2020 and now include the Plant Variety Protection Act, 2021, with the most recent being the Copyright Act, 2022. The authors have done a fine job of capturing the major highlights of some of these Laws in their text.

The book is divided into 4 parts. In part 1 which is made up of two chapters, the authors introduced the concept of IP rights and IP protection; they shed some light on the theories that justify IP protection, and outline the existing international, regional, and national frameworks for IP protection. At the regional level, the authors did well to highlight the recent adoption of the Protocol on IP Rights to the Agreement Establishing the African Continental Free Trade Area (AfCFTA) which has the capabilities of spurring the transfer of technology and the economic transformation of the African economy.

Part 2 takes a dive into evolving topics such as Geographical Indications (GIs). The protection of GIs has become quite popular around the world because it has the potentials to foster economic development especially for a nation like Nigeria. So, it was great to see that the authors highlighted the recent existing collaborations between certain key European, African, and Nigerian organization and the setup of Working Groups geared towards driving the

formulation of a suitable sui generis GI law for Nigeria. Part 2 also examines the protection of Traditional Knowledge and Cultural Expressions (TCEs). The new Plant Variety Protection Act, 2021 (PVP) was also highlighted under this segment. In the area of technological innovations, PVP plays a role as it ensures that owners are granted monopoly rights of control over use. The law is very specific, as it encourages and protects innovation in seed technologies and plant varieties developed through biotechnology. Because these technologies involve a lot of research, it is expected that owners are duly compensated for their innovative efforts. The authors also examined the concept of Farmer's Rights under the PVP; Unfair Competition; Image Rights, Personality Rights and Character merchandizing; IP and gender; and Trade Secrets.

Worthy of mention is the chapter on Digitization and IP. We live in a new digitized world where digital technologies like the metaverse, non-fungible tokens (NFTs), blockchain technology, artificial intelligence (AI) now exist. The development of these frontier technologies has brought new challenges and opportunities for IP protection and innovation. They are rapidly evolving, and the authors have done a good job of analyzing their impact on intellectual property. The authors' consideration of this topic is interesting as they also examined the use of AI and machine learning which is gradually becoming very sophisticated. They did well to delve into burning issues such as authorship and inventorship, where courts may have to address the place of machine-created art and inventions in IP, whether a machine can be deemed to be an inventor, and whether an algorithm can be independent of the person that created it?

Part 3 covers copyright and related rights. The authors examined the history of the protection of copyright and related rights in Nigeria, authorship and ownership of copyright, and the enforcement and administration of copyright infringement. The authors progressed to unveiling some of the major changes and laudable improvements presented by the passage of the new Copyright Act, 2022. For instance, the new Act, amongst other novel provisions, expands the scope of works eligible for copyright to include audiovisual works under section 2; expands the author's moral rights giving authors the right to object to any false attribution of authorship of their work; and introduces more elaborate exceptions to the exclusive rights of copyright owners. The authors also discussed the new provisions introduced by the new Act relating to online content which are consistent with these times and can be implemented to

protect authors' rights against infringement in the digital space. The authors consider that copyright law in Nigeria will need to keep up with technological advancements, emphasizing that our lawmakers should ensure that our laws continue to evolve with technology to ensure the effective regulation and enforcement of copyright in a fast-paced digital environment.

Finally, Part 4 explores the most common forms of industrial property rights, including trademarks, patents, and industrial designs. The chapters under this segment analyzes the objectives behind the protection of these rights, requirements for registration, their exploitation and use as well as protection and enforcement of these rights in Nigeria where they have been misappropriated or infringed upon.

This is a commendable piece of work by the authors. As a practicing intellectual property lawyer, I find the text to be very insightful and very relevant in these times. The text is well-written. Its contents are presented in a precise and concise manner so that they can be understood easily by the reader. It would most definitely serve as an insightful guide and one-stop-shop for students of all disciplines and IP enthusiasts who are willing and looking to immerse themselves in the depth of knowledge captured in the text. It would also serve as a reference for experts in the field of IP (IP legal practitioners and academics), and other legal practitioners. Businesses, creatives, and any section of the public, interested in IP and seeking to understand the fundamentals of IP would find this text extremely useful.

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