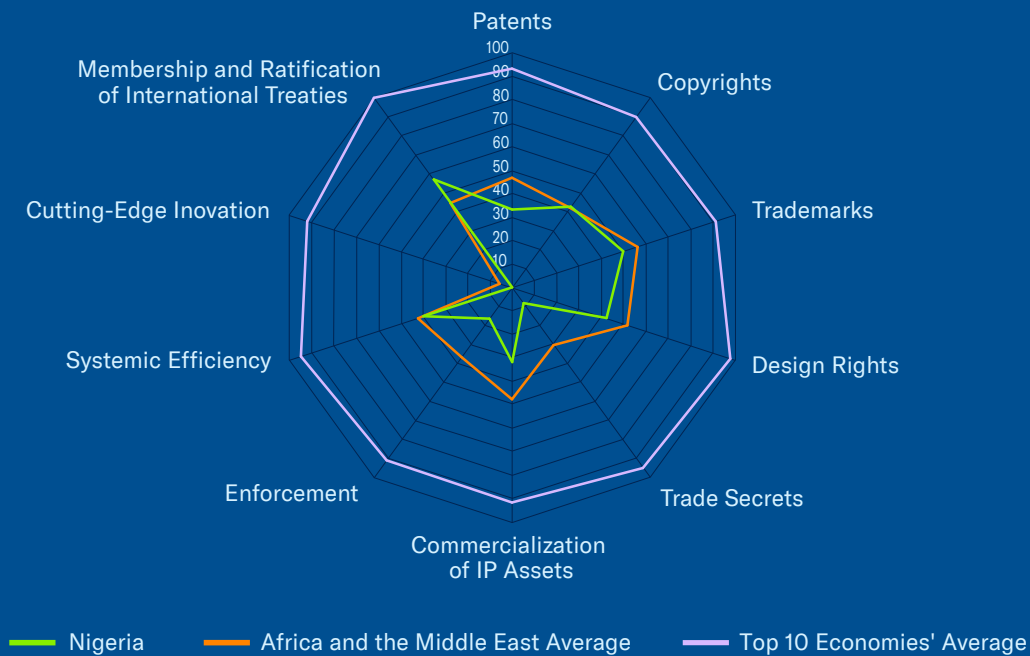




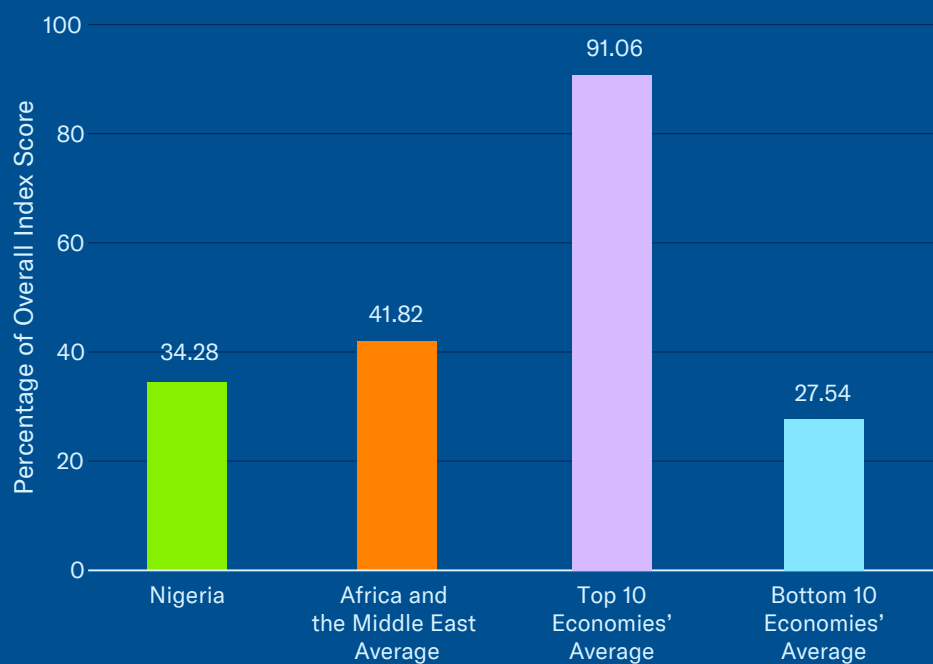
Nigeria

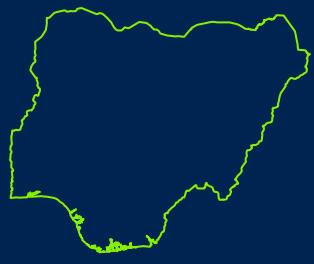
Rank
47/55

Category Scores



Overall Score in Comparison





Nigeria

Rank
47/55

Key Areas of Strength

- 2023 Copyright Act improves Nigeria's national IP environment
- Joined the Convention on Cybercrime in 2022
- Plant Variety Protection Act 2021
- Joined UPOV 1991 in 2021
- Ratified the WIPO Internet Treaties in 2017
- Despite an overall challenging environment, ongoing enforcement efforts by NCC are encouraging

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development.
- Overall weak and limited legal and regulatory framework with major forms of IP rights not in place
- Enforcement challenges persist with only ad hoc efforts rather than national coordination
- Persistently high rates of physical and growing online piracy
- Software piracy estimated at 80% by BSA
- Localization barriers and restrictions are in place on technology transfer and licensing activities, which intensified in 2020
- NOTAP oversees all technology transfer and licensing between Nigerian entities and foreign licensors and has the power to evaluate and approve or disapprove technology transfer agreements, including evaluating royalty amounts

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		Category 7: Enforcement	
1. Term of protection	1.00	29. Direct government intervention in setting licensing terms	0.00
2. Patentability requirements	0.00	30. IP as an economic asset	0.50
3. Patentability of CII	0.00	31. Tax incentives for the creation of IP assets	0.67
4. Plant variety protection	1.00	Category 8: Systemic Efficiency	
5. Pharmaceutical-related enforcement	0.00	32. Physical counterfeiting rates	0.21
6. Legislative criteria and use of compulsory licensing	1.00	33. Software piracy rates	0.20
7. Pharmaceutical patent term restoration	0.00	34. Civil and precedural remedies	0.25
8. Membership of a Patent Prosecution Highway	0.00	35. Pre-established damages	0.00
9. Patent opposition	0.00	36. Criminal standards	0.25
Category 2: Copyrights and Limitations		37. Effective border measures	0.00
10. Term of protection	0.74	38. Transparency and public reporting by customs	0.25
11. Exclusive rights	0.50	Category 9: Cutting-Edge Innovation	
12. Expeditious legal remedies disabling access to infringing content online	0.50	39. Coordination of IP rights enforcement	0.25
13. Cooperative action against online piracy	0.50	40. Consultation with stakeholders during IP policy formation	0.75
14. Limitations and exceptions	0.25	41. Educational campaigns and awareness raising	0.50
15. TPM and DRM	0.50	42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
16. Government use of licensed software	0.00	43. IP-intensive industries, national economic impact analysis	0.25
Category 3: Trademarks Rights and Limitations		Category 10: Membership and Ratification of International Treaties	
17. Term of protection	1.00	44. IP incentives for orphan medicinal product development	0.00
18. Protection of well-known marks	0.25	45. IP incentives for orphan medicinal product development, term of protection	0.00
19. Exclusive rights, trademarks	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
20. Frameworks against online sale of counterfeit goods	0.25	Category 5: Trade Secrets and the Protection of Confidential Information	
Category 4: Design Rights and Limitations		23. Protection of trade secrets (civil remedies)	0.00
21. Industrial design term of protection	0.60	24. Protection of trade secrets (criminal sanctions)	0.25
22. Exclusive rights, industrial design rights	0.25	25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets		Category 10: Membership and Ratification of International Treaties	
26. Barriers to market access	0.50	47. WIPO Internet Treaties	1.00
27. Barriers to technology transfer	0.00	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
28. Registration and disclosure requirements of licensing deals	0.25	49. Patent Law Treaty and Patent Cooperation Treaty	1.00
		50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
		51. Membership of the Convention on Cybercrime, 2001	1.00
		52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
		53. Post-TRIPS FTA	0.00

Percentage of Overall Score: 34.28%

Total Score: 18.17

Spotlight on the National IP Environment

Past Editions versus Current Score

Nigeria's overall score remains unchanged at 18.17 out of 53 indicators.

Area of Note

Over the past two years, the Nigerian Government has worked with the local WIPO office and other stakeholders in developing a *National IP Policy and Strategy*. This work continued in 2024 with an Inter-Ministerial Steering Committee established to review and finalize the document. Public reporting suggests that several participants at the meeting reiterated the need for significant and structural reforms to Nigeria's national IP environment and the close link between Nigeria's future economic development and its IP system.

At the time of research, no final document had been published. Since 2015, the Index has included a *Statistical Annex*, which investigates a series of correlations examining the relationship between the strength of national IP environments, as measured by the Index scores, and different types of economic activity, including rates of R&D spending, innovation, technology creation, and creativity. As the economic data and analysis of the *Statistical Annex* and the experiences of other economies strongly suggest, IP rights and incentives are the fundamental building blocks for innovation and advanced economic development to take place. For all economies—emerging and developed alike—what drives innovation, technological advances, and ultimately economic development and growth is the creation of new forms of intangible assets and IP. Covering 53 indicators across 10 separate categories, the Index has for a decade provided a clear model for the type and strength of IP rights that international innovators, creators and rightsholders need to be able to fully develop and commercialize their ideas and products.

As the Nigerian Government and National Assembly pursue a program of national IP rights reforms, we would encourage them to use the Index findings and accompanying *Statistical Annex* as a guide in 2025 and beyond.

Copyrights and Limitations

11. *Legal measures, which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including web hosting, streaming, and linking);* 12. *Expeditious legal remedies disabling access to infringing content online;* 13. *Availability of frameworks that promote cooperative action against online piracy;* and 15. *Technological Protection Measures (TPM) and digital rights management (DRM) legislation:* As noted last year, in 2023, a new Copyright Act was enacted in Nigeria. Although not perfect, overall, this new Act provides a much-needed update to Nigeria's copyright laws. The old 2004 Copyright Act only provided rightsholders with general and basic exclusive rights and contained only limited references to the online space. These legal shortcomings have now been largely rectified in the new Copyright Act. Articles 48–52 provide explicit provisions related to the use, sale, manufacture, and distribution of circumvention devices used to infringe copyright and the disabling of any rights management information or tools. Articles 54 to 60 outline a notice-and-takedown regime requiring relevant service providers to act expeditiously upon receiving a complaint of potential copyright infringement. Finally, Article 61 provides an injunctive-style administrative relief mechanism by granting the NCC authority to order the disabling of access to infringing content online. Together these changes to Nigeria's copyright law constitute a major improvement and step forward. As a result, the scores for indicators 11, 12, 13, and 15 increased in last year's Index.

Unfortunately, as mentioned last year, the new Copyright Act also includes some notable negative changes. Specifically, Section 35 inserts a new basis of “rectifying the abuse of a dominant market position or to promote public interest” for the issuing of a compulsory license. It remains unclear how this power vested in the Nigeria Copyright Commission will be exercised or for what purpose. Furthermore, the Act not only retains pre-existing broad personal and educational use exceptions to copyright, but it also adds to these by inserting a new “non-commercial research and private study” exception. The Index will monitor the application of the new Copyright Act in 2025 and beyond.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:

Interest in rare diseases has grown in in sub-Saharan Africa. Through both public and private initiatives, several Index economies in the region have introduced specific health programs and awareness-raising efforts. Nigeria does not have in place any special IP-based market exclusivity incentives for orphan medicinal product development.