

# Evolving trends in safeguarding GIs in Nigeria: an insight into recent developments

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28 March 2024



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## NIGERIA

Legal updates: case law analysis and intelligence

- In 2021 AfrIPI delivered a high-level public sector capacity building workshop on GIs, which led to the establishment of a Technical Working Group on GIs
- The working group is currently pursuing the drafting process of the legislation aimed at formalising GI protection in the country
- The working group was also tasked with conducting additional research on crucial matters and offering feedback to refine the draft legislation

## Introduction

In Nigeria, there exists a diverse array of products possessing characteristics uniquely tied to specific geographic regions. These products have the potential to create economic value for the country. Despite this potential, the exploitation of geographical indication (GI) products remains largely untapped within the country due to the absence of GI protection. Efforts to alter this narrative commenced in 2021, marked by the initiation of a pivotal public sector capacity building workshop on GIs facilitated by the African Intellectual Property Organisation (AfrIPI) (see the [National Conference on Geographical Indications](#), 17-18 February 2022).

This event catalysed the establishment of a [Technical Working Group on GIs](#) in Nigeria (the working group is chaired by Ifeanyi Okonkwo, senior associate at Jackson, Etti & Edu; with members including Tolu Olaloye, partner at Jackson, Etti & Edu; Sand Mba Kalu, director at Africa International Trade & Commerce Research; Rita A Chinda, a lecturer and IP consultant; and Beverly Agbakoba Onyejianya, partner at Olisa Agbakoba Legal). Since its inception, the working group has pursued the drafting process of

the legislation aimed at formalising GI protection in Nigeria. Significant strides have been made since 2021, with the ongoing refinement of the draft legislation poised to culminate in the submission of a comprehensive GI bill to the Nigerian legislature in the foreseeable future.

## Recent developments

In 2022 the National Conference on Geographical Indications convened to discuss key aspects of the draft law and outline a roadmap for its adoption within the Nigerian legal framework. Following the conference, the Technical Working Group overseeing the GI draft bill was tasked with conducting additional research on crucial matters and offering feedback to refine the draft legislation.

The working group subsequently set up research teams to deliberate on the key issues raised and the feedback provided, and to engage with stakeholders and the general public. So far, the research team held a webinar on 28 February 2024 to discuss some key issues. One significant matter discussed was the necessity of a *sui generis* law on GIs. After considering various inputs, the panel concluded that a *sui generis* GI legislation would be adopted (*sui generis* GI protection offers protection of a product as a GI based on compulsory registration; see this [explanatory article](#) by the Organisation for an International Geographical Indications Network). The panel also explored issues related to the establishment and funding of a dedicated GI office, as well as potential conflicts between the Intellectual Property Commission Bill (IP Com) and the GI draft bill. It was resolved that the GI office, once established, would possess the capability to generate its funding, while ultimately falling under the jurisdiction of the Ministry of Industry, Trade and Investments. Further, it was determined that there is no inherent conflict between the IP Com Bill and the GI draft bill, as the former focuses on establishing an Intellectual Property Commission housing trademark, patent and design registries, while the latter creates a separate office for GIs under the same ministry.

Notably, another webinar is scheduled for 28 March 2024, focusing on the scope of protection of GIs and the roles of evaluation experts. Discussions will encompass various considerations, including determining the range of items deserving protection in terms of goods and services, differentiating GIs from appellations of origin or geographical origins, outlining the qualifications of evaluation experts, and evaluating the unique characteristics of GIs.

## Comment

Nigeria has made significant progress in safeguarding GIs since 2021. With the Technical Working Committee finalising the bill, positive developments and the potential advancement of this bill to the legislature are anticipated in the near future.

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