REPOSITIONING NIGERIA IN THE GLOBAL IP LANDSCAPE: A DOCTRINAL AND POLITICAL ECONOMY APPRAISAL OF THE 2025 NATIONAL INTELLECTUAL PROPERTY POLICY AND STRATEGY

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Abstract

Nigeria's intellectual property (IP) framework has for decades been fragmented and under-enforced, a condition more traceable to an absence of legislation than to weak political prioritisation of IP as a developmental tool. This article asks a precise question: to what extent does the 2025 National Intellectual Property Policy and Strategy (NIPPS), approved by the Federal Executive Council on 6 November 2025, function as a political instrument capable of closing this governance gap, and what conditions determine whether it succeeds? Adopting a doctrinal and political economy approach, the article first develops an analytical framework that distinguishes legislative reform, administrative implementation, and political governance failure as separate sources of Nigeria's historical IP underperformance. It then applies this framework in three stages: tracing the historical evolution of Nigerian IP law to show how successive statutory reforms addressed legal form without resolving governance failure; analysing the political economy of the NIPPS's formulation and implementation, including how it negotiates competing interests among the state, private capital, and individual creators; and evaluating the policy's anticipated economic impact on the innovation ecosystem, the digital economy,

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and local industry competitiveness. The article argues that the NIPPS is a well-designed political instrument whose transformative promise nonetheless remains conditional: it can render IP a genuinely bankable asset for Nigerian SMEs and the creative industries only if sustained political will translates into funding the responsible institutions, resolving stakeholder tensions, and a functioning judicial enforcement architecture.

Keywords: *National Intellectual Property Policy and Strategy (NIPPS); IP Law Reform; Economic Transformation;* Nigeria; Technology Transfer; Political Economy.

1. Introduction

Intellectual property rights (IPRs) refer to the legal rights accorded to individuals or companies for their original works, inventions, artistic creations, symbols, and designs. Such rights allow creators to enjoy the fruits of their labor by using, selling, or licensing their creations.[1] The importance of IPRs in fostering innovation, economic growth, and societal development is well established.[2] Yet Nigeria's intellectual property (IP) framework has long been beset by inadequate legal protection, poor public awareness, and a disjointed institutional system.[3] Serious gaps persisted in areas such as trade secrets, geographical indications, and digital inventions, leaving the country without adequate safeguards for emerging technology sectors.[4] Critically, however, this stagnation is not attributable to legislative inertia alone: Nigeria enacted patent, trademark, and copyright statutes after the colonial era,

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1 World Trade Organisation, What are intellectual property rights? <https://www.wto.org/english/tratop_e/trips_e/intel1_e.htm > Retrieved February 23 2026.

2 Lakani, A. "Intellectual Property and Economic Development: Catalysts for Innovation and Growth" (2024) *1*(2), *International Journal of Advanced Research in Humanities and Law*, 83; Prakarsh, P., Raj, U., Kamble, S., & Nand, K. "The role of intellectual property in fostering innovation and economic growth" (2024) *6*(5) *International Journal for Multidisciplinary Research*, 1.

3 Titilope, A. O. "Intellectual Property Rights Protection in Nigeria: Challenges and Prospects" (2020) *9*(2) *International Journal of Library and Information Services (IJLIS)*, 51; Akinyemi, C. O. *"Bridging the Gap: Promoting Small Business Growth through IPR Commercialization in Africa–A Comparison with the United States*. In *Intellectual Property Rights and Sustainable Development Goals in Africa"* (CRC Press, 2025) 331.

4 Lawal-Arowolo, A., & Ola, K. "*Introduction: Nigerian IP Experience: Past and Present. In Nigerian Intellectual Property Law"* (Routledge, 2022). 1.

updated its Copyright Act in 2022, and introduced a plant variety regime as recently as 2021. What persisted was, rather, a governance deficit, the absence of the sustained political prioritisation needed to fund enforcement institutions, coordinate overlapping agencies, and translate enacted provisions into administrative practice. This article, therefore, distinguishes three analytically separate sources of IP underperformance: delayed legislative reform, administrative/institutional inadequacies, and political governance failure (the willingness of successive governments to resource and coordinate the system as a whole). As developed further in Part 4 below, it is this third, governance-level failure that a strategic, politically driven overhaul was required to close.

The National Intellectual Property Policy and Strategy (NIPPS)[5] represents a landmark response to this challenge. Developed through multi-phase collaboration between the Federal Government of Nigeria and the World Intellectual Property Organization (WIPO), the NIPPS is aimed at spurring "Sustainable National Prosperity."[6] It is not merely a legal update but a political instrument designed to harness the full economic and sociocultural potential of IP.[7] Aligning NIPPS with the Nigeria Agenda 2050 places IP at the centre of national development planning.

Significant legislative milestones that preceded and are expressly mentioned in the NIPPS include the Copyright Act 2022[8] and the Plant Variety Protection (PVP) Act 2021.[9] These laws bridge Nigeria's domestic framework with international standards, including the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and relevant World Intellectual Property Organisation (WIPO) treaties. In ensuring the Country’s sustainable economic growth, the policy proposes the creation of the Nigerian Industrial Property Commission (NIPCOM)[10] and

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5 Federal Republic of Nigeria, (2025) National Intellectual Property Policy and Strategy. [Hereinafter called “NIPPS, 2025”].

6 NIPPS, 2025, p. 1.

7 WIPO, (2025) Nigeria’s Federal Executive Council Approves National Intellectual Property Policy and Strategy <https://www.wipo.int/en/web/office-nigeria/w/news/2025/nigeria-s-federal-executive-council-approves-national-intellectual-property-policy-and-strategy > Retrieved February 13 2026.

8 It repealed the Copyright Act, Cap C28, Laws of the Federation of Nigeria 2004, to provide for the regulation, protection and administration of copyright and for related matters.

9 The PVP Act fosters investment in crop variety development and plant breeding, preserves plant varieties, and creates a Plant Variety Protection Office to support the growth of important crop production for Nigeria's small-scale agricultural producers.

10 NIPPS, 2025, p. 49 (5.1 Summary of programs and projects): Policy Objective 2, No. 1 - Establish Nigerian Industrial Property Commission

improvement on the automation of IP registration processes to strengthen administrative efficiency.[11] Building on the distinction drawn above, this article asks whether and how the NIPPS closes Nigeria's IP historical governance gap. It examines the provisions of the National Intellectual Property Policy and Strategy, 2025, as a political instrument for economic development, applying the conceptual framework developed in Part 4 to interrogate how its seven strategic targets, from strengthening legal frameworks to enabling IP-backed financing, are designed to reshape Nigeria's IP landscape into a driver of economic diversification and global competitiveness.

2. Historical Evolution of the IP System in Nigeria

The history of IP in Nigeria reflects two intertwined trajectories: indigenous pre-colonial practices and the received English laws that shape the foundations and the values of the modern IP law.[12] During the pre-colonial era, many activities and works were found in Nigeria that suggested proprietary rights in intangibles existed.[13] Cultural expressions and customs practices were manifested in folk songs, sculptures and paintings, designs, marks, woven cloths and textiles, excavations, traditional medical and herbal practices, and other creative practices.[14]

The formal IP system began with the Trademark Proclamation of 1900, under which the United Kingdom Trademark Act of 1883 was applied to the then Southern Nigerian Protectorate.[15] Later, the 1914 Ordinance Amalgamation of the Southern and Northern Protectorates of 1914 advanced the Trademark Proclamation to the entire nation.[16] This was superseded by the Trademark Ordinance No. 13 1926, which applied by a 1914 Ordinance to the entire of Nigeria with the intention of easing trade by the British imperial power. The Ordinance of 1926 was not repealed until 1965, a period of five years after independence, under the Trademark Act of 1965.[17] The first post-independence intellectual property law, thus making the Trademark law not

11 NIPPS, 2025, p. 49 (5.1 Summary of programs and projects): Policy Objective 2, No. 3 - Develop and implement a plan for automation of IP registration.

12 Adewopo, A., (2012). According to Intellectual Property: A Pro-Development Vision of the Law and The Nigerian Intellectual Property Law and Policy Reform in the Knowledge Era, 5th Inaugural Lecture at Nigerian Institute of Advanced Legal Studies, Lagos. 1-89.

13 Sodipo, B. A. A. (1995). *Piracy and counterfeiting: the freedom to copy vs. intellectual property rights* (Doctoral dissertation, Queen Mary University of London) 1-510, 53.

14 *Ibid.*

15 Adejoke Oyewunmi, Nigerian Law of Intellectual Property, (University of Lagos Press, 2015) 234.

16 Taslim Elias, Groundwork of Nigerian Law, (Routledge & Kegan Paul, 1954) 259.

17 The law came into effect on the 1st June 1967.

only the first IP law in Nigeria but also the first post-independence IP law. Then, some five years later, both the Patent and the Copyright Acts came into effect.

Patent Proclamation Ordinance of 1900 and 1902 applied respectively to the colony of Lagos, Southern Nigeria, and the Northern Protectorate.[18] The Patent Ordinance of 1916, which applied to Nigeria, rescinded those Ordinances after the earlier amalgamation of 1914.[19] Registration of the UK Patent Ordinance of 1925 repealed the 1916 Ordinance.[20] That Ordinance created a dependent patent regime whereby the grant of patents in the UK was simply registered in Nigeria, which implied that the registration only gave rights and privileges in Nigeria to the extent to which it was granted by the UK law.[21] The Patent and Design Act of 1970[22] replaced the statute and came into effect in the year 1971. This legislation was modelled on the WIPO Draft Model Law, introduced an independent sovereign regime displacing the colonial dependent patent system, and remains the principal patent statute.[23]
Copyright legislation evolved from the English Copyright Act 1911[24] (extended to Nigeria by Order-in-Council 1912) and was in force with the amalgamation of the Northern and Southern Protectorates in the new country in 1914. The first post-independence Copyright Act was passed in 1970.[25] Subsequently, the pressure for an up-to-date copyright law to meet the fast-changing copyright in protected works led to the repeal of that Act and the passage of the Copyright Act of 1988.[26] The 2022 Act repealed the 1988 law in its entirety[27] and enacted it as new legislation.[28] The reform stands out as

18 Patents Proclamation No. 27 of 1900; Patents Proclamation No. 12 of 1902.

19 Cap. 141 of the 1923 edition of Laws of Nigeria No. 20 of 1916.

20 No. 6 of 1925; Umaru, M.J., (2011). *Intellectual Property Law in Nigeria: An Introduction* (Usmanu Danfodiyo University Press, Sokoto) 15.

21 Ubanyionwu, C. J. (2023). "Historical Evolution of Intellectual Property Laws in Nigeria". *De Juriscope Law Journal*, *3*(1), 114-118.

22 No. 60 of 1970, Patent and Designs Decree, now Patents and Industrial Designs Act, Cap. P2, Laws of the Federation of Nigeria, 2004; The Act was directly modeled on the draft law prepared by the World Intellectual Property Organization (WIPO) (then known as United International Bureaux for the Protection of Intellectual Property (BIRPI)), (1970). Model Law for Developing Countries on Industrial Designs

23 Ezejiofor, G., (1973). "The Law of Patent in Nigeria: A Review." *African Law Studies*, 9, 39-60.

24 s.44. The Act provided for six categories of copyright works, which have been maintained under the present 1988 Act. Common law copyright was abrogated by providing that no copyright shall subsist otherwise than by virtue of the Act. *Donaldson v. Beckett* 1 Eng. Rep.837 (H.L 1774).

25 Adewopo, A., (n. 10); John Asein: Nigerian Copyright Law & Practice, 2003, NCC – WIPO, 27-29.

26 Applied by the Order-in-Council No. 912 of 1912.

27 No. 8, Copyright Act, 2022

the most comprehensive, introducing protection of copyright works in the digital environment as a more significant achievement[29] and stronger enforcement powers.[30] In view of the fragmentation and absence of updated IP legislation, the need to develop a common framework for the protection, commercialization, and management of intellectual property rights in the country became more apparent. This culminated in the drafting of the National Intellectual Property Policy and Strategy (NIPPS).

3. Adoption of the National Intellectual Property Policy and Strategy (NIPPS)

The NIPPS signals the end of passive IP administration in Nigeria and the beginning of an active utilisation approach. The drafting of the policy document commenced in 2020 through an inclusive multi-stakeholder process involving the Ministry of Industry, Trade, and Investment, the Ministry of Arts, Culture, and the Creative Economy, the Ministry of Justice, the World Intellectual Property Organisation (WIPO), and other participants from government, industry, academia, and civil society. After validation in a National Multi-Stakeholder Workshop in September 2022 and further review in 2024–2025, the Federal Executive Council approved the policy on 6 November 2025. By January 16, 2026, the Federal Government had launched the important committees to facilitate the implementation of the policy.[31]

The vision of NIPPS is to leverage Intellectual Property for Sustainable Economic Prosperity, while the mission is to promote a comprehensive, conducive IP ecosystem to harness the full potential of IP for socio-cultural development and sustainable economic growth.[32] The policy's strategic objectives span seven pillars:[33] (i) legal and regulatory modernisation; (ii) institutional reform and governance; (iii) IP commercialisation and financing; (iv) enforcement strengthening; (v) traditional knowledge and genetic resources protection; (vi) human capital development and public awareness; and (vii) monitoring and evaluation.

The NIPPS strategic vision begins with the understanding that legal reform must be a catalyst for the innovation ecosystem.[34] The policy emphasizes the need to modernize the basic laws, namely the Patents and

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28 See s.106 Copyright Act 2022.

29 See ss.89 and 108 Copyright Act 2022.

30 Copyright Act 2022, Part VII - Provisions Relating to Online Content.

31 Nigerian Eye, (2026). FG Launches Implementation of National Intellectual Property Policy <https://www.nigerianeye.com/2026/01/fg-launches-implementation-of-national.html#google_vignette> retrieved February 13 2026.

32 NIPPS, 2025, (Chapter 1 Introduction): 1.2.1 – Vision and 1.2.2 – Mission, p. 1.

33 NIPPS, 2025, (Chapter 1 Introduction): 1.2.3 – Strategic Objective, p. 2.

34 NIPPS, 2025, (ss. 2.1 and 4.2) pp. 3, 37.

Designs Act of 1971 and the Trade Marks Act of 1965, which have become outdated as a result of technological changes. On the other hand, the Copyright Act of 2022 is already recognised in the policy.[35] The Policy development is rooted in international and regional harmonization to ensure compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), WIPO Treaty on Traditional Knowledge (TK), and the African Continental Free Trade Area (AfCFTA) Protocol on Intellectual Property Rights (IPR). There has also been a substantial development in the agricultural sector with Nigeria's accession to the UPOV Convention in 2025, which strengthens the Plant Variety Protection Act of 2021 and requires new regulations on breeders' rights. In addition, the framework provides for the protection of TK and genetic resources, with a proposed national registry and requirement for origin disclosure in patenting.

The Policy focuses on institutional reforms and governance frameworks.[36] The reform proposes the transition process from mere formal examination to substantive examination, facilitated by a comprehensive modernization plan to remedy understaffing and outdated infrastructure. Likewise, the Trademark Registry is expected to begin a transition process away from overburdened paper-based filing systems to a more comprehensive digital infrastructure and advanced communication technology to remove procedural bottlenecks. In the case of the Nigerian Copyright Commission (NCC), the Policy stresses the importance of enhanced budgetary allocation to enable it to effectively carry out its wide-ranging statutory mandate, particularly in the implementation of digital registration and the copyright levy system. The policy further states that the National Office for Technology Acquisition and Promotion (NOTAP) would have its mandate strengthened to effectively monitor technology transfer agreements and fill the gap between industry and academia through the Technology Transfer Offices. On the other hand, the new Plant Variety Protection (PVP) Office will be given priority through the activation of the Plant Breeders' Rights Development Fund and the establishment of simplified registration procedures.

The policy introduces a new governance structure, which comprises an Inter-Ministerial Steering Committee, an IP Stakeholders' Forum, and an Inter-Agency Coordination Group.[37] These bodies are meant to remove overlapping mandates and coordinate activities within the IP system, including cooperation with enforcement agencies such as the National Agency

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35 NIPPS, 2025, p. 10 (s. 2.2.3): The Nigerian Copyright Commission.

36 2.2 and 4.3 of NIPPS, 6, 37

37 NIPPS, 2025, (Chapter 6 – Implementation Structure): s. 6.2 – Institutional Framework, p. 67.

for Food and Drug Administration and Control (NAFDAC), the Standards Organisation of Nigeria (SON), and the Nigeria Customs Service.[38]

Another strategy is to leverage the country's huge creative and research output as marketable assets by overcoming systemic issues such as a lack of funding and poor industry-academia collaboration.[39] To promote IP development, the Policy proposes the formulation of standardized IP policies in universities and the scaling up of Technology Transfer Offices to facilitate patenting and innovation collaborations. In view of the fact that the domestic venture capital environment is still evolving, the Policy has incorporated IP-based financing, whereby innovators can utilize patents and trademarks as collateral to raise funds.[40] The National IP Commercialization Framework is also provided to aid in facilitating the valuation and monetization of intellectual properties.[41]

To guarantee that the newly created rights are properly protected, the Policy proposes broad-based enforcement reforms that will discourage their violations. The reforms include the establishment of dedicated IP tribunals and alternative dispute resolution mechanisms for IPRs.[42] Border protection is also emphasized, with Customs agencies being encouraged to take a proactive approach in the detection of counterfeit drugs and consumer products.[43] The policy further promotes technology-driven enforcement, which leverages digital monitoring tools and intelligence-sharing to suppress cross-border piracy.[44]

The Policy also highlights the importance of building the country's intellectual property human capital and public awareness to foster a culture of innovation.[45] The Policy recognizes that the current focus of IP education is

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38 In essence, the reforms focus on transitioning from manual, siloed operations to automated, coordinated systems.

39 NIPPS, 2025, (ss. 2.3, 2.4, 4.4 - 4.7) pp. 15-27, 39-41.

40 NIPPS, 2025, (5.4.8. IP as Collateral for Financing) 57.

41 NIPPS, 2025, (5.5.2. Develop and implement a national IP commercialization framework) 58.

42 NIPPS, 2025, (5.1 Summary of programs and projects): Policy Objective 7, No. 1: Strengthen enforcement of IP rights, p. 50; s. 5.8.1. Dedicated IP tribunals and ADR Mechanisms, p. 63.

43 NIPPS, 2025, (5.1 Summary of programs and projects): Policy Objective 7, No. 5: Enhance synergies between various IP enforcement agencies to strengthen enforcement initiatives, sharing of experiences and best practices at national and international levels, p. 50: NIPPS, 2025, 5.8.3 Regional Approach to Enforcement, p. 64.

44 NIPPS, 2025, (5.1 Summary of programs and projects): Policy Objective 7, No. 4: Promote use of technology-based solutions in IPR enforcement, p. 50; NIPPS, 2025, 5.8.4 Enhance the Use of Technology and Innovation on Enforcement, p. 64.

45 NIPPS, 2025, (5.1 Summary of programs and projects): Policy Objective 7, No. 3: Develop and Implement Training and Awareness Programmes for Key Stakeholders,

too limited and confined to law schools, as it hardly features in the curricula or content of other disciplines.[46] To facilitate this, the Policy encourages the promotion and introduction of IP education in Universities, other Tertiary Institutions, the National Judicial Institute, Police and Customs Training institutes, as well as research institutions.[47]

In addition to the educational system, the Policy addresses the low level of public awareness of IP rights through IP Education and widespread sensitisation.[48] The campaigns are expected to engage a wide range of stakeholders, such as the government, academia, industry, and the media. The result of these efforts is the establishment of a basic IP knowledge culture that will promote registration and compliance with IP laws, as well as a culture of innovation.

To make the policy effective and accountable, it has incorporated a Monitoring and Evaluation (M&E) Framework.[49] The framework is based on specific objectives, performance indicators, and timelines to monitor the progress of the proposed reforms.[50] The most important aspect of this policy is the formation of a Monitoring and Evaluation Stakeholder Group,[51] whose primary task is to prepare institutional scorecards, monitor the performance of different IP agencies, and submit regular progress reports to the Federal Government. The formation of such monitoring and evaluation structures will ensure that all IP activities are strictly aligned with the overall economic objectives of Nigeria. The objectives and strategic vision of Nigeria's NIPPS are highly sophisticated in understanding the role of IP law in the economic transformation of a country.

3.1 Alignment of NIPPS with Global IP Trends

The NIPPS situates Nigeria's IP modernisation within a broader international convergence. The recognition of international trade and harmonization of laws in NIPPS indicates that the alignment of national intellectual property laws with international standards is not only a legal procedural requirement but also a political tool for economic transformation.[52] The policy has provisions for improved enforcement procedures and compliance with international

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Enforcement Officials, and the Public, p. 50; NIPPS, 2025, 5.9 Strengthening IP Training in Nigeria, p. 64.

46 NIPPS, 2025, p. 14 (Chapter 2-Situation Analysis): 2.3.2 - IP Education and Training.

47 NIPPS, 2025, p. 39 (4.9 - IP training and education): Policy Objective Strategy (a).

48 NIPPS, 2025, (s. 4.9. Intellectual property training and education and s. 4.10. Intellectual property awareness) 44-45.

49 NIPPS, 2025, (Chapter 7): Monitoring and Evaluation. p. 62.

50 NIPPS, 2025, (s. 7.5): Monitoring and Evaluation. p. 64.

51 NIPPS, 2025, (s. 7.6 - Monitoring and Evaluation): M&E Responsibilities. p. 64.

52 NIPPS, 2025, (s. 2.1.7 - International treaties, agreements, and protocols) 5.

agreements, such as the TRIPS Agreement, to improve Nigeria's competitiveness in the global arena.[53] The emphasis on TRIPS compliance is particularly important from the perspective of political economy; it represents Nigeria's conformity with the existing international intellectual property order, which is often driven by the interests of developed countries, in return for the legitimacy and access to markets required for economic diversification. Moreover, the need for integration is apparent in the particular emphasis on the domestication of appropriate international treaties.[54] This is because it seeks to align different IP protection mechanisms, such as patents, trademarks, copyrights, and industrial designs, with international standards, which is a fundamental quest for improving IP protection and commercialization in the international ecosystem[55].

The alignment process is also linked to other technological reforms taking place in the country. For instance, this is a time when the government is conducting public inquiries on the framework of the Spectrum Roadmap 2025-2030 in the communications industry.[56] This initiative is important in advancing the IP digital alignment agenda, demonstrating that NIPPS's long-term vision is not a standalone issue but part of a broader infrastructure overhaul. The long-term vision of NIPPS includes the creation of simplified and digitalized IP procedures and increasing awareness of intellectual property rights by 2026.[57]

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53 *Ibid*, 6

54 *5.2.4 and 5.3.5 of NIPPS, 53, 56;* Already, Nigeria is a contracting state to the following international legal instruments: Beijing Treaty on Audiovisual Performances; Berne Convention for the Protection of Literary and Artistic Works; Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled; Paris Convention for the Protection of Industrial Property; Patent Cooperation Treaty (PCT); Patent Law Treaty (PLT); Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement; WIPO Copyright Treaty (WCT); WIPO Performances and Phonograms Treaty (WPPT). Nigeria's Copyright Act is TRIPS-compliant, but its other IP laws have not been amended to reflect the provisions of the TRIPS Agreement.

55 Ajakaye, O. G. and Lawal, A. "International Trademark and Copyright Law: Harmonization, Disparities, and Global Implications for Developing Countries" (2023) 9(5) *International Journal of Scientific Research in Computer Science Engineering and Information Technology* 807.

56 TachAfricaNews, (2026). NCC Announces Public Inquiry on Spectrum Roadmap 2025–2030 <https://techafricanews.com/2026/01/14/ncc-announces-public-inquiry-on-spectrum-roadmap-2025-2030/> retrieved February 13 2026.

57 2.1.6, 5.2.7 and 5.3.3 of NIPPS, 5, 54 - 55.

4. Conceptual and Analytical Framework: Theorising IP Reform as Political Economy

The preceding Parts show that Nigeria's IP underperformance cannot be attributed to legislative inertia alone. This Part makes that distinction analytically precise before it is applied to the NIPPS. Three sources of underperformance must be separated. The first is *legislative reform*, that is, whether the substantive content of IP statutes is modern, comprehensive, and internationally aligned. The second is *administrative implementation*, that is, whether the agencies charged with applying those statutes, the Patents and Designs Registry, the Trademarks Registry, and the Nigerian Copyright Commission, possess the staffing, infrastructure, and coordination to do so effectively. The third, and the most difficult to establish rather than emphasize, is *political governance failure*: the recurring unwillingness of successive governments to allocate budget, resolve inter-agency rivalry, and treat IP as a strategic economic priority. The previous parts above have analysed the first two categories; this Part supplies the theoretical basis for treating the third as the decisive explanatory variable, so that its use in Parts 5 and 6 is analytically derived rather than merely asserted.

The theoretical basis for this claim draws on political economy accounts of IP law-making, which treat IP reform not as a neutral, technocratic exercise but as the outcome of bargaining among structurally unequal actors. Sell's account of the globalisation of IP rights demonstrates that the scope and timing of IP protection are typically set by the organised lobbying power of rights-holding industries rather than by disinterested policy design.[58] Drahos similarly characterises much IP law reform as rent-seeking activity, in which incumbent interests use the reform process to entrench advantages rather than to correct genuine market or legal failures.[59] Kesan and Gallo extend this analysis specifically to the political economy of IP reform processes, showing that the sequencing, scope, and enforcement provisions of reform packages are shaped by which constituencies gain access to the drafting process.[60] Mwangola's analysis of IP rights regimes in Africa adds a distributional dimension of direct relevance to Nigeria: individual creators, artists, and inventors typically occupy the weakest bargaining position of all IP stakeholders, notwithstanding that their creative and inventive output is what

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58 Sell, S. K. "*Private power, public law: The globalization of intellectual property rights*" (Vol. 88, Cambridge University Press, 2003). 1.

59 Drahos, P. "*Global Law Reform and Rent-Seeking: The Case of Intellectual Property.* In *Copyright Law*" (Routledge, 2017) 43.

60 Kesan, J. P., & Gallo, A. A. "*The political economy of intellectual property reforms*. In *Research Handbook on the Economics of Intellectual Property Law*" (Edward Elgar Publishing, 2019), 482.

the system exists to protect.[61] These accounts imply that a reform will only correct historical IP underperformance to the extent that it visibly reallocates political attention and resources away from the status quo, rather than merely restating existing legal categories in updated language.

This framework yields three criteria against which the NIPPS is evaluated in the remainder of the article. First, does the policy address genuine legislative gaps, such as the outdated Patents and Designs Act and Trade Marks Act, rather than merely codifying provisions already achieved through the Copyright Act 2022 and the Plant Variety Protection Act 2021? Second, does it build administrative capacity, through automation, staffing, and institutional consolidation, sufficient to translate the policy provisions into operational practice? Third, and most decisively, does it demonstrate sustained political commitment, evidenced by budgetary allocation, resolution of inter-agency and inter-stakeholder conflict, and the empowerment of enforcement institutions, rather than aspirational language alone? Parts 5 and 6 apply these three criteria to the NIPPS's formulation, its management of competing stakeholder interests, and its anticipated economic impact.

5. Political Dimensions of IP Law Reform

5.1 IP Policy as a Tool for Economic Empowerment

The government has recognized intellectual property as a foundation of economic development, which aims to empower Nigerians by encouraging research and development.[62] The need for such high-level political engagement (development and implementation of NIPPS) is justified by the overall strength and potential of the innovation sector in the country, despite the lack of a collective policy.[63] A Firm-level analysis found that SMEs account for 49 percent of Nigeria's GDP and comprise 99 percent of businesses.[64] In 2025, Nigeria announces that a $1 trillion economy is

61 Mwangola, M. S. "Justice Be Our Shield and Defender: An Intellectual Property Rights Regime for Africa" (2007) *32*(3) *Africa Development*, 143.

62 WIPO Magazine, (2021). Intellectual property, SMEs and economic recovery in Nigeria <https://www.wipo.int/en/web/wipo-magazine/articles/intellectual-property-smes-and-economic-recovery-in-nigeria-55919#:~:text=Now%2C%20more%20than%20ever%2C%20countries,employment%20generation%20and%20income%20redistribution > retrieved February 13 2026.

63 *Ibid.*

64 WIPO Magazine, (2021). Intellectual property, SMEs and economic recovery in Nigeria <https://www.wipo.int/en/web/wipo-magazine/articles/intellectual-property-smes-and-economic-recovery-in-nigeria-55919#:~:text=Now%2C%20more%20than%20ever%2C%20countries,employment%20generation%20and%20income%20redistribution. > retrieved February 13 2026.

possible by 2030 through these SMEs.[65] This information implies that the economic foundation was already growing; thus, the NIPPS functions as a political catalyst providing the legal security essential to unlock this latent economic potential. Key empowerment tools include enhanced enforcement against IP infringement, technology-based monitoring systems, improved IP databases, and capacity building for judges, opposition officers, and enforcement agents.

One of the more transformative ambitions of the NIPPS is to reposition intellectual property not merely as a defensive legal shield but as a productive financial asset that can be valued, licensed, traded, and used to raise capital.[66] For most Nigerian innovators, the economic value embedded in their patents, trademarks, copyrights, and trade secrets remains inaccessible because neither the legal nor the financial infrastructure treats IP as a bankable asset. The policy confronts this directly by proposing a framework for IP-backed financing, enabling inventors and creators to pledge their IP rights as collateral in the same way a businessperson pledges land or equipment. To operationalise this, NIPPS identifies IP valuation as a critical gap, as there is currently no standardised methodology for determining what an invention, a brand, or a creative work is actually worth in the Nigerian market.[67] Without credible valuation tools, banks will not accept IP as security and investors cannot accurately price IP-intensive businesses. The policy therefore calls for building valuation capacity among accountants, lawyers, and investment analysts, while fostering institutional partnerships with the Bank of Industry (BOI) and the Central Bank of Nigeria (CBN).

The broader significance of this dimension lies in what it could unlock for Nigeria's innovation economy. Some of the country's most dynamic sectors, such as fintech, music, film, fashion, and agri-tech, generate enormous IP value yet remain chronically underfunded because financial institutions do not recognise their intangible assets. NIPPS addresses this structural disconnect by promoting the strengthening of innovation hubs, incubation facilities, and Technology Transfer Offices as the operational infrastructure through which IP can be identified, valued, packaged, and presented to markets or financiers. If fully implemented, the financialisation of IP has the potential to fundamentally redefine the relationship between creativity, innovation, and

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65 African Liberty, (2026). How IP can increase SMEs' contribution to Nigeria's economy <https://www.africanliberty.org/2026/02/08/how-ip-can-increase-smes-contribution-to-nigerias-economy/ > retrieved February 13 2026.

66 NIPPS, 2025, (s. 5.4.8) 57.

67 WIPO, Nigeria's Federal Executive Council Approves National Intellectual Property Policy and Strategy <https://www.wipo.int/en/web/office-nigeria/w/news/2025/nigeria-s-federal-executive-council-approves-national-intellectual-property-policy-and-strategy > Retrieved February 21 2026.

capital in Nigeria, elevating inventors and creators from marginalised producers to empowered economic actors with genuine access to the financial system. The implementation committees are therefore responsible for policy coordination, strategic guidance, and alignment with national economic priorities and Nigeria's AfCFTA IP Protocol obligations.[68]

5.2 Balancing Power Relations among Stakeholders

The political economy of the NIPPS is characterised by competing interests among three constituencies: the state, the private sector, and individual creators.[69] The state's role is to regulate and enforce a balanced legal environment.[70] Setting up the implementation committees are the point where realpolitik is at play, as the theoretical objectives of the Policy meet the necessities of governance. The most important area of focus for the government in managing power is in the middle of the divergent interests of the private sector and individual creators. The private sector, that is, multinationals, investors, and distributors, views IP reform primarily as a guarantee of capital[71] and commercial returns,[72] and its lobbying power[73] has historically shaped the scope of IP protection. Individual creators, such as artists, inventors, and innovators, occupy the weakest position in this power matrix,[74] yet their creative output is the engine of the entire system.

The NIPPS employs a strategy of "managed integration," institutionalising dialogue to reconcile the private sector's demand for investment security with creators' need for equitable remuneration. The

68 The Gaurdian, (2026). FG begins implementation of National IP policy, inaugurates TWG <https://guardian.ng/news/fg-begins-implementation-of-national-ip-policy-inaugurates-twg/ > retrieved February 13 2026.

69 Gelias, A Review of Nigeria’s National Intellectual Property Policy & Strategy 2025 <file:///C:/Users/User/Desktop/2026%20oppurtunities/44th%20ATRIP%20Brazil/NATIONAL_IP_POLICY_AND_STRATEGY_2025_-_REVIEW%20(1).pdf> retrieved February 14 2026.

70 The Gaurdian, (2026). FG begins implementation of National IP policy, inaugurates TWG <https://guardian.ng/news/fg-begins-implementation-of-national-ip-policy-inaugurates-twg/ > retrieved February 13 2026.

policy's review noted that its launch reflects a significant transition from a piecemeal regulatory framework to a unified strategy that deliberately manages power dynamics to achieve economic transformation. The implementation committees established in January 2026 are the practical landscape where these competing interests must be balanced. The long-term success of the NIPPS depends on whether these institutional arrangements translate into a stable equilibrium where innovation is driven by capital and rewarded with equity.

5.3 Realpolitik in Formulation and Implementation

The formulation of the NIPPS was itself an exercise in realpolitik. The policy's strong emphasis on digitised IP registration and anti-piracy enforcement reflects the direct influence of Nigeria's creative and knowledge economies,[75] Nollywood, music, and a growing tech sector, which stand to gain the most. Conversely, its investor-friendly provision signals the leverage of trade partners and foreign capital. The Policy document is, therefore, a negotiated political compromise reflecting the balance of power among these constituencies.

The implementation phase introduces a further set of political challenges. Allocating resources for NIPPS in an environment of contested government expenditure is inherently political. Enforcement decisions, whether to target large-scale counterfeiters or informal small enterprises, carry profound distributional consequences and will attract opposition from groups adversely affected by a stricter IP environment. The government's capacity to navigate such opposition will be the decisive test of the policy's political durability.

6. Potential Economic Transformation Through NIPPS

6.1 Strengthening the Innovation Ecosystem

The NIPPS represents a paradigm shift in Nigeria's economic governance, positioning IP as a practical instrument of transformation rather than a theoretical abstraction. Although Nigeria's Global Innovation Index ranking indicates a deteriorating status from 118th (2021) to 105th (2025).[76] The full implementation of NIPPS is expected to bring the innovation potential of the country to reality. One significant way NIPPS addresses this is through a

75 NIPPS, 2025, (s. 5.8), 63.

76 WIPO, Nigeria ranking in the Global Innovation Index 2025 <https://www.wipo.int/gii-ranking/en/nigeria?sort=position&dir=ASC > Retrieved February 14 2026.

"Triple Helix" model by aligning government, industry, and academia to bridge the gap between academic research and industrial application.[77] Initiatives such as the NextGen Innovation Challenge[78] and the Connect NextGen Innovation Hackathon[79] (organised in partnership with Ericsson and the Federal Government in early 2026) exemplify this collaborative approach. These platforms mobilise public-private partnerships for job creation, business growth, and capital mobilisation, objectives aligned with NIPPS's ambitions for 2027.[80] Early indicators, including international recognition of Nigeria's innovation environment as of January 2026,[81] suggest that the policy is already reshaping the country's global IP image.

6.2 Promoting the Digital Economy and Technology Development

Nigeria's digital sector provides a critical context for the NIPPS. The Information and Communication Technology (ICT) sector's contribution to real GDP rose from 15.51 per cent in 2021 to 19.54 per cent in 2023,[82] and the digital economy is projected to reach $18.3 billion by end-2026.[83] This is a significant increase from the 10 billion dollars recorded in 2021. [84] The growth is attributed to a move from unstructured growth, which was referred to as a "free-for-all" approach.[85]

The NIPPS is the strategic anchor for this transformation, converting intangible digital innovations into tradable economic assets and directly

77 Etzkowitz, H. (2003). Innovation in innovation: The triple helix of university-industry-government relations. *Social Science Information*, *42*(3), 293-337.

78 Startupkano, official launch of the Climate Innovation Ecosystem Development (CIED) Project in Kano, supported by @pace.nigeria < https://www.instagram.com/p/DUk0_YJiLqg/ > Retrieved February 12 2026.

79 Connect NextGen Hackathon, (2026) Empowering Africa’s next generation of innovators solving real challenges through technology, Powered by Ericsson x Federal Government of Nigeria x Tech Revolution Africa <https://ericssonhackathon.techrevolutionafrica.org/ > Retrieved February 12 2026.

80 *Ibid.*

81 Nigerian Observer, (2026). Nigeria's innovation ecosystem gaining global recognition – FG <https://nigerianobservernews.com/2026/01/nigerias-innovation-ecosystem-gaining-global-recognition-fg/ > Retrieved February 12 2026.

82 Nigeria’s ICT sector contribution to GDP hits N12.49tn < https://von.gov.ng/nigerias-ict-sector-contribution-to-gdp-hits-n12-49tn/#:~:text=49tn,-By&text=Nigeria's%20Information%20Communications%20and%20Technology > Retrieved February 14 2026.

83 Techeconomy, (2026). Top Digital Economy Policies to Watch in 2026 <https://techeconomy.ng/digital-economy-policies-nigeria-2026/ > Retrieved February 15 2026.

84 *Ibid.*

85 The Guardian, (2025) Digital economy races towards $18.3b as tech drives next growth phase <https://guardian.ng/business-services/digital-economy-races-towards-18-3b-as-tech-drives-next-growth-phase/ > Retrieved February 12 2026.

addressing investor concerns about IP security.[86] Fiscal reforms and digital transformation are projected to drive GDP growth of 4.0 per cent in 2026.[87] Of utmost importance is the integration IP strategy with NITDA's four pillars, including digital literacy, transformation, innovation, and services, which are central to Nigeria's $100 billion digital economy target in the coming year.[88] Without the exclusive-rights framework provided by NIPPS, entrepreneurial incentives for high-value digital R&D would remain weak.

The NIPPS also functions as a catalyst for international technology transfer and Foreign Direct Investment (FDI), creating a predictable, rights-secure environment that reduces the risk premium associated with deploying proprietary technology in Nigeria and facilitates integration into global digital value chains.[89] However, structural challenges, including infrastructural deficits and low internet penetration, remain important constraints. The government's announced plans to launch additional communications satellites represent a recognition that legal infrastructure alone cannot sustain digital economy growth.[90]

6.3 Enhancing Local Industry Competitiveness and Global Market Integration

The NIPPS adopts a sequenced approach to industrial transformation: building local capacity first, then expanding export capability, and finally deepening integration into global value chains.[91] Domestically, it incentivises investment in R&D, process innovation, and quality improvement through robust protection for patents, industrial designs, and trade secrets, to make "Made in Nigeria" products competitive internationally. This strategy is aligned with the

86 NIPPS, 2025 (s. 2.1.6) 5.

87 Nigeria's Tech-Driven Economy Set to Grow 4% in 2026, Fueled by Digital Adoption <https://techafricanews.com/2026/01/26/nigerias-gdp-projected-to-grow-4-in-2026-amid-fiscal-reforms-and-digital-transformation/ > Retrieved February 15 2026.

88 NITDA (2026) NITDA, NBC Explore Strategic Collaboration on Digital Transformation, Media Regulation <https://nitda.gov.ng/nitda-nbc-explore-strategic-collaboration-on-digital-transformation-media-regulation/9316/ > Retrieved February 12 2026.

89 NIPPS, 2025, (ss. 2.4, 4.5 and 5.5) pp. 21, 40 and 57.

90 Nigeria plans to launch two additional communication satellites to boost connectivity and promote digital inclusion <https://x.com/instablog9ja/status/2021872868707958999 > Retrieved February 16 2026.

91 The Guardian, (2026). FG launches National Industrial Policy to boost manufacturing <https://guardian.ng/news/fg-launches-national-industrial-policy-to-boost-manufacturing/ > Retrieved February 16 2026.

government's N26.08 trillion capital expenditure allocation aimed at enhancing industrial capacity.[92]

Based on the improved domestic industry, the natural progression within the NIPPS framework would be the development of strong export capacities. The policy aims at a paradigm shift from the country’s overdependence on the export of primary commodities to a more balanced approach, with emphasis on the volume and value of non-oil exports. This is to be achieved through the formulation of policies that would ease trade and remove the barriers that have long impeded Nigerian exporters. Although quantitative information on the effect of NIPPS on export performance is still being developed, its potential role is evident. The IP system provides robust tools to strengthen the value proposition of Nigerian products and services on the international market. Trademarks and branding approaches safeguarded by NIPPS can create global recognition and consumer loyalty, while Geographical Indications (GIs) can ensure that high-quality, distinctive Nigerian agricultural and artisanal products are granted a premium price by associating the quality and reputation of such products with their geographical origin. This is in line with Nigeria's vision for economic diversification, which is a key plank of improving overall competitiveness. A properly executed NIPPS can safeguard the innovative platforms and business models that fuel such growth, allowing new sectors to expand their operations and explore export markets.

The successful improvement of local competitiveness and export strength will set the stage for the third phase of the framework: deeper integration into the global market. This includes the strategic alignment of the commercial and legal structures of Nigeria with international trade rules, ultimately aiming to integrate Nigerian industries into complex global value chains (GVCs). A harmonized and stable IP environment, as advocated by NIPPS, is a crucial prerequisite for the attraction of foreign direct investment and technology collaborations that enable easier access to GVCs. It ensures international cooperation by providing a guarantee that the intangible assets of international partners are safeguarded. This is consistent with the claims made by the government regarding the competitiveness and attractiveness of Nigeria, which is attributed to economic conditions and frameworks of incentives. NIPPS is a concrete policy tool that fills the gap between rhetoric and reality, offering the legal and institutional framework that demonstrates Nigeria's preparedness for partnership in the global economy. NIPPS's commitment to compliance with international obligations such as the TRIPS Agreement

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92 The Nation, (2025). 2026 Budget: Tinubu tightens fiscal discipline <https://thenationonlineng.net/2026-budget-tinubu-tightens-fiscal-discipline/ > Retrieved February 16 2026.

demonstrates to the world that Nigeria is a responsible player in the international trading system.

6.4 Strengthening the Judicial and Enforcement Ecosystem as a Precondition for Economic Transformation

The Policy recognises that its broader economic transformation objectives cannot be realised without a credible judicial and enforcement architecture. To this end, the policy proposes the establishment of dedicated IP tribunals.[93] The dedicated IP tribunals are with a view to fast-tracking IP disputes, staffed by IP-specialized judges, to handle IP disputes more efficiently.[94] This will enhance the enforcement of IP rights and provide quicker resolution mechanisms for creators and inventors. The document further stated that the initiative has proven to be successful in several countries around the world. Complementing this, the NIPPS proposes the consolidation of formal and substantive examinations of patent applications.[95]

The NIPPS correctly identifies the enforcement deficit as one of the most acute challenges in Nigeria's patent system.[96] The Patent Registry lacks the enforcement powers to compel patentees,[97] infringers, or applicants to desist from unlawful acts, to conduct investigations, or to prosecute infringement.[98] Patent enforcement in Nigeria is therefore an exclusively court-driven process, with all proceedings before the Federal High Court (a forum whose delays, expense, and limited IP expertise render it an imperfect enforcement vehicle).[99] Arguments were advanced in the Policy document to vest the Registrars with clearly defined Alternative Dispute Resolution (ADR) powers as a complement to court enforcement.[100] Unfortunately, there was no mention of any grant of investigatory or prosecutorial powers to the Patents and

93 NIPPS, 2025, (5.1 - Summary of programs and projects): Policy Objective 7: Strengthen enforcement of IP rights, p. 64.

94 NIPPS, 2025, (5.8. Strengthen enforcement of IP rights): 5.8.1. Dedicated IP Tribunals and ADR Mechanisms. p. 56.

95 NIPPS, 2025, (5.1 Summary of programs and projects): Policy Objective 2 - Strengthen the institutional framework for the administration and management of intellectual property rights, p. 49.

96 NIPPS, 2025, (s. 2.5.2.1): The Patents and Designs Registry and the Trade Marks Registry do not have enforcement capabilities, p. 30; (s. 4.8- Legislative and Institutional Framework for Enforcement of IP Rights): Lack of Enforcement Power of the Industrial Property Registries, p. 43.

97 NIPPS, 2025, (s. 4.8- Legislative and Institutional Framework for Enforcement of IP Rights): Lack of Enforcement Power of the Industrial Property Registries, p. 43.

98 NIPPS, 2025, p. 30.

99 Federal High Court (Civil Procedure) Rules 2019, Order 13.

100 NIPPS, 2025, (proposing Alternative Dispute Resolution powers for the Registrars) 30.

Designs Registries,[101] nor any border measures mechanism for patent-infringing goods specifically (though border measures are addressed briefly in the copyright context).[102] In strengthening IP enforcement in Nigeria, the Policy suggests facilitating effective adjudication of IPR disputes through different measures, such as ADRs.[103]

7. Conclusion

The 2025 NIPPS marks a decisive turning point in Nigeria's legislative history, a shift from reactive, fragmented regulation to a proactive, development-oriented IP regime. It not only seeks to align national standards with international obligations, including the AfCFTA IP Protocol and the TRIPS Agreement, but deliberately deploys IP policy as a political instrument for economic transformation. This appraisal demonstrates that the NIPPS is architecturally sound: it addresses the historical fragmentation of Nigeria's IP system, institutionalises inclusive multi-stakeholder governance, and provides clear pathways for IP commercialisation, enforcement, and digital economy integration.

Its success, however, is not guaranteed by the policy document alone; four conditions are decisive. First, sustained political will to fund and staff the reformed institutional frameworks, particularly substantive patent examination, the IP tribunals, and Intellectual Property and Technology Transfer Offices, is essential. Second, the government must navigate the competing power interests of the private sector, individual creators, and the state with sufficient dexterity to maintain legitimacy across all constituencies. Third, physical infrastructure development must keep pace with legal reform to enable the digital economy aspirations embedded in the NIPPS to materialise. Fourth, making IP a financial asset requires the government to promptly institutionalise a collaborative effort between the IP registries, the Central Bank of Nigeria, and IP valuation experts to develop guidelines that are technically sound and commercially feasible.

If these conditions are met, NIPPS has the potential to render IP a genuinely "bankable asset" for Nigerian SMEs and creative industries, positioning the country as a competitive knowledge economy in alignment with the Nigeria Vision 2050 objectives. The policy is now in its active implementation phase; continuous assessment, adaptation, and political management will determine whether its transformative ambition translates into an enduring economic reality.

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101 NIPPS, 2025, (s. 5.1 - Programmes and Projects) 49.

102 NIPPS, 2025, (s. 2.5.2.1) discussing quasi-judicial powers of Registrar, p. 30.

103 NIPPS, 2025, (s. 4.8- Legislative and Institutional Framework for Enforcement of IP Rights): Policy Objective Strategy J, p. 38.