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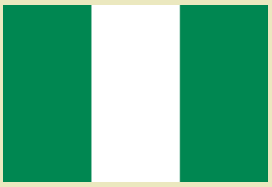
NIGERIA



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Abuja
Population:	229.2 Million
Currency of (official) fees:	Naira (NGN)
Language for filingIP applications:	English
GDP per capita:	$ 2,162.09 (World Bank, 2022)
Human DevelopmentIndex:	0.548
Main exports:	Crude petroleum, Cocoa beans, Rubber, Cashew nuts, Hides andskin, beef and textiles.
Main imports:	Foodstuffs, Vehicles, pharmaceuticals, plastics, machinery, electrical goods, transport equipment, textiles, fuel and petroleum products, chemical goods, fish

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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 reflectthe provisions of the TRIPS Agreement. However, in practice, some of the principles are implemented. This may have an impact on the effectiveness of some IP enforcement issues.

Nigeria is not a member of the Nice Agreement. However, its trade mark classification system isbased on the Nice classification system.

1.3 REGIONAL AGREEMENTS

Nigeria is a member of the following regional agreements.

ECOWAS

(Economic Community of West African States) ECOWAS is made up of 15 member countries located in the Western African region. These countries have both cultural and geopolitical ties as well as shared common economic interests. The agreement also recognises the importance of protectingintellectual property rights (IPRs) as part of the promotion of science, technology and innovation (STI) development and application in the member states.

AfCFTA

(African Continental Free Trade Area) The AfCFTA agreement includes a protocol on IP rights that aims to advance the effective protection and promotion of IP rights in Africa. This agreement may have an impact on the future shape of Nigerian legislation.

More information on the AfCFTA is available here: https://au-afcfta.org/about/

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN NIGERIA

The following IP protection is available in Nigeria:

1) trade marks: national;
2) patents: national and international (WIPO);
3) utility models and business methods: national;
4) industrial designs: national;
5) copyright and neighbouring rights: national and international;
6) plant varieties: national.
7) Intellectual Property Policy

There are no specific Nigerian laws for geographical indications, traditional knowledge and layout designs.

1.5 IP REGISTRATION ROUTES

IP protection in Nigeria can be secured through the national route. However, copyright protection is subject to the fulfilment of some conditions. An international copyright can be protected and

enforced in Nigeria. Nigeria is not a party to The African Regional Intellectual Property Organization's (ARIPO) Banjul Protocol and therefore there is no regional registration/protection of trade marks.

National

The different types of Intellectual Propety Rights (IPRs) mentioned above can be directly protected in Nigeria through the
Trade Marks Act, Copyright Act, Patents and Industrial Designs Act and Plant Variety Protection Act. There are other Nigerian laws that have an impact on the protection of IP rights, namely:

Companies and Allied Matters Act, National Office for Technology Acquisition and Promotion Act, National Agency for Food and Drug Administration and Control Act, Federal Competition and Consumer Protection Commission Act, Cybercrimes (Prohibition, Prevention, etc.) Act, Standards Organization of Nigeria Act, and National Internet Registration Agency Regulations.

The IP policy objectives is to strengthen the legal framework for the protection of IPRs. Enhancing the institutional framework for the administration and management of IP rights. Facilitating the generation and protection of IPRs. Strengthening capacity and institutional support for technology transfer and commercialization of IP rights. Promoting IP awareness to stakeholders and the general public. Strengthening enforcement of IPRs. Enhancing IP training in Nigeria. This policy is under review and would be in operation soon.

International

Nigeria is a contracting party to the Berne Convention and the Patent Cooperation Treaty (PCT). Patents filed through the PCT are acceptable in Nigeria (national phase) and the priority dates are recognised. However, Nigeria is not a receiving state for such PCT patent application and therefore PCT patent application cannot be filed in Nigeria at the first instance. The copyright of authors in other contracting states to the Berne Convention are protected in Nigeria, subject to a declarationby the Nigerian Attorney General of the Federation listing the countries for which such protection will be afforded.

Choosing a suitable registration route: trade marks, patents, utility models and industrial designs.A

national route is suitable when trade mark protection is required in Nigeria.

A regional route is not applicable in Nigeria.

An international route is available, but only as stated above.

Useful information:

Professional representation

Applicants for trade mark, patent or design registrations must appoint agents for the filing and administration of such applications. These agents must be accredited/registered with the Trade Marks, Patents and Designs Registry and been issued a registration number. Agents are appointed by providing them with a power of attorney. This power of attorney only needs to be signed without any

need for notarisation or legalisation. Hard copies of these powers of attorney are not necessary if the application is to be filed via the Registry's online platform. There is no database containing a complete list of Nigerian agents for filing IPRs.

Trade marks

Nigeria practices the single class trade mark system. Applications are filed in any of the 45 classes of goods and services and the fees for each application are the same.

Nigeria is not a signatory to the Nice Agreement, but the classification of goods and services is currently tailored to the 12th edition of the Nice Classification.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Nigeria is a signatory of the WTO's TRIPS Agreement. Though the TRIPS Agreement was not domesticated as a national law enforceable in Nigeria, the Copyright Act was amended in 1999 to reflect some of the provisions in the TRIPS Agreement. Aside from the Copyright Act, most of the

other IP laws are not TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IPRs.

The Copyright Act mandates that the Nigerian Copyright Commission (NCC) enforce the copyrightof authors and bring infringers to justice. This is aside from the private rights of copyright owners to enforce their rights.

In recent years, the NCC has, in collaboration with Nigerian Police and Copyright Inspectors, increased its anti-piracy campaigns and raids of pirated goods in different locations across the country.

Trade mark and patent rights are private rights and the rights are enforced by the owners. However, a brand owner can engage the police, or any of the relevant enforcement agencies such as National Agency for Food and Drug Administration and Control (NAFDAC), The Standards Organisation of Nigeria (SON), Federal Competition and Consumer Protection Commission (FCCPC), to conduct raids and seize counterfeit goods in any part of Nigeria.

The IP Agencies (NCC, Trade Marks, Patents and Designs Registries, etc.) constantly engage with other stakeholders, including the body representing IP lawyers, who have a role to play in combating IP infringements. These include Interpol, border officials, customs officials, the legal profession, the Ministry of Trade and Investment, the Federal Competition and Consumer Protection Commission, IP Associations, and the public.

Despite the involvement of Government Agencies and State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in Nigeria. Rights holders must constantly check that the industrial and commercial markets in which they sell their goodsor

services take appropriate action against the infringement of their IPRs by competitors, retailers, or street vendors. Nigerian IP legislation entitles rights holders to take civil action against infringers

to recover their lost revenue and/or to have the infringing products destroyed.

Nigeria does not have express legislation on specific border control measures related to the protection of IP rights. However, the Nigerian Customs Service is obligated under law to stop the importation of pirated and counterfeit products into Nigeria. While there is no provision for formal customs recordal in Nigeria, rights holders engage in informal customs recordal, which includes training customs officers on how to identify genuine products and distinguish them from counterfeits as well as depositing relevant materials with the customs officers to aid in identifying counterfeit goods.

For copyrights, the Copyright Act provides for conservatory measures that seek to prevent infringements and to preserve relevant evidence related to an alleged infringement. In addition, the Act empowers the police to conduct searches of premises where it is suspected that infringinggoods are concealed and to seize any offending goods. The Copyright Act allows for Anton Pillar orders as well as other types of injunctions to preserve the rights of the copyright holder. Other civil remedies include injunctions, accounts of profit, delivery of infringing copies to the copyright holder, confiscation of offending goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of fines and imprisonment. A copyright owner is expected to 'police' their work and take action against infringers of their rights. That means that the rights holder should initiate action such as reporting infringements to the police or customs (if the infringing goods have been imported) and seek the intervention of the courts to fight third parties who infringe their rights.

More information on the copyright act is available here: https://copyright.gov.ng/documents/

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

- A registered trade mark gives its proprietor the exclusive right to the use of the mark in the course of trade. The registration of the mark gives the trade mark proprietor protection and the right to prevent third parties from using the same mark or a similar mark without authorisation for the same class of goods/services.

- A well-maintained trade mark builds the goodwill in the proprietor's brand. The trade mark becomes an assurance of quality and a valuable asset to the trade mark proprietor. This enables them to expand their business via licensing, franchising, using the trade markas the collateral for a loan, or assigning the mark to another entity for a fee.

3.1.1 Who can register a trade mark?

Anyone can register a trade mark. This includes a natural person, a company, or any other entitywith juristic personality. The Trade Marks Act provides that anyone who is the proprietor of a trade mark

may apply for the registration of the mark.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- the applicant's name, address and nationality;
- a signed copy of the power of attorney appointing the agent (Form 1);
- the class of goods/services and the specification (use of a class heading is allowed) basedon the Nice Classification;
- copy of the priority document, if applicable;
- the prescribed application fees.

More information on the registration requirements is available here: http://www.iponigeria.com/Services

3.1.3 What qualifies for registration?

A trade mark is any device, brand, heading, label, ticket, name, signature, word, letter, numeralor any combination thereof used or proposed to be used in relation to goods or services for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the mark, whether with or without any indication of the identity of that person. Trade marks are used by acompany as an indication of source in the course of trade.

Abstract marks and series mark can also be registered but sound marks are not yet registrable in Nigeria.

3.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- is similar to another trade mark already registered in the class of interest;
- is incapable of distinguishing the goods or services applied for;
- is in the ordinary connotation a geographical indication;
- is likely to deceive or mislead the public or cause confusion;
- is contrary to law and morality;
- is a word or words having a direct reference to the character or quality of the goods;
- is according to its ordinary signification, a geographical name or a surname;
- contains a likeness to a specific armorial bearing or flag emblem;
- contains an insignia, name or arms of a foreign government unless with the consent of that government authority;
- is a mark where the use of which will be disentitled to protection in a court of justice;
- contains a scandalous design.

3.1.5 Where can I file an application?

- At the Trade Marks Registry, Abuja or online through the dedicated platform.
- https://www.iponigeria.com

3.1.6 How much does it cost?

Government (official) fees

- There are two types of fees. If a trade mark is filed via the online platform then the fees are slightly higher than the application fee for marks filed manually at the Registry. The slight increase in costs for online filing is because of the fees for the payment gateway andthe maintenance fees for the platform. The fees are payable in naira and are fixed from time to time by the Trade Marks Registry. Official fees are paid twice, once for the applicationand then for the certificate. There are no publication fees. There are no different fees for trade marks in colour and black and white.

Professional fees

Professional fees vary according to the agents and IP firms. Expertise, experience and portfolio may affect the professional fees of different agents.[1]

Likely overall registration costs

The registration costs for a trade mark in Nigeria is fair when compared to other jurisdictions.The overall registration costs will also depend on whether the trade mark application progresses to registration without incident (e.g. refusal/office action or opposition). A trade mark applicant will be expected to pay the official fees shown in the table below for a trade mark application to registration. Note that the fees shown below are exclusive of professional fees.

Description of Process/Service	Fee (NGN)
Application to register a trade mark in one class	17,000
Publication	Not applicable
Registration	13,000
Renewal	13,000

3.1.7 How long does registration take?

The trade mark registration process takes an average of between 12-18 months from the filing date to issuance of the registration certificate, assuming no unusual delays, no office actions and no oppositions. This does include the opposition period of 2 months.

[1] The professional fees listed on this page are for informational purposes only and are subject to change without notice. No guarantees are made regarding the accuracy, validity, or applicability of these fees to any specific situation. The Africa IP SME Helpdesk is not liable for any damage or loss arising from the use of this information. For an accurate and personalised quote, it is recommended to contact the relevant professional directly.

3.1.8 What is the duration of protection?

A registered trade mark is initially valid for 7 years and then valid for a further 14 years after each renewal.

3.2 PATENTS

Nigeria Patent Registrations

National Phase patents can be filed in Nigeria as well patents filed at WIPO claiming priority according to the PCT. An invention is granted a patent in Nigeria if it is new, involves an inventivestep and is capable of industrial application; or if the invention constitutes an improvement upon a patented invention and also is new, results from inventive activity and is capable of industrial application.

National Patents

3.2.1 Who can register a patent?

The statutory inventor, that is, the first person to file for the registration of the patent. The true inventor (assuming they are not the statutory inventor) must be named in the patent application.

The inventor or a successor in title or an assignee of an invention can apply to register a patent.

3.2.2 What are the registration requirements?

An application for the grant of a patent must contain the following:

- the applicant's full name and address;
- a specification including the claim(s), plans and drawings;
- a declaration by the true inventor requesting that they be mentioned as the true inventor in the patent;

- a signed power of attorney or authorisation of agent (if the application is to be made by an agent);
- the proof of payment of the prescribed fee and any other matter requested by the Registrar;
- the priority date if a convention priority is claimed.

Examination – Formality only, no substantive examination.

More information on the registration requirements is available here: http://www.iponigeria.com/Services

3.2.3 What qualifies for registration?

A patent must meet the following requirements.

- Be novel. This must be absolute novelty in that the invention must be a new characteristic that is not known in the body of existing knowledge (prior art) in its technical field. It must not be anticipated by prior art.

- Be an inventive step. Meaning that, having regard to prior art, the invention is not obvious to a person skilled in the art.
- Have an industrial applicability. Meaning that it can be used in any kind of industry, including agriculture.

3.2.4 What cannot be registered?

The following inventions cannot be patented:

- plant and animal varieties or essentially biological processes for the production of plants and animals (other than micro-biological processes and their products);
- inventions which will be deemed contrary to public order or morality;
- principles and discoveries of a scientific nature;

- inventions that have been disclosed or exhibited in public prior to filing of the application (unless the exhibition occurred in a government approved exhibition and the application was filed within 6 months of the exhibition);
- a scientific theory or mathematical method.

3.2.5 Where can I file an application?

- At the Patents and Designs Registry, Abuja or online through a dedicated platform. https://www.iponigeria.com

3.2.6 How much does it cost?

The cost of filing online is slightly more expensive than the manual filing.

Government (official) fees

The official filing fees are fixed from time to time by the Registry. All the fees are paid in naira. Application fees are paid just once at the point of filing and thereafter annuities are paid yearly until the lapse of the patent.

Professional fees

Professional fees vary depending on the IP firm or agent that is contracted. Expertise, experienceand portfolio may affect the professional fees of different agents.[2]

Likely overall registration costs: The table of fees is shown below:

Type of Fee	Fee (NGN)
Application fees	27,000
Annuity fee	12,000

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3.2.7 How long does registration take?

A patent application takes an average of between 6-12 months until issuance of the registration certificate.

3.2.8 What is the duration of protection?

Protection lasts for 20 years from the filing date, subject to the payment of annual maintenance fees (annuity). A patent will lapse if the patentee fails to pay the patent's annuity.

3.2.9 When are renewal fees paid?

National patents

Annuity fees are paid yearly, on the anniversary of the filing date. There is a grace period of 6 months in which to pay the annuity after it has become due.

3.3 UTILITY MODELS

Utility models are not provided for under the Patents and Designs Act. However, in 2021 the Patents Registry issued a circular stating that protection for utility models is now available and therefore applicants can file applications for the protection of utility models and businessmethods. Utility models are considered to be similar to patents, but have less stringent conditionsfor their registration. The term of registration is also usually shorter than for a patent. Currently,the Patents and Designs Registry is working with lawmakers to amend the Patents and Designs Actto introduce utility models into it and make provisions for a proper structure for the protection ofutility models in Nigeria.

National Utility Models

Presently, in the absence of legislation setting out a full structure for the protection of utility models in Nigeria, utility models can only be filed in Nigeria. It is not clear at this point whether the

Patents Registry accepts foreign utility models claiming priority from a foreign jurisdiction filing.

In conclusion, the protection structures around utility models in Nigeria are, at this point, still sketchy.

3.4 INDUSTRIAL DESIGNS

An industrial design can be a combination of lines or colours or both, as well as any three- dimensional form, whether or not associated with colours. An industrial design must be intended by the creator to be used as a model or pattern to be multiplied by industrial processes and not intended solely to obtain a technical result. An industrial design is capable of registration if it is new and is not contrary to public order or morality. The right to a registered industrial design is vested in the statutory creator, being the person who is the first to file an application for the registration of the design. The statutory

creator may also refer to a person who has validly claimed a foreign priority for an application for registration of the design. In any event, where the statutory creator is different from the true creator, the true creator is entitled to be named as such in the register.

Applications for the registration of industrial designs in Nigeria can only be filed in Nigeria (because Nigeria is not a party to any regional or international agreement for the protection of industrial designs). Although, Nigeria is not a signatory to the Hague Agreement, industrial design applications filed in other foreign jurisdictions are acceptable for filing in Nigeria and the foreign priority date is recognised.

Examination and novelty of designs for Nigeria

Nigeria's Patents and Designs Registry does not carry out a substantive examination of industrial design applications. Applications are examined only for compliance with formal requirements.

National Industrial Designs

3.4.1 Who can register?

The statutory creator[3] or assignee[4] of an industrial design can apply to register an industrial designin Nigeria. If the statutory creator is different from the true creator, the true creator must be mentioned in the application.

Furthermore, it is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

3.4.2 What are the registration requirements?

An application for the grant of an industrial design must contain the following:

- a signed power of attorney;
- three sets of specimens or representations of the design;
- an indication of the article/product covered by the design and the material used in producing the design;

- a description of the design indicating its novel aspects;
- a declaration by the true creator (where applicable);
- a certified copy of the priority document (if claimed);

Late filing of the abovementioned documents is allowed within 3 months from the filing date with the payment of a penalty fee.

More information on the registration requirements is available here: http://www.iponigeria.com/Services

[3] **Statutory Creator** refers to the individual or entity legally recognized as the originator or author of the design.
[4] An **assignee** of an industrial design is a person or entity to whom the rights to the design have been legally transferred, either partially or wholly, by the original owner or creator.

Validity

- 5 years from the date of the application and renewable for two further consecutive terms of 5 years each subject to the payment of the prescribed fees;
- a grace period of 6 months is allowed from the date when a design should lapse to pay for its renewal subject to the payment of the prescribed penalty fees.

3.4.3 What qualifies for registration?

An industrial design is capable of registration if it is new and is not contrary to public order or morality. The application should state the novel features of the industrial design.

3.4.4 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality;
- designs consisting solely of a minor differentiation from existing or already known designs;
- designs that have already been exposed to the public, unless the exhibition was done at an official exhibition and the application for the registration of the design is made within 6 months of the exhibition;
- designs whose features correspond to or are determined by functions to be performed bythe products.

3.4.5 Where can I file an application?

Application for the registration of an industrial design are filed at the Patents and Designs Registry, Abuja or online via the dedicated online platform. However, in both cases samples of the designs will have to be submitted at the Registry.

3.4.6 How much does it cost?

National fees

Registration fees consist of government (official) fees and of professional fees, as indicated below.

Government (official) fees

The official fees for the registration of designs are fixed from time to time by the Patents and Designs Registry. Application fees are paid once, then annuities are paid yearly. After the first5 years, the design owner can renew the registration by paying the renewal fees.

Professional fees

Professional fees vary according to the different IP firms and agents. Expertise, experience and portfolio may affect the professional fees of different agents.[5]

Likely overall registration costs for a Nigerian industrial design

The official fees for the prosecution of the registration and maintenance of an industrial design are shown below:

Type of Fee	Fee (NGN)
Application fee	26,000
Annuity	11,000
Renewal fees	11,000

3.4.7 How long does registration take?

An industrial design application takes an average of between 6-9 months from the date of filing.

3.4.8 What is the duration of protection?

An industrial design registered in Nigeria is valid for an initial period of 5 years from the filing date,with the possibility of two further consecutive 5-year terms (for a total of 15 years).

3.4.9 When are renewal fees paid?

Renewal fees must be paid within 6 months from the due date.

3.5 GEOGRAPHICAL INDICATIONS (GIs)

About GIs in Nigeria

Registration of GIs is not specifically provided for under any Nigerian IP legislation. Presently, such applications are filed as trade marks and protected as such.

For further details, refer to the section on trade marks above.

3.6 COPYRIGHT AND NEIGHBOURING RIGHTS

A copyright is the term used to describe the rights that creators have over their literary, musical and artistic works, as well as cinematograph films, sound recordings and broadcasts. Once a workis original

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and fixed in a definite medium it is considered to be protected as a copyright withoutthe need for a formal registration once it. However, copyright will not be bestowed on literary, musical and artistic works unless sufficient effort has been expended in the making of the work to give it an original character and it is fixed in a definite medium. Copyright will also not be bestowedon an artistic work that

the author has made as a model or pattern to be used in the industrial production of other copies. For administrative convenience, a fixed copy of a work is required to be registered with the Nigeria Copyright Commission (NCC) upon payment of fixed fees.

Expressions of folklore and performers rights are recognised as neighbouring rights under the Copyright Act.

More information on the NCC is available here: https://copyright.gov.ng/

About Copyright and Neighbouring Rights in Nigeria

Nigeria has a specific Copyright Act, the Copyright Act Cap. C28 Laws of the Federation of Nigeria 2023.

Nigeria is also a signatory to the Berne Convention, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

3.6.1 Can I register?

In accordance with Article 5(2) of the Berne Convention, there is no requirement for copyright registration in Nigeria. The copyright is conveyed on the author and is protected as soon as the eligible original work is fixed in a definite medium.

However, the Nigerian Copyright Commission (NCC) developed the voluntary Copyright Notification Scheme, which allows authors to register their work with the NCC as proof of both the ownership and the date of publication. This NCC registration also enables the NCC to know the owner of thework and seize pirated copies when found during raids.

More information on copyright registration is available here: https://copyright.gov.ng/copyright-registration/

3.6.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

1) literary works;
2) musical works;
3) artistic works;
4) Audiovisual works;
5) sound recordings; and
6) broadcasts.

3.6.3 What cannot be protected?

The following cannot be protected:

1) any work whose subject matter does not qualify for legal protection;
2) Ideas procedures, concept principles, discoveries, mere data
3) official texts of Legislative or administrative
4) official state symbols and insignia including flags etc.

5) any artistic work created with the intention that it will serve as a model or pattern to be multiplied by industrial process;

3.6.4 What are the requirements for legal protection?

The original work must be in one of the following categories:

1) literary works;
2) musical works;
3) artistic works;
4) audiovisual works;
5) sound recordings;
6) broadcasts.

3.6.5 What are examples of acts permitted in relation to copyright works?

While copyright gives the copyright owners rights over their literary, musical and artistic works, some acts are permitted that do not infringe copyright. These include, among others, the following:

- fair dealing: for purposes of research, private use, criticism or review or the reporting of current events, subject to the condition that, if the use is public, it be accompanied by an acknowledgement of the title of the work and its authorship except where the work is incidentally included in a broadcast;
- parody, pastiche, or caricature;
- educational use;
- copies made to replace or conserve library or archival copies of works;
- the inclusion in a film or a broadcast of an artistic work situated in a place where it can be by the public;
- the reproduction and distribution of copies of any artistic work permanently situated in a place where it can be viewed by the public;
- the incidental inclusion of an artistic work in a film or broadcast;
- the inclusion in a collection of literary or musical work which includes not more than two excerpts from the work, if the collection bears a statement that it is designed for educational use and includes an acknowledgement of the title and authorship of the work;
- the broadcasting of a work if the broadcast is approved by the broadcasting authority asan educational broadcast;
- any use made of a work in an approved educational institution for the educational purposes of that institution subject to the condition that, if a reproduction is made for any such purpose, it will be destroyed before the end of the prescribed period, or if there is no prescribed period, before the end of the period of 12 months after it was made.

3.6.6 What acts are not permitted in relation to copyright works?

The following can only be performed with the permission of the copyright owner:

- reproducing the work;
- publishing the work;
- performing the work in public;
- distributing the work;
- translating the work;
- making an adaptation of the work.

3.6.7 What is the duration of protection?

The duration of copyright protection is as follows.

1. Literary, musical and artistic works (other than photographs): 70 years after the end of theyear in which the author dies; in the case of government or a body corporate,70 years after the end of the year in which the work was first published.
2. Audiovisual works and photographs, and photographs: 50 years after the end of the year in which thework was first published.
3. Sound recordings: 50 years after the end of the end of the year in which the recording wasfirst made.
4. Broadcasts: 50 years after the end of the year in which the broadcast first took place.
5. In joint authorship work, reference to the death of the author shall be to the author who dies last.

3.6.8 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed once its term has expired. At the end of the term of protection thework lapses into the public domain.

3.6.9 Notes

- Collecting Societies are available for each genre of copyright work to aid copyright owners with the collection of royalties and granting of licences.
- The Copyright Act recognises and protects foreign copyright by authors from countries that have signed treaties with Nigeria.
- However, judicial precedents have shown that there are preconditions before such foreign copyright will be granted protection. One of these conditions requires that on the date of the first publication of the work, at least one of the authors is a citizen of or domiciled ina country that is a party to an obligation in a treaty or other international agreement to which Nigeria is a party.
- Contact the Nigerian Copyright Commission (NCC) here: https://copyright.gov.ng/general-copyright-inquiry/