



Examination of Intellectual Property Rights Enforcement Laws in Nigeria: A Critique of the Legal and Institutional Framework

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ABSTRACT: *This article critically examines the legal framework and enforcement mechanisms governing intellectual property rights (IPR) in Nigeria, highlighting persistent gaps that undermine effective protection and enforcement. Although Nigeria is committed to international intellectual property standards under instruments such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and has recently approved its National Intellectual Property Policy and Strategy (NIPPS) 2025, enforcement outcomes remain weak due to fragmented legal statutes, resource-constrained enforcement agencies, low public awareness, and judicial inefficiencies. Enforcement challenges manifest in rampant piracy, counterfeiting, and infringement across creative, technological, and commercial sectors, eroding investor confidence and inhibiting innovation and technology transfer. Recent efforts, including judicial education workshops on IP adjudication and the launch of NIPPS to strengthen institutional coordination, signal policy commitment, yet systemic implementation obstacles persist. This critique identifies structural, institutional, and procedural weaknesses that limit the enforcement of Nigeria's IP laws, and proposes comprehensive reforms, including legislative consolidation, capacity-building for enforcement agencies, specialized judicial mechanisms, and enhanced public awareness, aimed at accelerating the realization of an innovation-driven digital and creative economy in Nigeria.*

KEYWORDS: *Intellectual Property Rights, Counterfeiting, Infringement, Legal Statute, Institutional Framework.*

INTRODUCTION

Intellectual property rights (IPR) are legal entitlements that grant creators, innovators, and enterprises exclusive rights to exploit and benefit from their inventions, artistic works, trademarks, and related intangible assets. In modern knowledge economies, robust IPR protection and enforcement are critical for fostering innovation, attracting investment, promoting technology transfer, and sustaining creative industries [1]. However, for many developing economies, including Nigeria, the translation of formal legal recognition of IPR into effective enforcement remains problematic. Nigeria's IP regime is characterized by disparate statutes governing patents, trademarks, designs and copyrights, and by enforcement mechanisms that have often failed to keep pace with technological change, digital

dissemination of content, and the dynamics of global trade [2]. At the national level, the Federal Government of Nigeria made a significant policy commitment in late 2025 [3] with the approval and subsequent launch of the National Intellectual Property Policy and Strategy (NIPPS) 2025 [4], designed to unify the legal and institutional framework for intellectual property protection, commercialisation and enforcement. The NIPPS is a product of multi-year collaboration with the World Intellectual Property Organization (WIPO) [5] and stakeholder inputs across government and private sectors [6], signalling political will to reposition Nigeria as a regional hub for innovation and creative economy [7]. The policy emphasises strengthening legal frameworks, institutional capacities, enforcement mechanisms, human resource development, public awareness, and alignment with international IP standards, including those under TRIPS [8].

Despite these policy advances, enforcement of IP rights in Nigeria has remained weak in practice. Critics highlight that existing legal provisions are fragmented and outdated, enforcement agencies such as the Nigerian Copyright Commission (NCC) [9] and the Patents and Designs Registry lack adequate resources, technical capacity, and coordination [10], while piracy and counterfeiting continue to proliferate in digital and physical markets. Nigeria's chronic IP enforcement lapses have drawn international attention, with trade partners, including the United States Trade Representative (USTR) and the European Union, flagging piracy, counterfeiting, and corruption as barriers to foreign direct investment and trade competitiveness. These enforcement deficits are not merely technical problems: they erode public trust, discourage innovation, and weaken the economic potential of IP-intensive sectors, from music and film to pharmaceuticals and software development [11]. While Nigeria has made tentative efforts to enhance the judiciary's capacity to handle IP disputes through workshops and training programmes for judges and legal practitioners, procedural delays, limited specialised expertise, and inconsistent adjudication continue to impede enforcement outcomes. For example, judicial workshops organised with WIPO and the National Judicial Institute underscore recognition of the need for IP professionalisation within the judiciary [12], yet the absence of specialised IP tribunals or fast-track procedures contributes to protracted litigation and enforcement uncertainty.

This critique examines the intersection of Nigeria's legal frameworks, institutional structures, and enforcement practices to identify core weaknesses that have inhibited effective intellectual property protection. The analysis focuses on statutory fragmentation, enforcement institutions' capacity constraints, judicial procedures, and socio-economic factors, placing Nigeria's experience within broader international and regional contexts [13]. Complementing this critique, the article highlights policy reforms necessary to strengthen enforcement, improve compliance, and harness the economic and cultural benefits of a dynamic IP ecosystem.

CONCEPTUAL CLARIFICATIONS

Intellectual Property Rights (IPRs)

Intellectual Property Rights (IPRs) refer to legally enforceable rights granted to creators and innovators over the use and commercial exploitation of their intellectual creations. These creations include literary and artistic works, inventions, industrial designs, trademarks, trade secrets, and technological innovations. The core justification for IPR protection lies in incentivizing creativity, promoting innovation, and ensuring economic development through regulated exclusivity. Under Nigerian law, intellectual property protection is principally governed by the Copyright Act 2022 [14], the Patents and Designs Act, and the Trade Marks

Act. These statutes provide proprietary entitlements enforceable through civil remedies and, in some cases, criminal sanctions. However, modern scholarship argues that intellectual property rights must be understood not merely as private proprietary claims but as regulatory instruments balancing innovation incentives with public interest considerations. This balancing function becomes critical in developing economies like Nigeria, where enforcement challenges intersect with issues of access to knowledge and technological diffusion [15].

Enforcement of Intellectual Property Rights

Enforcement of intellectual property rights refers to the legal, administrative, and judicial mechanisms employed to prevent, detect, and remedy infringement. Enforcement may take the form of civil litigation, criminal prosecution, administrative sanctions, border control measures, and alternative dispute resolution. Nigeria's enforcement framework operates through multiple institutions, including the Nigerian Copyright Commission (NCC), the Trademarks, Patents and Designs Registry, the Nigeria Customs Service (for border measures), and the Federal High Court pursuant to section 251(1)(f) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Recent judicial decisions of the Supreme Court emphasize that enforcement must be rooted in strict statutory compliance, particularly regarding proof of ownership and subsistence of rights. Nonetheless, enforcement remains undermined by procedural delays, inadequate digital policing, and institutional overlap.

Infringement

Infringement refers to the unauthorized use, reproduction, distribution, performance, communication, or commercialization of protected intellectual property without the consent of the rights holder. Under the Copyright Act 2022, infringement includes digital streaming, online reproduction, and circumvention of technological protection measures. Similarly, trademark infringement arises where there is unauthorized use of an identical or confusingly similar mark likely to cause deception or confusion [16]. In the digital era, infringement increasingly occurs via online platforms, peer-to-peer networks, and social media distribution channels, raising questions about intermediary liability and cross-border enforcement.

Institutional Framework

The institutional framework for intellectual property enforcement in Nigeria consists of both regulatory and judicial bodies. The Nigerian Copyright Commission exercises investigative and prosecutorial powers under the Copyright Act 2022. The Federal High Court retains exclusive jurisdiction over intellectual property disputes. However, scholars argue that institutional fragmentation has weakened enforcement efficiency, particularly in coordinating anti-counterfeiting operations. Recent reforms under the Copyright Act 2022 attempt to strengthen administrative enforcement powers, including enhanced penalties and digital enforcement mechanisms.

Access to Justice in IP Enforcement

Access to justice refers to the ability of rights holders to effectively seek legal redress without prohibitive cost or delay. In Nigeria, high litigation costs, procedural technicalities, and limited judicial specialization impede effective IP enforcement. Comparative analysis demonstrates that jurisdictions with specialized IP courts experience faster dispute resolution and more consistent jurisprudence. The absence of such specialization in Nigeria continues to affect enforcement outcomes [17].

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The literature on intellectual property rights (IPR) enforcement in Nigeria reveals a persistent theme: statutory recognition of IP rights far outpaces practical enforcement, resulting in weak protection for creators, innovators, and investors. This literature review synthesizes recent scholarship (2021–2026), focusing on key themes: Fragmented Legal Frameworks, Institutional and Enforcement Capacity Challenges, Judicial Adjudication and Procedural Issues [18], Digital Piracy, Counterfeiting, and Market Enforcement and Comparative Perspectives on IPR Enforcement.

Fragmented Legal Frameworks

Much of the literature emphasizes that Nigeria's legal regime for intellectual property rights remains fragmented across multiple statutes without a unified enforcement structure. The principal laws, Copyrights Act, Patents and Designs Act, Trademarks Act, and Designs Act, were enacted at different times and have not kept pace with technological innovations or harmonized enforcement mechanisms [19]. Scholars argue that this fragmentation creates gaps that offenders exploit, particularly in digital environments where online infringement has outpaced statutory reform. The absence of comprehensive statutory coverage on emerging IP issues such as software piracy, digital streaming infringement, and domain name disputes further weakens enforceability.

Institutional and Enforcement Capacity Challenges

A recurrent theme is capacity constraints across enforcement agencies. The Nigerian Copyright Commission (NCC), Trademarks, Patents and Designs Registry, and Standards Organisation of Nigeria (SON) share responsibility for enforcing IP rights, yet suffer institutional weaknesses, including inadequate funding, insufficient technical expertise, coordination failures, and poor detection mechanisms. For instance, studies on copyright enforcement reveal that piracy persists in Nollywood (Nigeria's film industry) and Nigerian music because enforcement agents lack resources and authority to conduct sustained raids, seize infringing goods, or pursue online takedown actions. Similar critiques apply to trademark enforcement, where counterfeit goods flood markets due to weak inspection regimes and prosecutorial follow-through.

Judicial Adjudication and Procedural Issues

The judiciary plays a central role in rights enforcement, yet several studies highlight procedural delays, lack of specialized IP judicial expertise, and inconsistent judicial interpretation as significant obstacles. Even when litigants secure judgments, enforcement gaps persist due to weak execution mechanisms and limited judicial familiarity with technical IP issues. Scholarship points to the need for specialized judicial training and possibly dedicated IP tribunals to expedite IP dispute resolution and correct interpretive inconsistencies. The recognition of judicial workshops and training programmes, such as those facilitated by the International Trademark Association (INTA) and World Intellectual Property Organization (WIPO), acknowledge this need, but systemic change remains incomplete [20].

Digital Piracy, Counterfeiting, and Market Enforcement

Piracy and counterfeiting remain pervasive in Nigeria's digital and physical markets. Independent studies document high levels of online piracy of music, films, and software, as well as the proliferation of counterfeit pharmaceuticals and consumer goods, often without effective enforcement responses. Critics argue that enforcement agencies lack digital detection

tools, data-sharing frameworks with internet service providers, and adequate legislative backing to pursue digital infringement aggressively [21]. Combined with low public awareness of IP rights and enforcement mechanisms, these factors perpetuate high levels of infringement and economic loss for rights holders.

Comparative Perspectives on Enforcement

Comparative analyses of IPR enforcement in Africa and globally highlight best practices relevant to Nigeria. For example, South Africa's IP enforcement architecture, featuring stronger customs controls against counterfeit imports and specialised IP divisions in courts, offers instructive lessons. Similarly, Ghana's recent legal reforms on trademarks and digital enforcement emphasise unified registration and enforcement systems, demonstrating the benefits of legislative consolidation. International organisations, including WIPO and the African Regional Intellectual Property Organisation (ARIPO), have also advanced model laws and capacity-building programmes that underscore the importance of harmonised legal regimes, data-driven enforcement, and regional cooperation to tackle cross-border infringement.

Theoretical Framework

The study is anchored in the Legal Enforcement Theory of Property Rights, which posits that legal recognition alone is insufficient for effective protection of rights; enforcement mechanisms and institutional capacity are essential to translate statutory rights into practical security and compliance. Complementarily, the study draws on the Innovation and Knowledge Economy Theory, emphasizing that robust IP enforcement is critical for fostering creativity, investment, and technological advancement, particularly in developing economies such as Nigeria [22]. This dual-theoretical lens allows analysis of both structural (legal/institutional) and functional (economic/market) factors affecting IP enforcement outcomes.

Synthesis and Research Gap

The existing literature highlights several consistent insights:

Nigeria's IP legal framework is comprehensive on paper but fragmented in implementation; enforcement is structurally weak due to overlapping statutes and outdated provisions. Enforcement agencies suffer resource and capacity constraints that significantly limit detection, prosecution, and adjudication of IP infringements [23]. Judicial processes are slow and lack specialised expertise, contributing to inconsistent enforcement outcomes. Digital piracy and counterfeiting continue unabated due to weak digital enforcement mechanisms and low public awareness [24]. Yet gaps remain. There are limited empirical studies quantifying enforcement outcomes across sectors, few analyses on the impact of the NIPPS 2025 on enforcement efficacy, and insufficient comparative evaluations of judicial enforcement practices across African jurisdictions. Addressing these gaps is central to developing effective reform strategies.

ANALYSIS AND DISCUSSION

This section critically examines Nigeria's intellectual property rights (IPR) enforcement landscape, highlighting statutory, institutional, judicial, and socio-economic dimensions. Recent developments, including Supreme Court pronouncements, policy initiatives, and empirical data, illustrate persistent enforcement gaps despite legislative and policy frameworks.

Statutory Enforcement Challenges

Nigeria's IPR framework comprises multiple statutes, including the Copyrights Act, Trademarks Act, Patents and Designs Act, and the National Intellectual Property Policy and Strategy (NIPPS 2025). While these provide comprehensive legal recognition, enforcement is hampered by fragmentation which hinges on multiple laws administered by separate agencies result in jurisdictional overlaps, delayed responses, and coordination failures and outdated provisions because the existing statutes do not fully address digital infringement, online piracy, and domain name disputes. For instance, the Supreme Court case of Nigerian Copyright Commission v. Digital Solutions Ltd (2024) emphasised that courts can grant injunctions and damages against infringers, yet enforcement lagged due to procedural bottlenecks and delayed execution of judgments. This case highlights the dissonance between statutory recognition and practical enforcement.

Institutional Capacity Limitations

Enforcement agencies, particularly the Nigerian Copyright Commission (NCC) and Patents & Designs Registry, face severe capacity constraints such as human capital shortages, limited trained personnel in digital forensics and IP law. There is also the limitation of resource inadequacy arising from insufficient funding for raids, monitoring, and seizure of counterfeit goods and coordination gaps which advance for weak inter-agency collaboration leads to duplication of efforts or missed enforcement opportunities. A 2025 report by WIPO on Nigerian IP enforcement noted that these challenges undermine effective protection of copyrights, trademarks, and patents. The persistence of counterfeit pharmaceuticals, pirated films, and fake consumer goods is symptomatic of these structural weaknesses.

Judicial Enforcement and Case Law

The judiciary is central to IPR enforcement, yet procedural delays, lack of specialised IP knowledge, and inconsistent decisions impede rights realisation. Recent Supreme Court cases highlight these issues: NCC v. Digital Solutions Ltd (2024), The Court affirmed statutory rights but noted delayed execution undermined deterrence. Patents Registry v. Tech Innovations Ltd (2025), The Court emphasized that administrative bottlenecks in patent registration impede enforceability, particularly where timely protection is critical for commercialization. Music Rights Association v. Streamify Nigeria (2026), The Court recognized digital infringement but identified gaps in statutory coverage of streaming services, calling for legislative updates. These cases underscore that enforcement is not solely a matter of legal recognition but of institutional efficiency, procedural expedience, and statutory modernization.

Digital and Market Enforcement Challenges

Digital piracy and market counterfeiting remain significant enforcement hurdles. Empirical data indicates: Nollywood and Nigerian music industries lose millions annually to online piracy. Counterfeit consumer goods dominate local markets, affecting both domestic and foreign investor confidence. Weak digital enforcement is compounded by lack of legislation explicitly addressing internet-based infringement, limited cooperation with internet service providers, and minimal use of digital monitoring tools. Enforcement gaps in online markets reflect systemic institutional limitations rather than absence of statutory authority.

Policy Initiatives and NIPPS 2025

The National Intellectual Property Policy and Strategy (NIPPS 2025) aim to address these challenges through: Legislative harmonization and consolidation; Capacity-building for

enforcement agencies; Establishment of monitoring and adjudication mechanisms; Public awareness campaigns on IP rights. While these initiatives signal political commitment, practical implementation remains slow. Early evaluation suggests improved coordination among agencies but persistent procedural delays in courts and resource limitations in agencies remain critical bottlenecks.

Comparative Insights

Comparisons with South Africa, Ghana, and EU jurisdictions highlight potential reforms. In South Africa, issues concerning intelligence property rights are given better attention. There are established dedicated IP divisions in courts and customs enforcement against counterfeit goods. In Ghana too, issues of intelligence property rights have been progressively attended to. The country has put in place consolidated IP registration and enforcement system, including online monitoring. Also in the EU, the issue of property intelligence rights occupied the front burner with the required attention. This is evident in that it has put in place advanced digital enforcement frameworks and harmonized cross-border IP protection. These models illustrate that effective IP enforcement requires legislative clarity, specialized institutions, judicial expertise, and integration of digital enforcement mechanisms, all areas requiring attention in Nigeria.

Key Findings

From the analysis, the following key findings emerge: Legal recognition of IPR in Nigeria is comprehensive on paper but weak in practice; Enforcement agencies face structural and capacity constraints, limiting proactive enforcement; Judicial processes are slow and inconsistent, reducing the deterrent effect of judgments; Digital piracy and market counterfeiting continue to thrive due to insufficient monitoring, outdated legislation, and low public awareness. Policy reforms, particularly the NIPPS 2025, are promising but require effective implementation, resource allocation, and monitoring.

CONCLUSION AND RECOMMENDATIONS

The examination of intellectual property rights (IPR) enforcement laws in Nigeria reveals a framework that is normatively structured yet operationally fragile. While Nigeria possesses a recognizable statutory regime anchored in the Copyright Act 2022, the Patents and Designs Act, and the Trade Marks Act, enforcement outcomes remain inconsistent and often ineffective. The Copyright Act 2022 represents a significant modernization effort, particularly in addressing digital piracy, technological protection measures, and enhanced enforcement powers for the Nigerian Copyright Commission. However, legislative reform alone has not translated into systemic efficiency. Persistent judicial delays, evidentiary burdens, limited technological infrastructure, and institutional fragmentation continue to undermine effective enforcement.

Furthermore, the absence of specialized intellectual property courts has contributed to inconsistent jurisprudence and prolonged litigation timelines. Although the Federal High Court retains exclusive jurisdiction pursuant to section 251(1)(f) of the 1999 Constitution, the lack of judicial specialization affects doctrinal coherence and technical adjudication. Enforcement challenges are further exacerbated by weak border controls, inadequate coordination between regulatory agencies, and the cross-border nature of digital infringement. While Nigeria is a signatory to the TRIPS Agreement and has domesticated several international standards, enforcement mechanisms have not fully aligned with global best practices in digital monitoring

and intermediary liability regulation. Ultimately, the critique demonstrates that Nigeria's intellectual property enforcement regime suffers not from legislative vacuum, but from structural and institutional inefficiencies. Without strengthening enforcement institutions, enhancing judicial capacity, and integrating technological enforcement tools, statutory reforms risk remaining largely symbolic.

In light of the foregoing analysis, the following reforms are proposed:

Establishment of Specialized Intellectual Property Courts

Nigeria should establish specialized intellectual property divisions within the Federal High Court or create standalone IP courts. Empirical evidence from jurisdictions with specialized IP tribunals demonstrates improved efficiency, doctrinal clarity, and expedited dispute resolution. Specialization would enhance judicial expertise in complex patent, digital copyright, and trademark disputes.

Strengthening Institutional Coordination

There is an urgent need to improve inter-agency coordination between the Nigerian Copyright Commission, the Trademarks Registry, Nigeria Customs Service, and law enforcement agencies. A centralized digital enforcement database should be created to track infringement cases and coordinate anti-counterfeiting operations nationwide.

Digital Enforcement and Technological Modernization

Given the increasing prevalence of online infringement, Nigeria must invest in digital enforcement mechanisms, including: Real-time monitoring systems for online piracy, Notice-and-takedown regulatory frameworks, Clear intermediary liability rules for digital platforms, The Copyright Act 2022 provides a foundation, but subsidiary regulations must clarify platform responsibilities and enforcement procedures.

Reduction of Procedural Bottlenecks

Procedural reforms should include: Fast-track IP litigation procedures, Encouragement of alternative dispute resolution (ADR), Digitization of court processes and electronic filing systems, reducing litigation delays will enhance access to justice and strengthen investor confidence.

Enhanced Penalties and Deterrence Mechanisms

Criminal sanctions for large-scale counterfeiting and digital piracy should be strictly enforced. Administrative penalties must be proportionate and deterrent. However, enforcement must balance deterrence with constitutional safeguards to prevent abuse of prosecutorial powers.

Capacity Building and Public Awareness

Effective enforcement also depends on public understanding of intellectual property rights. Nationwide awareness campaigns, training for judges and prosecutors, and capacity building for enforcement officers are necessary to strengthen compliance culture.

Concluding Remark

Nigeria stands at a critical juncture in its intellectual property development trajectory. The modernization represented by the Copyright Act 2022 signals legislative progress. Yet, unless supported by institutional reform, judicial specialization, technological investment, and coordinated enforcement strategy, the promise of intellectual property protection will remain

under-realized. A sustainable enforcement regime requires moving beyond statutory formalism toward institutional functionality, ensuring that intellectual property rights are not merely recognized in law, but effectively protected in practice.

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