

INTELLECTUAL PROPERTY PRACTICE AREA HORIZON: 1.0

INTRODUCTION

Welcome to Babalakin & Co.'s **IP Horizon** - a trusted resource dedicated to guiding IP enthusiasts through the dynamic and evolving landscape of intellectual property law. Each edition will spotlight significant developments, regulatory updates and emerging trends shaping the intellectual property space in Nigeria.

As Regulatory frameworks continue to evolve, staying abreast of these changes is vital for businesses, creators and stakeholders engaged in Intellectual Property related activities. We aim to keep the public informed and equipped to navigate the regulatory world of intellectual property.



1. RECENT UPDATES FROM THE NIGERIAN REGULATORY BODIES

Trademark Registry

On 16th May 2025, the Trademark Registry (Registry) announced the release of two new Trademark Journals, Vol. 1 No. 1 (19th May 2025) and Vol. 1 No. 2 Online/Pre-IPAS (26th May 2025). These journals were released to provide public notice of trademark applications and to give interested parties, a chance to raise their objections to the registration of any new mark infringing on their rights. [Read here.](#)



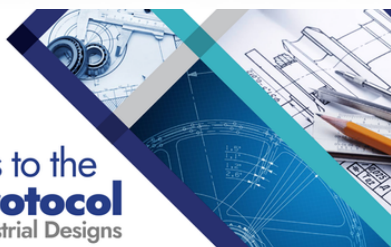
Digitalization of the Trade Registry started October 1st 2015, however there have been ongoing digitalization efforts, featuring improved issuance timelines of acceptance notices, streamlined oppositions, and newly discussed protocols for defensive trademark registrations to strengthen trademark protection and safeguard brand identity.

Patents and Designs Registry

Amendments to the ARIPO Harare Protocol took effect on 1st March 2025 and introduced changes to regional patent and design filings. Nigerian innovators and applicants must now assess whether to complement national filings with regional applications to secure stronger cross-border protection.



Amendments to the
Harare Protocol
on Patents and Industrial Designs



The Nigerian Copyright Commission (NCC)

The Collective Management Regulations (CMR), 2025, was released on January 28, 2025. The Regulations formally define the roles and responsibilities of Collective Management Organisations (CMOs), establish more rigorous governance structures, and provide enhanced protections and entitlements for rights holders. The CMR also significantly reinforces the NCC's supervisory authority, enabling it to ensure compliance, transparency, and institutional accountability within the sector.



The Proceeds of Crime (Designation of Nigerian Copyright Commission as a Relevant Organisation) Order, 2025, was released February 7, 2025 repealing the 2007 regulations and expanding the NCC's enforcement powers in recovering assets from criminal activities related to copyright infringement.



World IP Day - The NCC celebrated the annual World Intellectual Property Day on 26th April 2025 with the theme "IP and Music: Feel the Beat of IP". The NCC emphasized proper licensing for music users and pledged enhanced enforcement measures.

Warning to DJ's and event organiser's

In mid-2025, the NCC issued a warning to DJ's and event organisers against unauthorised public performances of music. Following this warning, NCC pledged to investigate and prosecute offenders under the Copyright Act, 2022.



Users of Copyright works to obtain performance licenses for the use of copyright - The Director General of NCC made a call in commemoration of the 2025 African Copyright and Collective Management Day in Abuja on 24th September 2025 to users of copyright works, especially in hospitality businesses, to obtain performance licenses for the use of copyright works from copyright owners to enable them benefit from their creativity.

National Agency for Food and Drug Administration and Control (NAFDAC)

NAFDAC has issued multiple public alerts and recalls in 2025, reflecting intensified enforcement efforts. On 5th May 2025, it warned against falsified Accu-Chek instant strips; on 3rd June 2025, it flagged an unregistered soap; and in August 2025, it issued alerts on falsified Oxytocin injections, counterfeit Postinor-2 on 22nd August 2025, and substandard Amoxivue



capsules on 6th August 2025. These measures demonstrate NAFDAC's sustained crackdown on falsified medicines, diagnostic products, and unsafe consumer goods. NAFDAC continues its investigations and sanctions against counterfeit diagnostic products and unregistered imports, with recent penalties imposed over circulation of fake Accu-Chek instant strips and 'fair child' soap.

Nigerian Film Commission (NFC)

NFC is focused on strengthening Nigeria's film industry through legal reforms. NFC led initiatives such as the Decasia 2025 Film Festival and established the National Film and Video Sound Archive as the official repository for Nigerian audio-visual content. NFC also advanced a National Audio-visual Archive Policy to strengthen content management.



The Nigerian film industry now operates under updated Copyright laws and the regulatory oversight of the National Film and Video Censors Board, with the 2025 Collective Management Regulations improving transparency in royalty administration. Alongside stronger copyright enforcement against piracy, these measures aim to protect filmmakers' rights, promote Nigerian cinema on the global stage, and underscore the NFC's pivotal role in both cultural preservation and legal governance.



National Film and Video Censor Board (NFVCB)



The NFVCB announced a crackdown on skit makers and online content creators releasing videos without NFVCB's prior approval and issued a specific warning against same-sex content, which remains illegal under Nigerian law. Additionally, in June 2025, the Board approved 151 movies for public exhibition across diverse languages and age ratings, exhibiting the industry's growth and diversity. The approved list is dominated by films in English-language, with Yoruba, Igbo, and other language films also featured. The board also announced plans to publish a three-volume catalogue of all Nigerian films and videos registered and classified since the beginning of the video era, with the first volume covering films released from 1994 - 2004, all in a bid to better document Nollywood's history.

Nigerian Customs Service (NCS)



The NCS recorded over 3,500 seizures in 2024 and maintained momentum into 2025 with headline interceptions, including a major pharmaceutical seizure at Onne Port on 18th July 2025. These seizures underscore Customs' increasing collaboration with NAFDAC and SON in combating counterfeit imports.

Nigerian Communications Commission

In July 2025, the NCC introduced a new licensing framework for Application-to-Person (A2P) messaging services, alongside reforms in its broader telecom licensing framework. The new rules are intended to reduce fraud, spam, and illicit bulk messaging, while safeguarding consumer communications.



Copyright Society of Nigeria (COSN)



The Nigerian Copyright Commission (NCC) has renewed the license of the COSN. This renewal allows Musical Copyright Society Nigeria (MCSN) continue to operate as a Collective Management Organization (CMO) for musical works and sound recordings.

The Musical Copyright Society Nigeria (MCSN)

On 7th June 2025, the NCC issued a statement mandating disc jockeys (DJs) to obtain a license from MCSN before performing music publicly. It was stated that failure to obtain a license constitutes as copyright infringement, punishable by a fine of N1,000,000 (One Million Naira) or imprisonment for a term of 5 years.



National Information Technology Development Agency (NITDA)



Nigeria is advancing a new citizen-led Online Harm Protection (OHP) Bill aimed at establishing a transparent, inclusive legal framework to tackle online harms, misinformation, and protect digital rights. The Bill proposes institutional mechanisms like an Online Harm Protection Centre, a Multi-Stakeholder Council, a Redress Panel, and an Independent Oversight Forum.

National Broadcasting Commission (NBC)

On its 33rd anniversary in August 2025, NBC reaffirmed its commitment to deepening Nigeria's digital transition, enhancing local content, and promoting professionalism and integrity in broadcasting. The Commission noted its evolution from analogue to digital broadcasting and pledged to adapt to new challenges, including artificial intelligence and online streaming, aiming for universal access, affordability, and inclusivity. NBC also emphasized collaboration with industry players for a vibrant, innovative broadcasting environment while promoting responsible broadcasting and curbing misinformation.



Federal Competition and Consumer Protection Commission (FCCPC)

The FCCPC inaugurated a Joint Inter-agency Committee to establish the National Digital Traceability Portal, designed to combat counterfeit products and improve supply chain transparency, with technology rollout expected later in 2025. In August 2025, the Commission also implemented new Digital Lending Regulations called the Digital, Electronic, Online or Non-Traditional Consumer Lending Regulations (DEON Consumer Lending Regulation), 2025 which significantly expands consumer rights, lender registration requirements, and data protection for financial service users.



2. ENFORCEMENT HIGHLIGHTS

In late August 2025, a dispute arose between two businesses using the name "Fastest Cakes", exposing the erroneous belief that registration of a company or enterprise with the Corporate Affairs Commission (CAC) alone automatically guarantees exclusive rights.



As part of the resolution process, the CAC formally wrote to the infringing business, acknowledging the prior trademark registration and directed the business to cease use of the name. This intervention affirmed the primacy of trademark rights over business name registrations, reinforcing that CAC registration does not confer proprietary rights over a brand.

In early October, the Nigerian Copyright Commission (NCC) raided several bookshops in Lagos and Ibadan State, confiscating pirated and unauthorized books valued at over ₦100 million. The raid was carried out pursuant to the NCC's designation as the relevant authority for recovering assets derived from criminal activities related to copyright infringement. This operation forms part of the government's ongoing efforts to curb copyright violations, which have begun to yield positive results through coordinated enforcement actions, arrests, and prosecutions of offenders involved in the illegal reproduction, sale, and distribution of creative works.

3. CASE LAW

The Audio-Visual Rights Society of Nigeria (AVRS) recently secured a landmark victory in its enforcement efforts as the Federal High Court sitting in Abuja on 26th July 2025, affirmed its legal authority to license hotels and related establishments for the use of audio-visual works.



The judgment reinforces the provisions of the Copyright Act, 2022, which grants collective management organizations (CMOs) the mandate to administer rights on behalf of copyright owners and to ensure that users of audio-visual content, such as films, TV shows, and other protected works, obtain proper authorization before public performance or broadcast.

The Zap Africa v. Paystack dispute in March 2025 highlights key enforcement challenges in Nigerian trademark law, particularly the conflict between statutory rights and common law protections. While the Trademark Act 2004 makes registration a prerequisite for enforcement through infringement claims, the case illustrates how parties may still rely on the common law doctrine of passing off to assert rights based on prior use and brand goodwill. This dual pathway to enforcement underscores the need for comprehensive brand protection strategies that encompass both registration in the correct class, and proactive market presence. It also reveals the difficulties regulators and courts face in adjudicating claims where there is an overlap between the class the mark was registered, and evolving digital business models.

In March 2025, the Federal High Court delivered a significant decision in *Citilink v. MTN*, reinforcing key principles of trademark law in Nigeria. The Court confirmed its exclusive jurisdiction over trademark infringement cases, holding that pending proceedings before the Trademark Tribunal is not an automatic bar to civil actions for infringement. Importantly, the Court held that Citilink's rights in the "WEBPLUS" mark remained valid despite a lapse in renewal, as late renewal is permitted under the Trademark Act. Once renewed, the mark retained full legal protection. On infringement, the Court found that MTN's use of "WEBPLUS" and "WEB+" created a likelihood of confusion, rejecting the argument that adding "MTN" made the marks distinguishable. MTN's defence of honest concurrent use also failed. Citilink was awarded ₦840,000,000.00 in damages, a perpetual injunction, and 15% post-judgment interest until payment. The ruling underscores the importance of timely trademark renewal and thorough clearance checks to avoid liability.

4. LEGISLATIVE AND POLICY DEVELOPMENTS



(i) The Minister of Industry, Trade, and Investment; Dr. Jumoke Oduwole, in July 2025 announced that the Federal Government was set to launch 'National Intellectual Property (IP) Policy & Strategy'.

(ii) On 3rd June 2025, the FCCPC inaugurated a Joint Inter-agency Committee with 23 agencies (NAFDAC, SON, NCS, ACC, etc.) to design a Digital Traceability Portal for supply chain transparency. The system will allow realtime product authenticity verification via mobile and web apps, with a complaint function to alert regulators and manufacturers of counterfeit products.

(iii) The NCC has introduced two new instruments; the Collective Management Regulations 2025 and the Proceeds of Crime (Designation of the NCC as a Relevant Organisation) Order 2025.

(iv) NOTAP reinforced its requirements for technology transfer agreement registration, ensuring that foreign licensing and tech - import deals are legally recognised in Nigeria.

5. PURPLE NEWS

Our team hosted a webinar on 25th April 2025 in celebration of World IP Day. In line with the theme; IP and Music: Feel the beat of IP, we had Andlyn Onwumere, *Head, Legal & Business Affairs, Mavin Global* discuss key concerns of intellectual property, particularly the rights of creatives, protection and enforcement of those rights.

[WEBINAR](#)



Several articles were published by members of the team on issues including trademark infringement and trademark protection and enforcement; A Review of Zap Africa & Paystack; An Intellectual Property Controversy - [Read here.](#)

A Review of the Judgment Delivered in *Citilink Access Corp Limited Vs. MTN Nigeria Communications Limited* & the Registrar of Trademarks, Patent & Designs – [Read here.](#)

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