

Nigeria and Trips: Positioning Nigeria for the Promotion of a Sustainable National Development

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Abstract: The TRIPS Agreement is focused on the reduction of distortions and impediments to international trade, promotion of effective and adequate protection of intellectual property rights and ensuring that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade. A major objective aimed to be achieved by the protection and enforcement of intellectual property rights is for such to contribute to the promotion of technological innovation and advancement in all spheres of life to the mutual advantage of producers and users of technological knowledge. Nigeria has adopted the TRIPS articles as a base for the laws on protection and enforcement of intellectual property rights. This paper therefore reviews how Nigeria has benefitted from its application of the TRIPS regime in her intellectual property law system, the challenges and setbacks as well as areas requiring boost to bring Nigeria IP regime in tandem with international standards.

Key words: TRIPS, sustainable national development, uruguay round of trade, positioning nigeria, law of protection

INTRODUCTION

Intellectual property is a creation of some minds or one mind and consequently establishes accruing rights, but has implication on health, consumer protection, trade and commerce. Just like every other right created by law, when intellectual property rights are not effectively enforced or not enforced at all, it is as good as those rights do not exist. Intellectual property rights are recognized around the world as central to economic growth, protecting public health and encouragement to innovation. The competing factors to the above public interests sometimes appear to be the rights of the rights holders. These and more led to the Uruguay Round of Trade talks that brought about the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). TRIPS is an international agreement administered by the World Trade Organization (WTO) that sets down minimum standards for many forms of Intellectual Property (IP) regulation as applied to nationals of other WTO members. Nigeria is one of the WTO members that apply the TRIPS articles as bedrock of enforcement of IP rights internationally. The introduction of TRIPS Agreement has impacted tremendously on Nigeria in various spheres of life and if continued to be fully utilized by Nigeria, should promote economic growth and enhance national development (Adediji, 2011; Anzaki, 2013; Blakeney, 2004).

The purpose of this paper therefore is to examine why and how Nigeria could benefit from its application of the TRIPS regime in her intellectual property law system. To address this objective, the remaining part of this paper is structured as follows: The next section provides a brief background on TRIPS; This is followed by a discussion of Nigeria's relationship with TRIPS, with examples of TRIPS articles incorporated into Nigeria Intellectual property laws. This is followed by a discussion of the benefits of TRIPS to Nigeria, before highlighting the particular economic sectors that could exploit more the potentials of TRIPS towards national development. Then a discussion of the possible legal limitations inventors and right owners should expect in the application of the TRIPS in Nigeria. For example the compulsory licensing limitations which are allowed for national interest and related matters. The paper then examines legal and socio-political changes needed to boost the efficiency of our intellectual property regime in line with international standards like TRIPS. Finally the paper concludes with a reiteration of discussions so far and highlights of particular contribution and recommendations (Colstone, 1999; Ozioko, 2005).

AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS – TRIPS

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is to date the most comprehensive multilateral international agreement on

intellectual property. It is the extant most comprehensive multilateral agreement because prior to its coming into effect on 1st January 1995, there were (and are still) in existence several conventions that dealt on a specific aspect of intellectual property. Some of these are: the Paris Convention for the protection of industrial property, the Berne Convention for the protection of literary and artistic works; Rome Convention for the protection of performers, producers of phonograms and broadcasting organizations etc. The TRIPS Agreement covers more areas of intellectual property than any of these aforementioned. The areas of intellectual property covered by the TRIPS Agreement are: copyright and related rights (i.e., rights of performers, producers of sound recordings and broadcasting organizations); trademarks including appellation of origin; industrial designs; patents including the protection of new varieties of plant; the layout designs of integrated circuits; and undisclosed trade secrets and data (WHO, 2005).

The economic potential for intellectual property has for a very long time ago transcended national boundaries. International cooperation is necessary for a realistic exploitation of that potential without which the economic potential of intellectual property will lay waste or be adversely exploited in a way disadvantageous to the creators of the intellectual property works and in turn adversely affects the State. A proper protection of intellectual property works and its creators cannot only be had within national borders. Globalisation has made the full enjoyment and exploitation of intellectual property rights dependent on international cooperation for their existence, especially in establishing 'Minimum Standards' and enforcement (WTO., 1995.). It is based on this that an Agreement such as TRIPS was evolved. There is a general understanding that intellectual property rights are a legitimate subject of international legal discipline. This general consensus is supported by Article 27(2) of the United Nations Universal Declaration of Human Rights which proclaims that "everyone has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is the author."

The general goals of the TRIPS Agreement are contained in the preamble of the Agreement which reproduces the basic Uruguay Round negotiating objectives established by the 1986 Punta del Este Declaration and the 1988/89 Mid-Term Review. The negotiations of the TRIPS Agreement began with the Ministerial Conference of the General Agreement on Tariffs and Trade (GATT) in Punta del Este, Uruguay held in September 1986. The conference came at a critical point in time when the negotiation between developed and less developed countries over the revision of the Paris Convention for the Protection of Industrial Property (Paris Convention) was at a deadlock at the World Intellectual

Property Organisation (WIPO). During that ministerial conference, the GATT contracting parties set out their negotiating objectives for the now Uruguay Round which included the establishment of a new multilateral intellectual property agreement (Willis, 2013).

The major reasons for the creation of the TRIPS Agreement as captured in the preamble to the Agreement, in the main includes, the reduction of distortions and impediments to international trade, promotion of effective and adequate protection of intellectual property rights and ensuring that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade (Antor Piller ???). The objectives aimed to be achieved by the protection and enforcement of intellectual property rights is for such to contribute to the promotion of technological innovation and to the transfer and dissemination of technology to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare and to a balance of rights and obligations (Antor Piller, 1976).

The TRIPS Agreement was adopted in January 1995 during the World Trade Organization Round of Negotiations sponsored by the General Agreement on Tariffs and Trade (GATT). GATT defined international trade relations until 1994 when at the Uruguay Round of Negotiations the understanding for the creation of a truly international trade organization manifested itself. With the signing of the Marrakesh Agreement on January 9 1995, the World Trade Organization (WTO) came into existence. The WTO Charter contains four Annexes which deals substantively on the rules for the regulation of international trade relations. The TRIPS Agreement is contained in Annex 1c of the WTO Charter. Generally, the TRIPS Agreement provisions could be broadly divided into three viz: it prescribes minimum standards for each of the main areas of intellectual property covered by it; it prescribes modes of enforcement and it also makes provisions for dispute settlement subject to WTO's dispute settlement mechanisms (???)

Finding a balance in the protection of intellectual property between the short term interests in maximizing access and the long term interests in promoting creativity and innovation is not always unproblematic. Doing so at the international level is even more cumbersome than at the national level. The TRIPS Agreement emerged from a negotiating process where the need for balance was very much to the fore. Notwithstanding the objective of TRIPS Agreement as captured in Article 7, the Agreement still raises some controversies especially in the area of patenting of pharmaceutical products. Prior to the Agreement, over 40 countries do not grant patents or any form of protection for innovation on pharmaceuticals [12]. The TRIPS Agreement has however obligated WTO members to grant patents on pharmaceutical products so

as to protect the innovators. As laudable as this may be (because it encourages innovation in medicines and helps the innovators to recoup their research expenses plus some profits) it has however created the problem of limited access to medicine and this is unfavourable especially to developing nations (???)

NIGERIA'S RELATIONSHIP WITH TRIPS AGREEMENT

Nigeria is a signatory to TRIPS Agreement since January 1995 and has implemented most of the obligations incumbent on her to perform. Nigerian intellectual property laws are consistent with the TRIPS Agreement. The scope of Nigerian intellectual property laws covers patents, copyrights, industrial designs and trademarks [14]. The intellectual property regime in Nigeria is a derivative of the 19th Century English Common law and doctrines of Equity and it is fast maturing into a great earner of foreign investments in Nigeria. Nigeria's quest to be one of the leading economies in the world led to its maintaining an investment friendly environment to attract foreign direct investment. This explains the government's efforts in bringing the intellectual property system in Nigeria at par with international practice and standard.

As earlier noted, Nigerian intellectual property laws broadly covers copyright, patents, trademarks and industrial designs. Copyright is a significant specie of intellectual property and it consists of literary works, musical works, artistic works, cinematographic films, sound recordings and broadcasts. Copyright in Nigeria is governed by the Copyright Act. The Nigerian Copyright Commission is the regulatory body charged with the responsibility of copyright administration in Nigeria. The Commission is an agency of the federal government under the ministry of trade, commerce and industry. The Commission has the power to establish or approve collecting societies authorized to collect dues, royalties and fees of copyright owners of the particular genre of work for which they are set up. The Commission also has copyright inspectors whose duty is in the main, the protection of copyright against infringement in Nigeria [15,16]. The Commission works in collaboration with other agencies like the Police, Customs service, NAFDAC, Manufacturers' Association of Nigeria, etc.

Trademark is a mark used or proposed to be used in relation to goods for the purpose of indicating a connection in the course of trade between the goods and some persons having the right either as proprietor or as registered user to use the mark. Trademarks are regulated in Nigeria by the Trademarks Act. The Act regulates trademark registration and practice in Nigeria. The Registrar of trademarks is statutorily charged with the responsibility of trademark registration and possession of the trademarks register. A proprietor of an unregistered

trademark cannot sue for infringement of his trademark like a proprietor of registered trademark does; he can only bring an action in passing off of goods at common law [17].

Patents and Designs are regulated by the Patents and Designs Act of 1970. Patents and industrial designs are registered by the registrar of patents and designs.

Aside these administrators of intellectual property rights created under the various laws mentioned above, there are other agencies concerned directly and indirectly with the administration of intellectual property in Nigeria, some of them are NAFDAC, Nigerian Customs Service, Nigerian Police Force, National Office for Technology Acquisition and Promotion (NOTAP) etc. Article 51 TRIPS Agreement empowers the Custom Service of Member nation to suspend the release of goods found to constitute an infringement of intellectual property right, upon application by the intellectual property right owner. This provision is replicated in section 44 of the Nigerian Copyright Act [18,19].

The Nigerian laws on intellectual property provide remedies for the intellectual property rights owner in event of infringement on his rights by a third party. Remedies like damages, injunctions including anton pillar injunction, rendering of account of profits and other forms of relief as the court may deem fit. This is in consonance with the provisions of the TRIPS Agreement in Articles 45 through 46. However, the TRIPS Agreement in Article 48 provides for indemnification of the defendant where the action against turned out to be baseless and has thereby deprived him of his own rights, this provision is not replicated under any intellectual property law in Nigeria. This is needful especially where an action against a defendant is malicious [19].

The Courts also play a recognizable role in the administration and enforcement of intellectual property. The TRIPS Agreement did not mandate members to create a separate court for enforcement of intellectual property rights. Therefore, in Nigeria such functions have been assigned to the Federal High Court.

BENEFITS OF TRIPS AGREEMENT TO NIGERIA

It suffices to state from the outset that the TRIPS Agreement helped to shape Nigerian intellectual property laws to be in accordance with international standards. The shaping of Nigerian laws to be in tandem with the TRIPS Agreement invariably encourages foreign investment in Nigeria. Foreign investors would like to be assured that whatever product they are bringing into the country will be protected just like it is protected in the country of its origin, thus they can benefit from the foreign priority provisions and get intellectual property protection in Nigeria. Foreign investment in Nigeria comes with huge economic benefits and raises revenue for the

government which will be used for national development. Foreign investment encouraged by favourable laws shaped by the TRIPS Agreement also has other benefits aside revenue. It leads to education of the locals and creates employment among the locals. Where a foreign investor come to do business in Nigeria with a new product or technology, Nigerians will be employed in the company and they will learn how to manufacture the product or work the technology such that at the expiration of the intellectual property protection, Nigerians can develop their own product or technologies based on the expertise gained from the foreign investor company.

TRIPS has also provided a means to help ensure that investments in research can reap financial rewards. Without this incentive, we might not be able to produce the medicines and technology that can help raise global standards of living. One of the driving forces for any person or company to engage in research to develop a solution to a particular need of life is the hope of gaining benefits with the result of the research. In other words, where a person has engaged in research and came up with a new technology or medicine he expects to not only recoup the cost and expenses of his research but also to gain profits therefrom. This is one of the things ensured by the TRIPS Agreement. Since by intellectual property right of patent, innovators are protected for certain number of years within which they hold the monopoly right to their invention and fix the price as they desire so as to get profits, people are encouraged to engage in research and develop new products. This will in turn enrich the nation's wealth of knowledge and worth. Such new technologies can be exported out of the country to other countries and in turn be a source of revenue to the country of origin as well. Thus, these incentives help improve innovation and encourage people to engage in creative thinking to develop new products and solutions to life's needs [20].

Another benefit of the TRIPS Agreement in Nigeria is that it creates employment. The intellectual property protection encourages foreign investors who have extant intellectual property rights to do business in Nigeria and when they come to do such business they have to employ Nigerians as staff and workers. Also, when a Nigerian is the creator or innovator, with the protection granted by the intellectual property laws, he can work the product in a commercial scale and thereby will employ workers. By so doing unemployment is reduced as people transit from the labour market to the workforce.

TRIPS: SPECIFIC SECTORIAL BENEFITS AND POTENTIALS IN NIGERIA

Aside from the general individuals and business/economic benefits there are specific sectors of the economy that benefits from the introduction of the

TRIPS agreement. One of those sectors is the film industry. The film industry is very susceptible to various forms of infringements. The industry spent huge amount of money and time in producing movies but they hardly recoup their resources and gain profits. This is because of the activities of third parties. Infringements on their rights could be by way of rental of cinematograph films, illegally mass producing copies of the films and offer for sale and so on. However, with the laws in place, these acts of infringements are curtailed. Article 11 of the TRIPS Agreement mandates Members to provide authors of cinematograph films and their successors in title the right to authorize or to prohibit the commercial rental to the public of originals or copies of their copyright works. Under section 6 of the Nigerian Copyright Act distribution of cinematograph films to the public by way of rental, lease, hire, loan or similar arrangement amounts to copyright infringement and is thereby prohibited. Suffice it to add that such infringement amounts to criminal offence and so many people have been successfully prosecuted and imprisoned or fined or sentenced to both such fine and imprisonment including forfeiture of the infringing copies based on this law. And this also applies to films produced outside Nigeria. In *Nigerian Copyright Commission v. Oba Okechukwu* the accused was charged for being in possession (other than for private use) and for the sale of 126 infringing copies of cinematograph films and musical works in DVD's, VCD's and CD formats in breach of section 20(2)(a) and (c) Copyright Act. The infringing works included foreign films and TV series with the titles: Hotel Rwanda, Prison Break and Black Death. The Federal High Court sentenced the accused to 3 months imprisonment for the sale of the 126 infringing copies of cinematograph films and musical works. A fine of 12,600 naira – that is 126 copies multiplied by 100 fine for each – and 3 months imprisonment sentence was handed down to the accused. The court thereafter ordered that the infringing copies be handed over to the Nigerian Copyright Commission for destruction in accordance with section 20(5) Copyright Act.

The Trado-medical industry is another sector that benefits from the introduction of the TRIPS Agreement. The grant of patent to medicines or pharmaceutical products encourages the traditional manufacturing of medicines with available herbs and roots. The incentives brought about by the intellectual property protection of patent encourages people to research with natural herbs and the likes and come up with medicine for treating certain ailments. After which the inventor can enjoy the monopoly thereon and derive benefits therefrom. This is a major driving force that encourages research into medicines [21].

The manufacturing industry benefits also from the introduction of the TRIPS Agreement. The industry

brings up new technologies to ease human work and such inventions are protected. Inventions are not just developed overnight, there must have been excessive research conducted, a form of production conducted including trial and error and at the end a new invention is developed. Aside this, the inventions developed are also used in industries to make process of manufacturing easy. It is one of the requirements of patentability that the invention must be capable of industrial application. Thus, the protection granted to inventors enables them to create machines and other forms of technologies which will be used in industries for manufacturing thereby making such patented inventions useful in the manufacturing sector.

Inventions are also very useful in the agricultural sector. Section 1 (2) (c) of the Nigerian Patents and Designs Act provides that an invention is capable of industrial application if it can be manufactured or used in any kind of industry, including agriculture. It is noticeable that there are so many mechanized equipments used in the agricultural sector these days. Agriculture has shifted from the traditional hoe and cutlass method of farming to the used of mechanized equipment and implements. These inventions are encouraged by grant of patents on each of the invention. At present, these machines and tools have made agriculture attractive and more profitable and less stressful. People are thus lured into agriculture because of the ease of farming [22].

Aside all these aforementioned sectors there are so many other sectors that benefits from TRIPS. In fact, virtually all sectors of the economy, including homes benefits therefrom. It is noteworthy to state that the ease of conducting elections, registration of voters and reduction of rigging in elections through the use of reliable direct data capture machines and collapsible boxes etc. are all as a result of patented inventions.

LIMITATIONS OF THESE BENEFITS AND EXPLOITATION OF THE TRIPS AGREEMENT

The TRIPS agreement in its various articles created rooms for members to provide exceptions to the exclusive rights of intellectual property rights holders. Articles 13, 17, 30 of the TRIPS Agreement obliges member nations to provide limited exceptions to the exclusive rights conferred by copyright, trademarks and patents respectively, provided that such exceptions do not unreasonably conflict with a normal exploitation of the work, trademark or patent as the case may be and do not unreasonably prejudice the legitimate interests of the patent owner, taking account of the legitimate interests of third parties. This is where the TRIPS Agreement tries to create a balance between the interests of the right owners and the legitimate interests of third parties. These exceptions and limitations allow the rights of the

intellectual property owners to be derogated upon certain circumstances. Where there is a competing interest with the interest of the rights holder, the interest of the right holder may be put on hold to solve the other competing interest. This can be done by granting compulsory licence to work the protected work to third parties other than the intellectual property owner himself. For example under patents, where there is a national emergency or where national interest is involved or where public policy demands, the government can grant compulsory licence to persons (including companies) other than the patent holder to mass produce the patented work so as to meet the requirements of the national emergency or national interest. In *Beddings Holdings Limited v. Independent National Electoral Commission* patent infringement suit, it took the decision of the Abuja High Court on 17th December 2010 to vacate an injunction restraining INEC from taking delivery of the Direct Data Capture equipments needed for voters registration exercise prior to 2011 general elections on the ground of overriding national interest. The plaintiff claimed inter alia, that its patent registered No. RP NG/P/2010/202 in respect of the Direct Data Capture machine had been infringed by the defendant. The Federal High Court *coram* Ibrahim Auta had awarded general damages of over 17 Billion to the patentee prior to the vacation of the order by another court for overriding national interest. Also in *Welcome Foundation Ltd. v. Lodeka Pharmacy and Anor* it was held that government agencies can order deliveries of patented products from other sources other than the patent owner.

Therefore it is obvious that the exclusive right of an intellectual property right holder is not absolute but can be used without the authorization of the right holder by government or third parties authorized by government. This is allowed under Article 31 of the TRIPS Agreement subject to certain conditions including payment of compensation in form of royalties to the patent holder [23].

WHAT CAN BE DONE TO IMPROVE TRIPS BENEFITS IN NIGERIA?

Article 41 of TRIPS places an obligation on members to make available in their laws, enforcement procedures that permit effective action against any act of infringement of intellectual property rights including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements. This is an area our Nigerian law is lagging behind. The penal sanctions contained in our Copyright Act are unreasonable and cannot thrive in modern times. They are insufficient to constitute a deterrent factor to prospective infringers. The Act was enacted in 1988 without any serious amendment till date. It is as obsolete as the

dinosaur and requires immediate revision to meet modern day realities. The judges cannot in enforcing the law go beyond the penal provisions in the law. This is why we see cases where the defendant upon conviction receives ridiculous sanctions. In *NCC v. Christian Chukwuneke* the accused was convicted on 1- count charge under Section 20(2)(c) Copyright Act and sentenced to 2 weeks imprisonment or fine of N1000 for possession of pirated DVD's. This form of punishment is no deterrence considering the amount of profits these infringers make out of their acts of infringements. Also, section 61 of the Trademark Act only provides that a person convicted for falsification of the Register will be liable to pay only N200. The absurdity of this penalty is in its climax especially when one considers the huge financial benefits made from piracy.

The Copyright Act made available the defence of innocent infringement to infringers. It is submitted that the defence of innocent infringement is antithetical to the fight against copyright infringement. The accused could easily adduce evidence or create a scenario to prove his innocence as was done in *Federal Republic of Nigeria v. Asika* where the defendant/infringer raised a defence of lack of knowledge of infringement and was left to go free. This has a damaging effect on the effectiveness of the law. As was demonstrated in the above case, it makes it difficult for the real infringers to be apprehended and punished. If a seller or marketer of infringing works is caught and prosecuted and he raises the defence of innocent infringer, it should be conditional the naming and identification of the producer of the infringing materials to ensure the apprehension of the direct infringer. But as it is now, the seller apprehended can easily raise the defence of lack of knowledge, name a non-existent producer he bought from and he will be acquitted. This played out in *FRN v. Asika* (supra).

Article 45 (2) of the TRIPS Agreement permits judicial authorities to order infringers to pay damages to right holders even where the infringer did not knowingly, or with reasonable grounds to know, engage in infringing activity. Nigerian laws should be revised to reflect this provision; infringement of intellectual property rights should be made strict liability offences, especially when it is shown that the infringer has derived financial benefits from the infringing activity. The law should toe the line of TRIPS and as dynamic as society. Pirates and counterfeiters have devised new ways to infringe and the most effective way to curb this menace is to make it financially unattractive to infringe. The only logical thing is that Nigerian laws should move with the society and not be redundant.

Secondly, stakeholders should be sufficiently educated on the evils of intellectual property rights infringements and its adverse effects on the economy of the nation. The theft of intellectual property is not yet

equated in the public mind with other offences against property, such as fraud, theft or trespass. Some see infringement of intellectual property rights as no wrong or offence. This is exacerbated by a failure of the public authorities and commercial organizations to communicate to the consuming public of the dangers from the use of unauthorized products and of the deleterious social welfare effects from this trade; and the imposition of inadequately deterrent penalties by the judicial authorities. It is noted that despite the efforts of agencies like NCC, people are still inadequately informed about IP, what amounts to infringement and how to desist from same. Massive education of stakeholders on the essence of intellectual property right protection is needed.

This public education should extend to Nigerian policy makers, the judiciary and enforcement officers. Part of the awareness programme should involve specialized training on enforcement for Nigerian judges and members of the Nigerian Police Forces, Chambers of Commerce, Industries, Custom Service, Standards Organization of Nigeria, Consumer protection Council and NAFDAC. This is very germane because intellectual property law, when compared with other traditional areas of law like criminal law, land and family law, is still untapped. The pathetic thing is that its enforcement suffers many hitches in Nigeria caused by a variety of reasons. Many people, even some right holders and enforcement officers are not aware of the existence of intellectual property rights and even if they are aware of its existence, they are not aware of the damaging implications of its infringement or how to enforce their rights.

Also government should pay more attention to talent development. Government should develop a policy of promoting new talents by creating an enabling environment for its fruitful exploitation and protection. Exhibitions and competitions should be hosted by government and other well-meaning institutions and prizes, grants or scholarships awarded to deserving participants. Expression of ideas like writing, music, acting and artistry should also be encouraged to develop talents. Talents have been harvested from such talent hunts and they are a rich source for employment opportunity, economic growth and national development.

Research fund for universities should be increased. More importantly, government should establish Research and Development institutes that will liaise with universities and inventors to protect, commercialise and expand the market for emerging inventions. This will help diversify the Nigerian economy and reduce the over reliance on oil and gas.

CONCLUSION

Various benefits to society are said to accrue from the imposition of temporary monopolies and other

limitations that result from private intellectual property rights. By instituting legal protection – tackling piracy and counterfeiting – the disclosure of new knowledge and creativity is encouraged and the significant costs associated with the creative process (such as with research and development) can therefore be recouped and remuneration earned. Innovation is thus both rewarded and promoted. The scope and reliability offered by a global IPR regime should be utilized to stimulate domestic innovation. Also the security offered to developed world patent holders should be properly utilized to encourage foreign direct investment, technology transfer and the diffusion of knowledge to the developing world.

TRIPS when properly applied in Nigeria is able to play this role in the overall promotion of trade and economic development. By rewarding and encouraging innovation, it facilitates international trade, spurs economic growth and enables technological progress and the dissemination of knowledge, ultimately benefiting both producers and users throughout the developed and developing world. Nigeria, should therefore, with reasonable limitations apply the principles contained in TRIPS agreement. In other words, the country should not make a wholesale application of TRIPS but in a manner that upgrades Nigeria IPR regimes to international standards and also give indigenous talents opportunity to flourish.

Accordingly, the main thrust and contribution of this paper has been to examine the possibility of enhancing national development through Intellectual Property rights promotions. Discussions so far has confirmed that Nigeria has the potential to develop further its IPR regime and that TRIPS is a good starting point and standard to follow. Particularly, this paper has highlighted some areas of Nigeria IPR regime that needs updating and has

suggested specific approaches at meeting this need. It is therefore recommended that the National Assembly, take a closer look at Nigeria IPR regime, update our laws were necessary and create an enabling environment for talent growth and national development.

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