

## **TRADEMARK**

**Legal Basis:**

- Trade Marks Act Cap. 436, Laws of the Federation of Nigeria 1990.
- Trade Marks Regulations 1967.

**Applicant:**

Anyone claiming to be the proprietor of a trademark may apply to the Registrar for the registration of the mark. Both National and foreigners have equal right in this regard but a foreign applicant must be represented by a local agent.

**Classification of Goods:** The International Classification of goods/services applies.

**Requirements:**

The Applicant must execute an Authorisation of Agent in favour of the local agent. This may simply be signed by an authorized officer of the Applicant stating the full name, registered address and Nationality of the Proprietor, Twenty (20) bromide prints or representation of the trademark [clients may provide electronic copies by e-mail).

**Examination:**

Examination is substantive. The mark is thoroughly examined as regards – (i) distinctiveness; (ii) similarity (or being identical) with existing trademarks on the Register of Trademarks; and (iii) compliance with the requirements of the Trade Marks Act.

## **PROCEDURE FOR REGISTRATION OF A TRADEMARK IN NIGERIA**

1. Conduct Availability Search (optional).
2. **Filing the Application:** An application is made in the prescribed manner to the Registrar of Trademarks.
3. **Acknowledgement of Application:** The Registrar, on receipt of the application, issues a letter of acknowledgement (i.e. Official Filing Receipt). The document contains all relevant filing details on the trademark (e.g. Temporary Number, date of application, the trademark etc.).
3. **Examination of the Application:** The Registrar examines the trademark for distinctiveness, identical/similarity with existing registered trademarks and general compliance with the requirements of the Law. Where the Registrar is satisfied, he issues a Notification of Acceptance for the mark to be advertised in the Trade Marks Journal for opposition purposes. Otherwise, the mark is refused and a Letter of Refusal is issued stating the reason(s) for the refusal.
  - 3.1. **Refusal of Application:** Where an application is refused, the Applicant through its local agent must apply for a hearing in the matter within two (2) months otherwise, the application will be deemed abandoned. The hearing is an ex-parte forum for the Applicant to lead evidence to persuade the Registrar to accept its application. Such evidence may include prior use, bad faith on the part of the proprietor of the cited mark, honest concurrent user etc.
  - 3.2. **Acceptance of Application:** If the Examiner is satisfied as to (3) above, the Registrar accepts the mark for advertisement in the Journal. Clients are advised that Trade Marks Journals are not regularly published in Nigeria and this accounts for the inordinate delay in the registration procedure in Nigeria. Publication of the Journal and advertisement of trademarks are at the absolute discretion of the Registrar

4. **Opposition Proceedings:** When a trademark is advertised, any person may within two (2) months from the date of the publication give notice to the Registrar, of opposition to the registration of the mark. Clients are advised to give opposition instructions timeously as any opposition filed after the expiration of the opposition period will be statute-barred.

The Registrar shall send a copy of the Notice of Opposition to the Applicant and the Applicant shall within one month of receipt of the Notice of Opposition, file a Counter-Statement of the grounds for which it relies for its application to be registered. Failure to file the Counter-Statement within the prescribed period will result in the application being deemed abandoned (at the application of the opponent). Where clients intend to contest the opposition, they are advised to file such counter-statement on time as the Nigerian law does not provide for extension of time within which to file a Counter-Statement.

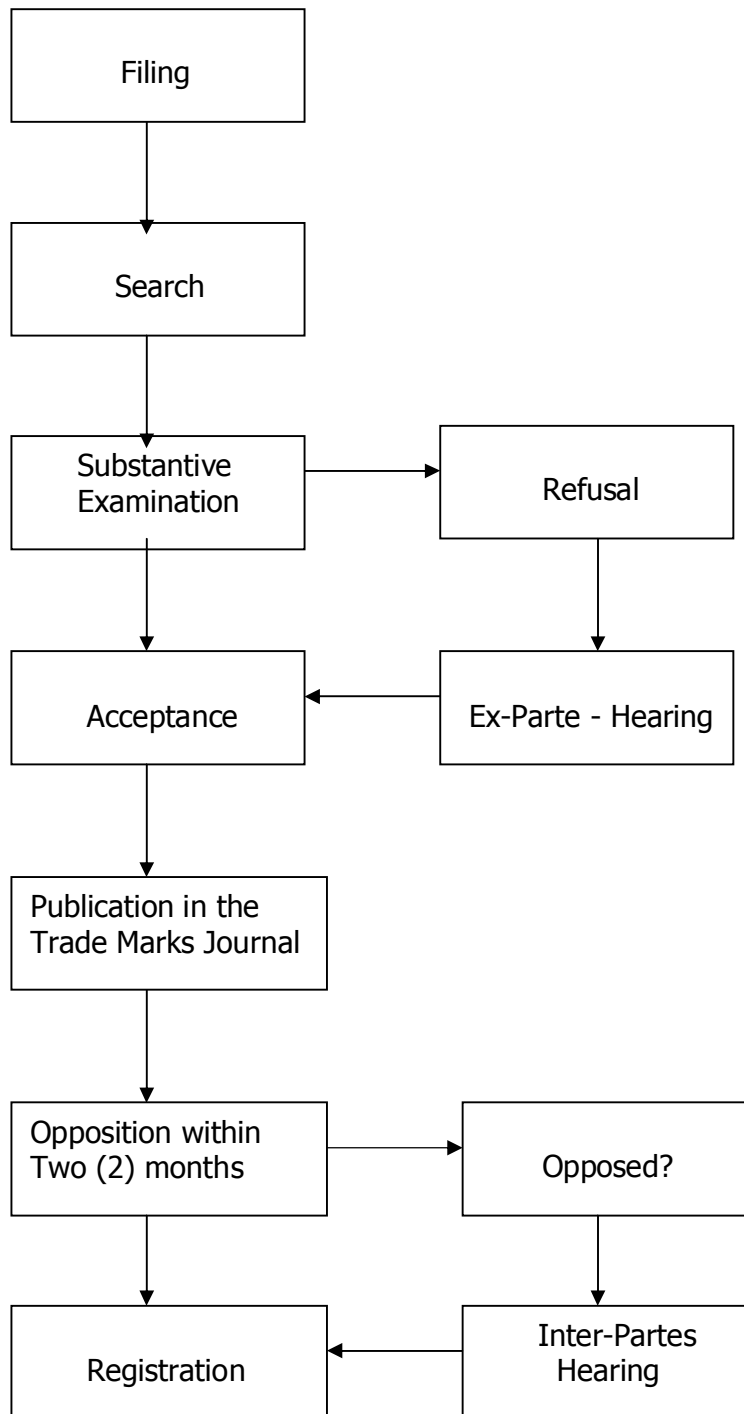
Where a Counter-Statement is filed, the Registrar shall furnish a copy thereof to the Opponent. The parties are required to lead evidence in form of Statutory Declaration and the Registrar shall, after hearing the parties, decide on whether the application should be registered or not.

The Registrar's decision shall be subject to appeal to the Federal High Court. The parties may further exercise their right of appeal to the Court of Appeal and finally to the Supreme Court of Nigeria.

**5. Registration**

Where no opposition is received at the expiration of the opposition period or the opposition is determined and resolved in favour of the Applicant, the Registrar is obliged to issue a Certificate of Registration for the trademark on payment of the prescribed fee. The registration date of the trademark will be the date of filing.

**PROCEDURE FOR REGISTRATION OF A TRADEMARK IN NIGERIA**



## **Term**

A registered trademark is valid for an initial period of seven (7) years from the date of filing and renewable thereafter for successive periods of fourteen (14) years.

## **Renewal**

Application for renewal of a trademark may be made to the Registrar in the prescribed manner, not more than three (3) months before the expiration of the last renewal. Renewal is for fourteen (14) years. A Certificate of Renewal is issued by the Registrar as evidence of payment of the renewal fee due at that period.

We have in the past been inundated with enquiries from clients on the validity of their pending applications that is due for renewal but has not been registered. Clients are advised that the renewal fee due on a mark cannot be paid until the mark is registered. Clients are therefore advised that they need not worry about the renewal fee until the mark has been registered. Accumulated renewal fee may be paid on registration of the mark.

## **Assignment of Trademarks**

A trademark is an incorporeal hereditament. A trademark may be assigned either with or without the goodwill attaching to it. A trademark may be assigned in respect of all or some of the goods in respect of which it is registered.

Trademark that are registered as or deemed to be associated trademarks under the law, shall be assignable and transmissible only as a whole and not separately.

Where a person becomes entitled by assignment or transmission to a registered trademark, he shall make application to the Registrar (in the prescribed manner) to register his title and the Registrar shall, on receipt of the application and on proof of title to his satisfaction, register the Assignee as the proprietor of the trademark.

A Certificate of Assignment is issued to the Assignee evidencing the transmission of the mark to him. In practice, the Registrar does not issue a Certificate of Assignment in respect of a pending application. However, such certificate may be issued simultaneously with the Certificate of Registration.

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To file application for recordal of assignment in Nigeria, the following documents are required –

- (i) Deed of Assignment - This must be executed by the Assignor and the Assignee. A nominal consideration of US\$2.00 is sufficient.
- (ii) Form 16 (Joint Request) - This is a Statutory Form to be executed by the Assignor and the Assignee. Where the Assignor, for one reason or the other is not available, Form 17 shall be executed by the Assignee and this suffices for purposes of assignment of the mark.
- (iii) Statement of Case - This should be executed by only the Assignee.
- (iv) Authorisation of Agent - One each to be executed by both the Assignor and the Assignee. It may not be legalized or notarized but simply signed by an authorized officer of the parties.

**Licensing of Trademarks (Registered User)**

There is provision under the Nigerian Trademark Law for the registration of a person other than the registered proprietor of a trademark as a Registered User. This may be in respect of all or some of the goods covered by the trademark. Where use of a trademark is material under the law, the permitted use by a registered user shall be deemed to be use by the proprietor.

In view of this, it is imperative that registered user agreement be registered in Nigeria to insulate the trademark against attack from third parties for non-use and secondly, in the event of infringement of the mark, the registered user can sue alone or jointly with the registered proprietor and this makes the prosecution of the case (i.e. evidential burden) easier.

At the termination of the Registered User, the proprietor should file application for cancellation of Registered User in which case, any subsequent use by the registered user will be an infringement of the trademark (i.e. not a permitted use).

In order to file application for Registered User in Nigeria, the following documents are required –

- (i) Registered User/License Agreement (Where the content of this agreement is confidential, we can provide a simple draft for client's use and this will suffice for purposes of recordal of the registered user).
- (ii) Form 47
- (iii) Statutory Declaration and Statement of Case
- (iv) Authorisation of Agent

### **Change of Name/Address of the proprietor**

Where there is a change in the name and/or address of the proprietor, such change may be recorded against the trademark. The proprietor may make application in the prescribed manner to alter its name and/or address on the Register of Trademarks.

The Registrar, if satisfied with the application, will issue a Proof of recordal of Change of Name/Address evidencing the recordal of such change in the Register.

To apply for the change of name of the proprietor of a trademark in Nigeria, we would require a Certified True Copy of the Certificate of Change of Name or any equivalent document (e.g. Extract of Company Register) issued by the appropriate authority in the proprietor's country of origin attesting to the change of name. Where such document is not in the English language, a certified English translation will be required.

No documentation is required to record a change of address of a proprietor on the Register.

### **Merger**

Where a party become entitled to a trademark as a result of a merger, application may be made to the Registrar in the prescribed form for the recordal of the merger. The Registrar will issue a Certificate of Merger as evidence of recordal of the merger on the Register of Trademarks.

The following documents are required to file application for merger in Nigeria –

- (i) Certificate of Merger or any equivalent document issued in the Applicant's country of origin.
- (ii) Form 17
- (iii) Authorisation of Agent.

### **Alteration of Registered Trademark**

The registered proprietor of a registered trademark may apply in the prescribed manner to the Registrar of Trademarks for leave to add to or alter the trademark in any manner not substantially affecting the identity of the mark. The Registrar reserves the right in appropriate circumstances to direct that such alteration be advertised in the Trade Marks Journal for opposition purposes.

Where the alteration is substantial, it is advisable that a new application be filed and such application should be associated with the existing registration.

### **Reclassification of Goods**

Application may be made in the prescribed manner for reclassification of goods from Schedule 3 to Schedule 4 of the International Classification of Goods.

The Registrar, in exercise of this power, shall not make any amendment that would have the effect of adding any goods or classes of goods to those in respect of which a trademark is registered.

We advise clients who registered under the old classification (Schedule 3) to review the goods covered by such registration with a view to abandoning trademarks with superfluous goods and save the cost of maintaining such duplication on the Register of Trademarks.

### **Rectification and Correction of Register**

Any person concerned who alleges –

- (a) that any entry has not been inserted in, or has been omitted from the Register; or
- (b) that any entry has been made in the Register without sufficient cause; or

- (c) that any entry wrongly remains on the Register; or
- (d) that any error or defect exists in any entry on the Register;

may apply to the Registrar or to the Court for an order expunging or varying the entry.

In practice, most rectification actions are made against trademark registered in bad faith or that has not been used in commerce, in respect of some or all the goods for which it was registered, for at least five (5) years as required by law.

### **Foreign Priority/Convention Applications**

The Law makes provision for an Applicant to claim priority of a foreign trademark application in Nigeria. However, the Minister has not designated any country as convention countries as required by law. In the circumstance, all applications are treated as non-convention at the Registry, even though such information is stated on the Certificate of Registration when issued.

### **Service Marks**

Service Marks are now registerable in Nigeria.

The Minister of Commerce, in exercise of the powers vested in him by virtue of Sections 42 and 45 of the Trade Marks Act and Regulation 5 of the Trade Marks Regulations, incorporated Service Marks into the classification of goods for purposes of registration of service marks in Nigeria.

Consequently, Applicants can now apply for registration of service marks in Nigeria in Classes 35 to 45. The Classification of Services under the Regulation are as follows:

- Class 35: Advertising and Business.
- Class 36: Insurance and Financial.
- Class 37: Construction and Repair.
- Class 38: Communication.
- Class 39: Material Treatment.
- Class 40: Education and Entertainment.
- Class 41: Education, providing of training entertainment, sporting and cultural activities.

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- Class 42: Scientific and technological services and research and design relating thereto, industrial analysis research services, design and development of computer, hardware and software.
- Class 43: Services for providing food and drinks, temporary accommodation.
- Class 44: Medical services, veterinary services, hygienic and beauty care for human beings or animals, agriculture, horticulture and forestry services.
- Class 45: Legal Services, security services for protection of property and individual, personal and social services rendered by others to meet the need of individual.

Clients and Associates can now file applications for registration of their service marks which were hitherto protected under Class 16.

### **The Trade Mark Registry**

The filing system at the Registry is very chaotic at the moment. This was due to the misplacement and/or mix-up of official files during the recent computerization exercise at the Registry.

We have taken proactive steps to resuscitate our files by reconstituting the files and persuading the Registrar to attend to and issue whatever official document is required on the temporary file. This has been largely successful.

### **Trade Marks Journal**

The greatest challenge facing Trademark Practitioners in Nigeria is the irregular publication of the Trade Marks Journal. There are, at the moment, thousands of application awaiting advertisement in the Journal.

Practitioners are however handicapped by the fact that the law gives the Registrar absolute discretion on publication and indeed advertisement of trademarks.

Be that as it may, we try as much as we can to ensure that quite a sizable number of our client's trademarks are advertised.

### **Service of Notice of Opposition**

The Law requires the Registrar to serve a copy of the Notice of Opposition on the Applicant. However, in practice, these Notice of opposition are rarely served by the Registrar as required by law. This results in opposition proceeding being kept in abeyance for a very long time.

We have adopted an effective strategy by liaising with the Registrar and seeking his consent to serve the opposition on the Applicant, at our expense. If the consent is not given, any purported service by the Opponent will not be effectual and will consequently be set aside on the application of the Applicant.

This method has largely been successful and has led to the offending trademark applications being declared abandoned because, more often than not, the Applicant never files a Counter-Statement (Reply).

### **CRIMINAL REMEDY FOR TRADEMARK INFRINGEMENT**

Apart from civil proceedings, the proprietor of a registered trademark can bring a criminal prosecution against an infringer of its registered trademark under the Merchandise Marks Act Cap. 117 Laws of the Federation of Nigeria (1958 edition) provided it prosecutes its infringer before the expiration of three years after the commission of the offense or one year after discovery thereof whichever expiration occurs first.

This may however be done in collaboration with the relevant law enforcement agencies who have the constitutional responsibility to initiate criminal proceedings against any person or body corporate.

### **NIGERIAN INTELLECTUAL PROPERTY COMMISSION (NIPCOM)**

The Federal Government recently established a new commission to oversee the administration of intellectual property matters in Nigeria. The commission, known as the Nigerian Intellectual Property Commission will function as a full-fledged regulatory and enforcement agency in charge of intellectual property administration.

With this development, the government has directed the integration of the Trademark and Patent Registry of the department of Commercial Law of the Federal Ministry of Commerce and Industry with the Nigerian Copyright Commission to form NIPCOM and the agency will now be under the supervision of the Ministry of Justice.

It is hoped that the policy shift will bring sanity into the administration of intellectual property administration in Nigeria.

## **PATENT**

**Legal Basis:** Patent & Designs Act, Cap. 344 Laws of the Federation of Nigeria, 1990

Patent Rules 1971.

**Applicant:** The Applicant may be the inventor or his Assignee who may be an individual or a corporation. The right to a patent in respect of an invention is vested in the statutory inventor, that is to say, the person who, whether or not he is the true inventor, is the first to file or validly claim a foreign priority for a patent application in respect of the invention.

Patents are granted under the Nigerian Law at the risk of the Patentee and without guarantee of their validity.

**Novelty:** No publication or use of the invention in Nigeria or elsewhere before the date of application.

**Examination:** No substantive examination. Examination is as to form only. Once the documentation are complete and in order, the Patent is granted without further examination.

**Term:** Twenty (20) years from the date of filing. Renewable annually. It can still be renewed within six (6) months after grant but with a penalty.

**Convention:** Application based on a foreign patent must be filed within one (1) year of the filing of the basic application. The priority documents (certified true copy of the basic application) must be filed within three (3) months of the filing of the Nigerian application. If the basic application is made in non-English language, a sworn English translation of the certified copy is required.

**Information required:** The following information is required on the application form –

- Full name of the Applicant
- Street Address of the Applicant
- Nationality of the Applicant
- The inventor(s) [whether Applicants or not]
- Applicants in convention priority country
- Convention priority dates
- Country in which basic application was filed
- Date of any assignment of right in the convention country; and
- Title of the invention

**Documents Required:** The following documents are required to file a patent application –

- (a) Three (3) copies of specification and claims in English Language
- (b) Patent Form 1A or 1B
- (c) Authorisation of Agent
- (d) Assignment of Invention
- (e) Four (4) copies of drawings in thick A4 paper if any).

**PCT Application:** Nigeria signed the Patent Cooperation Treaty (PCT) on May 5, 2005.

The Nigerian Constitution requires that any International Treaty to which the country accedes must be passed by the Legislature as a domestic law before it can take effect as a law in Nigeria. This has not been done. Furthermore, the Registrar has not made any rule or given any practice direction on how the PCT will be implemented.

In the circumstance, PCT applications are still filed and processed as ordinary patent applications.

We are aware that the Federal Minister of Justice is compiling all International Treaties Nigeria acceded to with a view to forwarding them to the National Assembly for promulgation as local law.

Clients and Associates would be promptly informed as soon as the local legislation is passed.

**Litigation:** Parties may file suits at the Federal High Court for infringement of patent right or nullification of a Patent. All such relief in infringement of proprietary rights as damages, injunction, accounts etc. are available to the Plaintiff.

## **INDUSTRIAL DESIGN**

**Legal Basis:** Patent & Designs Act, Cap. 344 Laws of the Federation of Nigeria, 1990.

Designs Rules 1971

**Applicant:** Any person claiming to be the owner of an industrial design may apply in the prescribed form to register it. The Applicant may be the actual creator or an Agent.

The right to registration of an industrial design shall be vested in the statutory creator, that is to say, the person who, whether or not he is the true creator, is the first to file, or validly to claim a foreign priority for an application for registration of the design.

**Novelty:** The industrial design must be new. Worldwide novelty is required. This is a basic legal requirement for registration.

### **Requirements for Filing:**

- Six (6) copies of the representation of the design;
- Authorisation of Agent; and
- Statement of Novelty

**Convention:** Application based on a foreign design application is possible. The Nigerian application must be filed within six (6) months from the date the foreign application was filed. A certified copy of the basic application must be filed in Nigeria within three (3) months from the date of the Nigerian application.

**Examination:** Examination is as to form only. There is no substantive examination. If the required documents are complete and in order, the Registrar issues a Certificate of Design to the Applicant.

**Term:** Registration of an industrial design is valid in the first instance for a period of five (5) years from the date of the application and renewable for two (2) further consecutive periods of five (5) years on payment of the prescribed fee.

Renewal fee must be paid within twelve (12) months immediately preceding the renewal period to which it relates. A grace period of six (6) months is allowed subject to payment of a surcharge for late payment.

**Litigation:** Any interested party may file action at the Federal High Court for infringement of a design right or sue for nullification of the design.

## **COPYRIGHT**

**Legal Basis:** Copyright Act, Cap. 68 Laws of the Federation of Nigeria, 1990 (**as amended by Decree No. 98 of 1992**)

**Registration Formalities:** No registration is required. All works entitled to protection are, ipso facto, vested with protection (e.g. Literary works, Artistic works, musical works, films, sound recording, broadcasts etc.).

**Enforcement Authority:** The Nigerian Copyright Commission is empowered to administer and enforce the provisions of the Act. The body, with the assistance of the law enforcement agencies has been very active in recent time.

They have conducted raids in the major cities of Nigeria, particularly Lagos and destroyed large quantities of pirated products such as CD, DVD, Audio Cassettes and computer software.

The Federal government recently directed the Economic and Financial Crimes Commission to receive petition, investigate and prosecute cases of piracy and other intellectual property crimes (having classified such crimes as economic crimes).

### **DOMAIN NAMES**

**Legal Basis:** There is no domestic legislation regulating domain names in Nigeria.

**Registration Body:** NITDA (National Information Technology Development Agency) – <http://www.nitda.gov.ng/>

Trademarks may be registered as a domain name.

Disputes arising from domain name ownership may be brought before the Federal High Court, the Negotiation and Conflict Management Group (NCMG) or the International Center for Arbitration. The Nigerian Courts, in spite of the absence of local legislation relating to internet and domain name issues, are willing to provide remedy for infringement of proprietary property in this respect.

### **LEGAL/REGULATORY REQUIREMENT FOR PRODUCT MARKETING IN NIGERIA**

Nigeria, like any other country, have several laws which established and empower regulatory bodies to control and certify certain products marketed or intended to be marketed in Nigeria fit for use or consumption. Manufacturers are required to register such products with the appropriate authority before they can export and/or market the products within the country.

The following are the regulatory bodies charged with the responsibilities of certifying and registering products meant for the Nigerian market –

**A. NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND CONTROL (NAFDAC) –**

This body was established to regulate and control drugs, drug products, cosmetic or medical devices and processed foods. All the products listed as “regulated products” under the Act are required to be registered with NAFDAC before they can be legitimately marketed in Nigeria.

The intention or aim is to prevent fake and unwholesome products from entering the Nigerian market. Clients dealing in products classified as “regulated products” (we can provide the list of such products on demand) are therefore obliged to register such products in the country before they can export and legitimately market such products in Nigeria.

We can assist and facilitate the registration of interested client’s products with NAFDAC provided all required documentations and requirements are complete and in order. It takes an average of three (3) months to register a product with NAFDAC.

Apart from the fact that “regulated products” are required to be registered, such registration form part of the multifarious strategy to combat trademark infringement in Nigeria. Evidence of ownership of the trademark under which a product will be marketed is one of the mandatory requirements for product registration. In the circumstance, if an infringing trademark is used to register a product, the legitimate owner can petition NAFDAC and request for the de-registration of the product on grounds that the trademark under which it was register belongs to another manufacturer.

In fact recently, the Federal Government gave directive to the agency to de-register all products registered under the trademark of foreign manufacturers without their consent. Sequel to this directive, the agency, acting on the petition sent by local attorneys on behalf of their clients, de-registered several products registered for local companies.

We are of the opinion that since registration (which entails ownership of a trademark) is a sine qua non for marketing regulated products in Nigeria, infringers can be dealt with through this medium.

We can be of assistance to clients who have evidence of ownership of a trademark (i.e. Certificate of Registration) to apply for de-registration of offending products bearing marks identical with or confusingly similar to their trademark(s).

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The documentation requirements for registration of imported food product(s) are:

- (1) Power of Attorney, shall be:
  - (a) Notarized by Notary Public in the country of Manufacture.
  - (b) Issued by the Manufacturer of the product(s).
  - (c) Signed by the Managing Director, General Manager, Chairman or President of the company, stating the names of the products to be registered. The Power of Attorney shall also indicate authority to register product with NAFDAC.
- (2) Certificate of Manufacture and Free Sale; shall be:
  - (a) Authenticated by the Nigerian Embassy in the Country of Origin.
  - (b) Issued by a relevant health/regulatory body.
  - (c) Indicate the name of manufacturer and products to be registered.
- (3) Comprehensive Certificate of Analysis.
  - (a) Issued by the manufacturer.
  - (b) Name and Designation of Analyst should be indicated.
- (4) Certificate of Business Incorporation of the importing company with the Corporate Affairs Commission in Nigeria.
- (5) Certificate of Registration of Brand Name with the Trade Marks Registry in the Ministry of Commerce in Nigeria (i.e. The Letter of Acceptance of the trademark application suffices).
- (6) Application Letter for Importation Permit by the local representative.
- (7) A letter of invitation for the inspection of the factory abroad. This is submitted by the local representative in Nigeria and shall state the full location address of the manufacturer.
- (8) The Application fee.

(If you require any clarification on any of the above requirements, do not hesitate to contact us).

**B. STANDARD ORGANISATION OF NIGERIA (SON) –**

The Standard Organisation of Nigeria was established to standardise the methods and products of industries in Nigeria and to ensure that government policy on standardisation of industrial products are complied with.

The organisation have the power to, inter alia, enter, seize and detain goods reasonably suspected to be substandard and as such, detrimental or hazardous to life and property.

Although the enabling law does not make registration of products with SON mandatory, it is widely acknowledged in commerce that the badge of SON is a badge of authenticity and quality of the products concerned. Manufacturers therefore strive to obtain the agency's certification.

However, the certification seems to have been made mandatory for foreign manufacturers desirous of marketing their products in Nigeria. The Central Bank of Nigeria in its Circular dated 30<sup>th</sup> August, 2005 made it mandatory that a Standard Organisation of Nigeria Conformity Assessment Programme (SONCAP) Certificate shall be required for clearance of imported products classified as "regulated" under the Standard Organisation of Nigeria Act. In the circumstance, importers cannot bring in products classified as "regulated" without first complying with the requirements of SONCAP and obtaining the certificate. Clients may be advised on the procedure for obtaining the certificate if instructed.

The SONCAP is designed to ensure that regulated products comply with the approved Nigerian Industrial Standards (NIS) prior to shipment. Products such as toys and fitness products, electrical and electronic products, mechanical materials and gas appliances, paper and stationery and protective safety equipments etc. are classified as regulated products. Clients may be given a full list of regulated products under the Act, on demand.

**C. NATIONAL OFFICE OF TECHNOLOGY ACQUISITION AND PROMOTION (NOTAP) –**

This body was established under the National Office of Industrial Property Act. The objective of the body is to among other things, monitor on a continuous basis, the transfer of foreign technology into Nigeria.

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NOTAP's major duty is to examine the quality of imported technology with a view to determining its price and to check obvious abuses such as overpricing of real, fake or obsolete technology. In doing this, they are empowered to examine and register contracts/agreements which deal with the transfer of technology.

The contracts/agreement which qualify for registration with NOTAP are those whose purpose or intent is, in the opinion of NOTAP, wholly or partially for or in connection with any of the following purposes –

- a. the use of trademarks;
- b. the right to use patented inventions;
- c. the supply of technical expertise in the form of technical assistance of any description whatsoever;
- d. the supply of detailed engineering drawings;
- e. the supply of machinery and plant; and
- f. the provision of operating staff, managerial assistance and the training of personnel.

The obligation to effect registration of the contract/agreement is on both the Licensor and the Licensee.

There is no obligation to register with NOTAP if the royalty accruable from the contract/agreement are denominated in local currency and there is no intention to remit same to a foreign Licensor. Where however, there is need to remit any fee to the foreign Licensor, then, the contract/agreement must be registered as the Certificate of Registration will be required by the Central Bank of Nigeria to authorise or effect transfer of such fund to the foreign party.