Intellectual Property Protection: an External Factor that Influences a Foreign Company’s Market Entry Mode into a Prospective Market

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ACKNOWLEDGMENT

The success of this research would not have been achieved without the collective efforts of all tutors in the School of Economics and Social Science at Högskolan Dalarna. Throughout our study program, they have influenced our academic life in a positive way and thus building a critical and analytical mindset.

Also, we thank Per-Erik Lissel our supervisor for his tireless efforts in guiding us throughout this quest to write this paper. We thank Sarah Berglind, who through her language workshops developed our language skills. We appreciate the efforts of our fellow student who criticized our work constructively. Finally, we thank the companies that gave interviews, which are an important aspect of this work. We thank Louise Bourghardt the IP assistant of Electrolux AB Sweden, Iwoghale Matthias Ozue of A.O Akpiroroh & Co Law firm Nigeria and in addition, we thank Anders Eriksson the C.E.O of Bonnier Business Press International (Bonnier AB) who was of great assistance in providing us with information as regards to our interview enquiry.

‘Personally, I thank my mum for her moral guidance that has taken me this far in life and made me who I am. Furthermore, I want to give very big thanks to my uncle and aunt Mr. and Mrs. Glory Emeh Glory who sponsored my studies abroad (Sweden) and encouraged me all the way in seeing that I fulfill my academic dream”. Victor Wokekoro

“ I will like to thank Cecilia Göthlin the subscription manager of Dagens industri and Mats Göthlin C.E.O of blink.se (Bonnier AB) for their unique assistance and thanks to my family who had contributed to my studies” Bekibele Onome White.

Finally, we want to thank God Almighty for giving us life and seeing us through all we do.

Victor Dike Wokekoro and Bekibele Onome White
Abstract

Intellectual Property Protection is been understood in this paper as IP laws and enforcement of these laws in order to protect intellectual property rights. The goal of this research work is to understand how Swedish companies view issues regarding to Intellectual Property Protection (IPP) and how it influences a foreign company’s market entry mode. In order to achieve this objective, the Nigerian market situation and its’ laws that govern IPP will be used to analyzed this issue. This paper argues that IPP is an important factor that influences a company’s entry mode and this argument finds IP laws and enforcement as two variables that influence the market while the market situation influences the foreign company. In carrying out this research literature was reviewed and interviews carried out. The research methodology section has presented a qualitative research and explains the nature of the interview stages that have been used to achieve the goals concerning the findings of the empirical data. A qualitative method was adopted by carrying out in-depth semi-structured interviews. The empirical data collected from the investigation were gathered and analyzed based on the research questions. The findings show that IPP of a host market influences a potential foreign company through the market situation that is also influenced by IP laws and enforcement. The outcome of these findings argues that the Swedish companies that were interviewed in this research will enter the Nigerian market through an intermediary mode. This has been based on the current IPP system of Nigerian.

Key Words

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1.1 Introduction
The eagerness to investigate the influence of intellectual Property Protection in today’s business world has been the driving force in carrying out this research. This eagerness was established when we came in contact with a member of staff at Bonnier AB (Swedish publishing company). During the course of discussion (not official), we learnt about a new line of business which the company wants to introduce and that is digital books.

This eagerness was further propelled after we had a comprehensive study on factors that influences a foreign market entry mode and how Swedish companies analyzed questions about IPP as regards towards a potential market. Our major reason for choosing Swedish companies is because of our research strategy. This strategy is to have companies from developed country on one side and a potential market located in a developing country other the other. The aim of this is to understand how companies from developed countries view issues regarding to IPP and how the IPP situation in developing countries could influence their entry strategy. Based on this fact we choose companies in Sweden. Sweden is a developed country and the IPP system in Sweden is strong. Also according to the local IPRED law, the introduction of the anti piracy law 1st of April 2009 declined the rate of illegal file sharing.

In fulfilling our strategic objective in getting a market from a developing country with history as regards to IPP, Nigeria was chosen. Nigeria is a developing country with history of infringements. 11years ago (1999), Nigeria gained democracy from the military regime and since then, agencies like, Nigeria Copyright Commission, (NCC) and The National Agency for Food and Drug Administration and Control (NAFDAC) were commissioned to help fight against infringements. Also another important reason we choose Nigerian as the potential market is because we have easy access to information that are useful in investigating this research.
1.2 Background

Foreign market entry mode is an important aspect of internationalization process of a firm, Hollenson (1998). Franklin (1994) defines the international market entry mode as an arrangement that creates opportunities for companies going abroad. The concept of foreign market entry is been influenced by many factors; Johansson and Vahlne (1977) classified these factors into two segments which includes, external and internal factors. Franklin (1994) argues that the external factors are been influenced by target country’s market factors, environment factors, production factors and home country factors. In as much as these factors are important and general, this paper is of the view that Intellectual Property Protection is an important external factor that influences foreign company’s entry mode.

Intellectual Property Protection is been understood in this paper as IP laws and enforcement of these laws in order to protect intellectual property rights. Today, there are a lot of information and files that could be downloaded from the Internet thus businesses and authors need protection from an unauthorized usage. When the protection is zero in a particular market then companies make more loss than gain and on the long run, they might leave that market, but if the protection is high then companies have better chances of remaining in that market.

Intellectual Property Protection has been interpreted and protected differently in various markets. Jolly (2004,253) further defined this concept in a more business-like way by stating that the core value of a firm in return will be its intellectual capacity and this capacity will yield an intellectual output which will be protected by formal intellectual property rights. Meaning that various forms of intellectual properties such as patent, trademark and copyright should be protected Jolly (2004). Based on the limitation of this research trademark and copyright will be researched to know their influences on foreign market entry decisions.

Trademark according to the World Intellectual Property Organization (W.I.P.O), is a distinctive element that relates a given product or service to a particular company. This is distinctive in nature since it makes a product or service unique from others. Also according to W.I.P.O, the
historical foundation of this phenomenon can be traced back to the ancient days when craftsmen created or made impressions of their signatures or made a specific mark on their works in order to distinguish them from others. History is indeed a replicate of the future since this artistic knowledge has been transformed to today’s trademark system.

The World Intellectual Property Organization defined another important aspect of the intellectual property right which is the copyright. They analyzed this right as the “…rights of authors, performers, producers, and broadcasters, and contribute to the cultural and economic development of nations…” Also the objective of this right is to stimulate originality in creativity and giving credits and values to the creators.

In analyzing the above stated IP concept to the issue at hand, trademark and copyright are two factors from IP rights that influence a company’s decision when selecting a market entry mode. Entry mode according to Hollensen, (2007:295) is “An institutional arrangement necessary for the entry of a company’s products and services into a new foreign market. […]” This mode could be classified into *Exports* modes, *Intermediate* modes and *Hierarchical* modes which could involve high levels of commitment, risk and control. Due to the difference in market economy and uncertainty, advanced technology know how and psychic distance between various markets, investors tends to be more pessimistic in deciding which mode to employ.

Entry mode can be influenced by both internal and external factors (Franklin. 1994). Internal and external factors are classified differently by several authors e.g, Bruhno and schilt (2001), Koch (2001) and Franklin (1994). In as much as they classified them differently, they still view them either from the company’s internal capability or the market’s external advantage. Franklin (1994) states that when a company has more resources at its disposal for example, management, marketing skills, production skills, capital and technology they tend to have a lot more options in their entry mode decision.
A Swedish Company going into the Nigerian market could be interpreted as a foreign market entry and this is a form of international expansion in today’s business world. Nowadays some companies want to expand in size and in profit, thus they pursue this motive through internationalization of their product, service or brand. The internationalization motive which has been divided into proactive and reactive motives (Hollensen 2004) has been interpreted as the fundamental reason why managers today seek to go abroad. Some of the proactive motives include managerial urge, technology competence, foreign market opportunities, Economies of Scale, tax benefits, profits and growth goals. While the reactive includes competitive pressures, domestic market, overproduction, unsolicited foreign orders, extend sales of seasonal products and proximity to international customers (Hollensen 2004.42).

1.3 Problem of discussion

Intellectual Property Protection is an issue in today’s business life. Companies, writers and innovators want protection. The question still remains to what extent this protection can be in order for intellectuals to appreciate the said protection and how do this IPP system in a given market influence the entry mode of a foreign company. Governments have set laws to guard intellectual property; for example, Fink and Maskus (2004.41) talked about the North American Free Trade Agreement (NAFTA), The European Union and Middle Eastern nations. They explained in their book how these unions have tried to have a collective system that will reduce the issue of piracy.

Companies seeking to go abroad with sensitive IP products should have fundamental knowledge of the issues regarding IP laws and how they are enforced in a given market. They need to be part of the fight for zero tolerance of violation of intellectual property rights. Foreign market entry mode which includes Exports modes, Intermediate modes and Hierarchical modes could determine the level of control a firm has towards their products or services. In today’s world of uncertainty with regards to IPP, some companies tend to be more protective towards their IP rights, just as Jolly (2004) argued that choice of entry mode can be affected by IPP.
1.4 Research Question

Traditionally, companies tend to understand market entry as an act of just moving into a market based on demand or opportunity one tends to gain. However, this not just the issue to be consider when entering a new market. Intellectual Property Protection is an important factor that influences company’s mode of entry and this is the issue we intend to address in this paper. How does intellectual property protection influence the market entry mode of a foreign company?

1.5 Purpose

The purpose of this research is to analyze how Swedish companies view issues regarding IP rights, and how IP laws and enforcement in Nigeria could influence their decision. This will be done by first collecting data from two Swedish companies through interview, and then Nigerian IP laws and enforcement will be discussed.

1.6 Limitation

This research concerns just the area of copyright and trademark. Since the field of intellectual property is vast we tend to narrow our research within just two areas of this field mentioned above. The reason we choose to research only this two fields is because of our focus. We will be focusing more on copyrights and trademark in this research. We will also limit our research practically within the Nigerian market and thus the outcome of this investigation will be within a market of similar factors discussed. Finally, this work will be mainly within the field of IPP thus foreign market entry mode is not our main subject matter. Therefore, the influence of IPP on foreign companies and how Swedish companies view issues regarding to IPP will be the main objective using Nigeria as the potential market in the case.
2.0 Conceptual framework

In this Chapter we will be analyzing two basic factors that determine the IPP system and market situation and how they influence the course of our research.

The diagram above is the conceptual map of this research. It is an overall view of the task at hand and will be used as a lead to analyze the influence of IPP system on a potential firm’s entry decision. Just as seen above, two factors have been argued as basic elements that influences the IPP system and market situation as regards to IPP. These factors include IP law of a given market and the enforcement of these laws.

Factors influencing market entry has been divided into internal and external factors Franklin (1994). Some known authors see these external factors from a point whereas IPP is not a direct effect. Koch (2001) mentioned some external factors like market growth, image support requirements, market barriers etc. Bruhno and schilt (2001) also established a theory and classified the said external factors as market and competitors. A theory set up by Franklin (1994) narrowed this factor into ‘target country market factors, product factors, environmental factors
and home country factors.

Franklin (1994), in her theory she argues that company internal factors defines its entry mode. This is because the internal factor is the strength that can be used to address the external factors. Some of the external factors mentioned in her model (see appendix 4 for model) includes, target country market factors, product factors, environmental factors and home country factors. The market factors argue that seize of the market determines the entry mode; whereas the product factors is based on quality and quantity of production and finally, environmental factors argues on social political system.

The above stated factors are important in deciding which entry mode to use but are limited to the traditional view of marketing. The cause for this research argues that IPP is an important external factor that influences the entry mode decision of company. IP laws and enforcements are two variables that determine the IPP system and market situation, while the market situation influences potential foreign investors. In regards to this argument, IPP influences foreign investors through IP laws and enforcement in a given market.

Various articles and documents have been reviewed in this regard in other to analyze this argument. The first article about digital piracy is of the view that piracy is a global issue. This article is based on piracy of e-books in modern times. The writer Matt Frisch analyzed his findings by evaluating the present crisis in the e-book market by Amazon in the sales of Dan Brown's blockbuster novel "The Lost Symbol". In his analysis, he explained how this digital copy that had promising sales but after the first 24hours on Amazon.com sales suddenly fell and pirate copies of the novel were found on file sharing sites such as Rapidshare and BitTorrent. In couple days, it had been downloaded for free more than 100,000 times.

The importance of this article to this research is that infringement of rights is a global problem not limited to just one country or one industry. Piracy is found in all markets today since the Internet is a world wide web and materials are never limited by borders. In as much as a Swedish
company wants to go abroad into the Nigeria market, they should understand that infringement of copyright materials could be manipulated by a global source known as the Internet. Also the Internet could be used to infringe the trademark rights, through illegal downloading of company’s logo and other sensitive materials.

Also other documents sources that will be used in this research include, the Nigerian IP laws, Nigeria Copyright Commission (NCC) and The National Agency For Food and Drug Administration and Control (NAFDAC). These are important in order to have a full understanding of the market and degree of enforcement of these laws in Nigeria. These documents will be presented in the empirical chapter.

3. Methodology

This chapter elaborates the methods used for the research and explains the reason for the chosen methods and review. This purpose is to provide the reader with an insight about the procedure and research process. It further explains the choice of research approach, the type of research chosen, data collection. Data analysis and the quality of the research

3.1 Research method

According to Denscombe (2007), quantitative and qualitative are two approaches for research: In this research, the qualitative approach with used. According to Bryman and Bell (2007), the qualitative approach is base on using of words rather than number. Therefore, since this study is relatively new and an in-depth investigation needs to be carried out the authors will be using the qualitative strategy approach to investigate and explain the phenomenon.

We have chosen to use primary and secondary methods in the collection of data, the primary method will be conducted with a semi-structured interview which is defined by Denscombe (2007) as a form of data collected carried out in a form of an interview which as out listed issues
to be discuss but is flexible and some cases wider with follow up questions. This is an important strategy in doing this interview since it allows the interviewee to further develop his argument without much limitation like the structural.

For the secondary data form we gathered vital information from articles and already existing data that are useful in doing this work.

### 3.2 Data Collections

The data collected for this research is the base on gathering of primaries in addition to secondary information from two sources. The primary data, such as interviews information’s are collected directly from respondents and other information were also collected by the authors for this thesis is used to investigate the issue. In order to have a starting point or hint about the topic, secondary data were collected from Internet search, books, literature, web pages and theories from renowned authors.

### 3.3 The Primary data

In getting our primary data, interviews were carried out with three companies, two in Sweden and one in Nigeria. The objective of having interviewed with two companies in Sweden is to be able to understand their views on questions regarding IP rights. Furthermore, these two companies were divided in two categories based on this research, which are copyright and trademark. The aim of this division is to have an in-depth understanding of this concept based on their various experiences in these fields.

The interview with Bonnier will focus more on copyright because they have vast experiences in this field through their publishing business unit Bonnier Business Press International (B.B.P). Also Electrolux AB will be on trademark this is because they operate another business unit known for licensing of brands, so they are much experienced when it comes to trademark as
compared to the other. Finally, the interview with the Nigeria law Company is to have a general understanding of the law and enforcement system in Nigeria. Also the law company interviewed in this case has some practical experience with infringers so they are also important in explaining how the system works.

3.4 Secondary data
Secondary data has been defined in many ways but one of the definitions that fit this study is that of Hakim (1982), Hakim analyzed this concept as a process of continuation of an already existing data which presents interpretations, conclusions or knowledge additional to, or different from, those produced in the original report on the inquiry as a whole and its main results (Hakim 1982a: 1).

A literature review was made on digital books and copyright See chapter 2.0 for details. Furthermore, data from the Nigeria law on IP (see chapter 4.3), The World Intellectual Property Organization, Nigeria Copyright Commission (NCC) (see chapter 4.4), The National Agency for Food and Drug Administration and Control (NAFDAC) (see chapter 4.5) and finally an abstract from Taiwo on IP laws in Nigeria; New Trends and Challenges.

The article by Taiwo on IP law in Nigeria; New Trends and Challenges constitutes of laws and practical issues around Nigeria IP system. Ladi Taiwo is the C.E.O of Abdulai, Taiwo & Co law firm. He a member of the Solicitor & Advocate of the Supreme Court of Nigeria; Member, Nigerian Bar Association; Member, Chartered Institute of Arbitrators, London; just to mention few. Based on his vast experience and expertise we contacted him on 10th of March 2010 in regard to the research and got feedback with an abstract which is important to our research and will be interpreted as a secondary data. We will be presenting important areas of this in our analysis chapter.

4. Empirical Data
This chapter is designed to present data collected through interview and documents as regards to the research at hand. In carrying this obligation we will present three sets of interviews, two from Swedish companies and one from a Nigeria Law company.

The first interview with Bonnier AB is primarily focused on copyright issue while Electrolux will be on trademark. Just as stated in the purpose, the main objective of interviews with Swedish companies is to understand their view of issues concerning IP rights and how this affects their decisions. Thereafter data of the Nigeria IP laws and enforcement system will be presented and finally the interview with A.O. Akpiroroh & Co a law company in Nigeria. The aim of this is to be able to identify issues on the side of the Swedish companies, the pedigree of current IPP system in Nigeria and how it affects their decisions.

4.1 Summary of Interview with Bonnier AB respondent

This company is well known in Scandinavia and has been in operation for years now. While in operation, the company has opened subsidiaries that are affiliated to Bonnier AB and one of them is Bonnier Business Press International (B.B.P). Bonnier Business Press International (B.B.P) will be the respondent on behalf Bonnier AB in this research. The reason for this is that B.B.P is well grounded when it comes to copyright since it publishes millions of articles, newspapers and books every year.

On the 12th of April 2010, we sent a copy of our interview question to Anders Eriksson the C.E.O of Bonnier Business Press International through email and got feedback on the 29th of April 2010. This mode of interview through email was the best alternative at that time since we had issues with time and schedule differences also travelling between Stockholm and Borlänge was not an option.
The interview started by first explaining the objective of our research work to Andre Eriksson in order for him to get a formal understanding of the work. After explaining this phase we then knew it is time to get the ball rolling. (See appendix fig 1 for interview questions)

The interviewee Anders Eriksson is the C.E.O of Bonnier Business Press International (B.B.P) and had been in the senior management positions for the last 12 years. He stated in the interview that he is ‘responsible for the Intellectual Property development and protection of the business’.

In order to understand his view on IP rights and how the company manages these issues, Eriksson explained that IP is an important aspect of their business and concerning infringement, he stated that 3rd parties copying of their articles and publishing them in their name through the internet has been a worrisome issue. Also arguing how this problem affects their market choice he explained that the ability to protect their IP is one of the major factors to be considered when deciding the market.

As regards to choice of market, Eriksson talked about the Nigerian market with emphases on demand for their product and keeping to company’s policy and principles. Here he explained that if the demand for their product is high they will enter the market but with a very clear internal policy in order to avoid any involvement in corruption. And on the issue of entry strategy they will employ the service of a local partner since the market is new.

In conclusion, Eriksson recognized the fact that IPP is an important factor in their business life and they are fighting against the act of infringement by sending a clear signal to the market and 3rd parties that they do not accept their copyright to be systematically infringed.
4.2 Summary of Interview with Electrolux AB respondent

Electrolux AB is another important respondent since it has much experience on brand licensing. The Global Licensing Unite of Electrolux is known for its brand licensing strategy with a total of 50 brands world wide and 11 currently located in the Middle East and African. This attribute shows that the company is experienced in this field so we decided to contact them for an interview.

Louise Bourghardt is our contact from Electrolux AB; she is the Legal Assistant of the Group Intellectual Property of Electrolux AB. Due to schedule difference the interview was carried out through email. On the 12th of April 2010 the interview questions were sent and feedback collected on the 22nd of April 2010. (See appendix fig 2 for interview questions).

This interview started by briefly explaining the objective of our paper work and who we are. The reason for starting it this way is to give the interviewee a recap of our previous discussion and details of our project. The interviewee Louise Bourghardt is the legal assistant for Electrolux AB and known for her expertise in the field of patent, design, trademark and also marketing issues. Her professional knowhow in the field of trademark makes her view important to this work.

Since we now know her expertise, we then questioned how the company protects their brands (Global Licensing Unite of Electrolux). Knowing how important this issue is to our research and the trademark section of it, Electrolux is in the best position to gather information. This is because the company through the Global Licensing Unite licenses 50 brands in 150 countries worldwide and so they most have had problems of infringement. So the issue of protection was laid in order to know how they protect their brand. Bourghardt made it clear that trademark and logotypes registration is the first step Electrolux takes to protect its’ brands. She also stated that ‘when protecting brands against infringement the risk of being proactive is well managed’.
Another point she made was the act of effective communication between employees and affiliated parties. Here she stated that the Group IP department keeps good communication channels with its employees and its affiliates globally. This good communication system in some cases give the department tips/information internally within the company of possible infringement and thus in response action is been taken. She also made it clear that the company do undertakes active search for possible infringements of their brands by monitoring trademark searches and trademark oppositions. Finally if there is any form of infringement, help is often obtained through their large co-operation with external Legal/IP firms/agents.

Bourghardt has made it clear through her comments that her company’s core competence is in branding, trademark and patent, thus we channel a question in regards to copyright to understand how they can as well manage such a scenario. This issue was made based on our previous research objective which was copyrights on digital books. This was in relationship to our mother idea which we later developed to just copyright and trademark. Well we thus still find it useful to ask this question since Electrolux is known for tangible products; a little twist could try to see some weakness in its strength.

Bourghardt diverted this question which was ironically aimed towards copyright back to brand. This fact brings out the argument that the company scope mainly within brand licensing and patent. Now we know their area of specialization we now decided to question their experiences in operational markets. The intent of this question is to be more practical within the said scope of discussion. Bourghardt simply replied that they have had their brand, domain name, design/patents infringed upon in several markets. Her response was more general rather than specific. Also since the interview was done through mailing system and time factor follow question was not possible.
Finally, at the last section of this interview, we wonder what have been done on the part of the company in the fight against infringement and how do they would enter a market like Nigeria if they have to. Here she first replied that they will enter the market through intermediary mode and for their contribution to the fight against infringement, they lobby for a stronger IPP system.

Summary of interview with both companies

Based on the interviews carried out on both Swedish companies, IPP is an important factor in their business life. Eriksson of Bonnier and Bourhardt of Electrolux through their responses showed great concern towards the protection of their product and thus implies that both firms regards IPP as an important issue in business world. The next stage is to analyze the Nigeria IPP system which is an important aspect of this work. The aim of this is to understand how the IPP system in Nigeria works and also how it influences foreign companies.

4.3 The Nigeria IP Laws

This part will analyze the Nigeria IP laws in relationship to copyright works and trademark. The importance of this chapter is to understand the IP laws in Nigeria. This is important because to understand the IPP system of a country one needs to know the laws that are made to protect intellectuals.

The Nigeria Copyright Acts section 9.16. which focuses on infringement states “All infringement copies of any work in which copyright subsists, or of any substantial part thereof, and all plates, master tapes, machines, equipment or contrivances used, or intended to be used for the production of such infringing copies shall be deemed to be the property of the owner, assignee or exclusive licensee, as the case may be, of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.” This explains the fact that if infringed copies are found, traded or recovered within the Nigeria geographical area those copies will automatically be transferred to the original copyright owner.
Also according to the Act section 9.17, “(2) In proceedings for infringement of the rights conferred by the said section 9 of this Act, the person whose rights have been infringed shall be entitled to an award of damages, injunction and any other remedies as the court may deem fit to award in the circumstances.” And for the infringer “… be liable on conviction to a fine of an amount not exceeding N1,000 (Nigeria currency) for every copy dealt with in contravention of this section or to a term of imprisonment not exceeding five years, or to both such fine and imprisonment.”

The IP Laws in Nigeria have great influence on the IPP system in Nigeria in general. Firms in Nigeria today tend to feel more protected by the laws that guard against infringement through the enforcement of those laws. Firms today tend to give even more value to their brand name and trademark, just as they do to their product. This act has made firms operate in a style that will protect their product or brand name from illegal usage. Also the relevant market needs to be well evaluated before deciding the entry model to employ. Fink (2004.21) stated that companies wanting to go into a market with strong IPP would probably use the foreign direct investment or licensing rather than export as its entry mode.

Trademark is another segment of this chapter. In this segment laws regarding the Nigerian trademark system will be examined and analyzed. According to the Nigeria Trademark Act, section 4, trademarks should be registered to particular goods and section 3 makes it clear that only institutions with registrations are entitled to proceedings as a result of infringement.

The Trademark Act of Nigeria clear defines the right of the proprietor of the said right and thus how this can be registered. A link to the copy of this act is attached in the appendix chapter for further review if needed.
The main objective of this research work is to understand how the IPP system influences market entry using Nigeria as an example of a potential market of entry by a Swedish firm. Critically, we will be analyzing the current situation regarding IPP in Nigeria and how business has been affected due to the situation and enforcement of these laws. This analysis and investigation sets out to show how the IPP system of a given country influences a prospective investor in deciding the entry mode.

Since Nigeria is the chosen market to analyze the case at hand, the next chapter will try to understand the internal components of the IP system and the degree of enforcement of the IP law in the eradication of the infringement of rights.

### 4.4 Nigeria Market Situation and Law Enforcement.

*This is another vital aspect of this research because it gives one an inside of what the market situation is and how the laws as regards to IP is been enforced for intellectual to feel protected. This sub-chapter tends to show how the laws stated in chapter 2.2 is been enforce in the Nigeria market and how this has set a new pace in the system in general. Bearing in mind that the domestic market situation is influences foreign firm decisions.*

The World Intellectual Property Organization published an article by the Nigeria Copyright Commission, (NCC) titled ‘Strap and clamp’. This article is about the piracy in Nigeria and how the NCC is fighting this act to the minimum.

In 2005 the NCC launched the Strategic Action Against Piracy and the Copyright Litigation and Mediation Program. The aim of this is to help fight piracy of all forms through collaborate and field enforcement. They also could out that lack of awareness of IP laws and regulation has been a setback in this fight. After recognizing the said setback, the NCC set up some strategies that will help reduce this act.
The NCC Awareness Strategies

Knowing that awareness has been an issue of contention, the NCC had a campaign for awareness aim at providing intellectuals knowledge of their rights and how they can be protected. The NCC has also created Copyright club which is a social forum targeted at young people, this club helps to reframe the minds of young teenage adults from the tradition ignorance of the issue of piracy. Another strategy was enforcement. In fulfilling this obligation the NCC invaded suspected infringers with counterfeit products and well as prosecute them.

From May 2005 to May 2007 carried out over 115 field operations where suspects who infringe IPP were apprehended. During this period 373 suspect were arrested, 8,346,815 pirated works were confiscated. After this success in the fight against piracy, the NCC is calling for collaboration in order for piracy to be reduced.

Today the fight against piracy is still on and enforcement through the STRAP program still leads. The NCC collaborates today with many international bodies in fight against piracy, and their efforts has yielded reduce and still reducing this infringement acts.

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

The National Agency for Food and Drug Administration and Control (NAFDAC) is a agency set up by the Nigeria government in order to eradicate fake drugs, control the quality of food, cosmetics, medical devices, chemicals, detergents and package water. This agency was set up Decree No. 15 of 1993 as amended is a Parastatal of the Federal Ministry of Health.

Setting of this agency by law was one thing and enforcement was another. Dr. Dora Akunyili the then director general of the agency fought tirelessly in seen that Nigeria can be free from infringers and adulterated products. She took the law into enforcement by doing more field work rather than book work. In doing this she and her team went to the open markets, city centers,
warehouses, factories, seaports, airports and borders in search for fake drugs and infringers of trade mark and impersonation of brands.

In 2008, was year of challenge to the said agency when about twenty children died from adulterated medicine. A brand known as ‘My Pikin’ which produces baby’s teething power was alleged to be partly responsible for the said havoc. NAFDAC with its term went into investigate, analyzed the said product batch and found it adulterated. The producers were arrested and prosecuted in the court of law.

Today, NAFDAC is been headed by Dr Paul Botwev Orhii, who is also fighting to eradicate these infringers. Never the less the good works of Dora Akunyili for the betterment of lives in Nigeria has brought her about 230 awards and recognition both local and international.

**Summary of Nigeria IP laws and Enforcement**

In summary, Nigeria has outline IP laws and also enforcement agencies that enforce these laws. The NCC and NAFDAC are examples of law enforcement agencies who have been working tirelessly in the fight against infringements. These data has shown that the system of enforcement is work and thus companies like Microsoft is currently collaborating with the Nigerian government in the fight against infringements.

After gathering information about the Nigerian IP laws and enforcement, we then decided to carry out an interview with a law firm in Nigeria to understand the current IPP situation how practical issue of infringement of rights and how foreign companies can be protected against this act.
4.6 Summary of Interview with A.O. Akpiroroh & Co law firm

A.O Akpiroroh & Co is a law company located in Nigeria. This company is the last but not in least in the interview forum. The importance of the law firm to this research work is to understand some fundamental issues surrounding IPP in Nigeria.

On the 12th of April 2010 an interview was carried out through email to Iwoghal Mathias Ozue of A.O Akpiroroh & Co and feedback gotten on the 30th of April 2010. The objective of this is to understand the laws surrounding IPP system in Nigeria, enforcement of laws, problems faced by companies and how these issues affects companies decision in investing in Nigeria.

The interview was carried out via email after series of telephone conversations with Barrister Iwoghal Mathias Ozue on the issue since we are far apart geographically (Sweden and Nigeria). Face to face interview would not be possible since we have limited resources and time thus email system was the best option in order to get detail information.

The interview started by introducing ourselves and the objective of our work for official recording. Then that we commenced with the questioning. (See appendix fig 3 for interview questions)

In the course of interview, Barrister Ozue argues that, there are laws that guide against infringements in Nigeria such as, “copyright acts (cap 68) of the law of the federation of Nigeria, 2004. Trade Mark act (cap 436) laws of the federation of Nigeria 2004”. Barrister Ozue also talked about the Nigeria enforcement agencies that enforce the IP laws for example, The Nigeria copyright council (NCC).
According to him, ‘the Nigeria Copyright Commission (NCC) was established under the copyright act is responsible for all matters affecting copyright in Nigeria, both civil and criminal issues’. This act empowers them to arrest, investigate and prosecute infringers in the court of law for criminal liability of piracy. He also stated that the court can also grant injunctions and award damages in favor of the copyright/trademark owners against the infringers of the copyright/trademark.

After explaining the laws and enforcement system in Nigeria, he discussed about prospective companies coming to invest in Nigeria. In the cause of discussion he stated that, the Nigeria Investment Promotion Commission (NIPC) and apply to Securities and Exchange Commission (SEC) for registration of securities are responsible for brand and company registration. He advised that all potential investors should register with these agencies in order to be recognized and operated legally. Furthermore, he talked about practical case of infringement, of right of a registered design of a certain cloth, were he was the counsel to plaintiff who sued for infringement. “In the matter of Okezi Udeva (NIG) Ltd V Olufemi Akande CA/B/86/2006 at the court of appeal, Benin City, Edo State, Nigeria”. They claimed for an injunction and damages for infringement of rights of its client. The trail court granted the injunction and award of N5 million as special damages and N10 million as general damages.

The case above was used as an example by Barrister Ozue to explain the fact that infringers of IP rights are tried and prosecuted. He also made us to understand that the IPP system in Nigeria is improving and potential foreign companies should have a concrete knowledge of the IPP system and market before deciding the entry strategy since protection of IP rights is vital.

4.7 Reliability and Validity

Two sources had been utilized in this research in other to be able to get reliability and validity, According to Yin (1994) there are two basic sources for collecting data, primary and secondary. Reliability refers to the consistency of a measure of a concept, while validity refers to the issue
of whether or not an indicator that is devised to gauge a concept really measures that concept Bryman & Bell (2007). So, data has been gathered from sources, Primary and secondary.

Concerning the reliability of this research work, the authors measured the reliability of the research work that when the same question is being asked in different occasion to different respondent. Since human knowledge and experience are different in a different environment, we intent to observe different opinion from the respondent answer concern the question. This simply because the person in question might have new experience in order to evaluate the interview question. This was done in order for the author to prove the trustworthiness of the reach work and also strengthen how the interview has been carried out or conducted so as the reader to evaluate it.

The empirical data of this thesis work were collected through an interview. The interview was done by email, the respondent answer from the interview were cross-checked and noted down. In order to avoid typography and misinterpretation of respondent answers, the authors send back all documented interview answers back to each of the respondent to cross-check and this was sent back before the final draft.

Concerning the validity of this reach work, the we asked questions that are related to the research issues through a qualitative interview process in order for the reader to get a clear picture of the respondent, knowledge, opinion and experience concerning the research investigations. According to Lewis (2003) validity of a research is whether the finding are really what they appear to be. Since the respondent have good knowledge in regard to interview question and they were able to answer the question base on their experience and profession. The interview was a vital means of getting first hand information concerning the case study, and thus, since all information we needed and they are corresponded to the thesis’s work. This was so important to us that the respondent confirms and answers the questions of the interview as regard to the research question.
5. Analysis and Discussion

In this chapter all data collected in the course of this research will be analyzed in respect to the issue of IPP. The objective of this is to be able to give explanations to the research question and IPP in general.

The concept of this work is how Swedish firms view issues as regards to IPP and how IPP influences foreign company’s entry decision. In defining this, IP laws and enforcement of these laws is seen as two basic factors that influences market situation while the market situation influences the foreign company’s decision on its entry mode. This concept had led this work into investigating how this process works using Nigeria as a potential market. In analyzing this concept, we first investigated how Swedish companies view questions regarding to IPP and how the potential market IPP system affects their decisions. Data has been collected through both primary and secondary method and thus this chapter tends to analyze this in respect to the research question.

5.1 IP laws

This is understood in this paper as laws that guides against infringement of IP rights. Shippey (2008.63) has classified this rights guided by law as affirmative and not defensive. This means that the creation only gives the intellect the right and registration confirms this right. The laws of IP are said to protect this rights and so they influences the pedigree of infringements that affects the market.

The Nigerian IP laws (see chapter 4.3) has shown that there are outline rules and regulations that has be stipulated to guide against infringement. For example the interview with the law company in Nigeria explained that section (cap 68) of the Nigerian copyright acts, (cap 436) of the
trademark act and (cap 344) of the Paten and Design acts are outline laws of the federal republic of Nigeria against infringement of rights.

5.2 Enforcement of IPP laws

The enforcement system is seen as the implementation of the said IP laws when infringed. Howard (2002) argued that this act is vital in our society since it plays a critical role in maintaining legal and social order. IP Laws without enforcement we argue will build a weak IPP and the market system, so is the other way round. The enforcement of these laws is indeed important in determining the market situation.

The Nigerian law enforcement agencies are working tirelessly fighting the act of infringement (see chapter 4.4 and 4.5). For example the Nigerian Copyright Commission is working hard with the STRAP program to eradicate piracy from the Nigerian system and this fight has attracted investors like Microsoft to collaborate with the government to fight against this act. Also Ladi Taiwo in his article on ‘IP laws in Nigeria; New Trends and Challenges’, stated that NAFDAC an agency that protects people against fake drugs, prosecuted the manufactures of the product with the brand name ‘MY PIKIN’, which was found adulterated and led to the death of twenty children in the year 2008. These acts have shown that the system of enforcement is working.

5.3 Determines the IPP System and Market Situation

The laws and enforcement has built a position of what the IPP system and market situation looks like in a given market in the mind foreign investors. The Laws and degree of enforcement in Nigerian market has distinct the market from others. Nigerian market situation is seen as vibrate with the enforcement of laws and orders in market.
An interview with a Nigerian law firm explained the laws and enforcement system in Nigeria. He also discussed a practical case of infringement of his client’s right by another. The case is still in court but the background information has been presented by the said law firm with its’ case number (see chapter 4.6). From the interview we learnt that the system of enforcement is working and secondary data has shown that the IPP system and market situation is developing.

5.4 Influences Potential Foreign Investor

Having an overall view of IPP in general and the Nigerian market in particular, we moved into field work through interview to understand decisions of companies when it comes to commitment of resources into a potential market and how the IPP system of a market can influence their entry decisions.

Generally, an overview of the interview shows both Bonnier AB and Electrolux AB recognizes the fact that IPP influences their market entry decision and they have several strategies in combating this act. (See chapter 4.1 and 4.2 for interview). Also Bonnier AB stated that if the demand for their product is high they will move to the market through an intermediary mode so as Electrolux with its licensing strategy. Eriksson of Bonnier AB also argued that using of the Locals in a potential market is vital when a foreign market wants to protect its product and also wants to have advantage within a new forum. We view this point as going global but thinking local’.

In summary, data collected from both companies have shown that when a market is profitable there are high chances of moving into that market. Bonnier AB tends to enter the Nigerian market through a local or partnership which is an intermediary mode of entry. Bourghardt also stated that Electrolux will enter the Nigerian market through licensing and this still leads to the intermediary mode of entry. The reason for their decision is to protect the company’s IP and core value in the Nigerian market since the IP system is uncertain and the market new. From their
argument, the need to use the service of a local partner that understands the market better is vital in order to be successful. This finding argues the fact that IPP system in Nigeria has an influence in their decision of entry modes.

6. Conclusion

Intellectual Property Protection is an important area in every organization. In the course of this research we have argued that two basic factors that influences IPP system and market situation are laws and enforcement of these laws in a given market. Our argument is that the laws and enforcement determines that IPP system and market situation. Since foreign company entry strategy are been also influenced by a given potential market situation, ironically, this is been controlled also by the IPP system.

Practically, we investigated the Nigerian IPP system since it is our case study. Both factors (laws and enforcement) were examined and interviews were conducted in regards to this issue. The outcome of our investigation has shown that the laws and enforcement system in Nigeria is strong and thus many multi-national companies are collaborating with the government in fight against the act of infringement. Also data collected from the interview has shown that firms would invest in Nigeria since the economic seems promising but they tend to employ an entry strategy that will protect their policy.

Finally, IPP is indeed an important and vast issue day. Companies want to protect their values and worth in every potential market. So having a sound entry strategy is like building a sound future in the world market in general just as Franklin stated, ‘to say that a company cannot afford to plan an entry strategy is to say that it cannot afford to think systematically about its future in the world markets’ Franklin (1994.p3).
7. Recommendation

The issue of IPP in the course of this research popped many questions that could also be researched upon in future. Some of this is found in our limitation and this includes the other aspects of intellectual property rights e.g, patent, designs etc. Also this research has been limited to just the Nigerian market and thus future research and be done in order markets as well.

At the end of the research, the firms in questions (interviewees) tends to use the intermediary mode and so investigation can be carried out in future to understand why the intermediary mode of entry is associated to a market where uncertainty exist or where the IPP system is not fully developed.

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9. Appendix 1. Interview with Bonnier AB

1. Please you introduce yourself, the company and its objectives.

Anders Eriksson, CEO Bonnier Business Press International. Bonnier Business Press International is running Business to Business media operations in 11 countries in Scandinavia and Central & Eastern Europe. BBP International is part of Bonnier Group, leading Scandinavian media company operating across most major media sectors. The key objective for BBP International is to further develop and grow our activities in the business media field and achieve strong profitability.

2. What is your expertise in the field of Intellectual property protection (Copyright to be precise)?

I have been in senior management positions for the last 12 years and in that capacity been involved in and ultimately responsible for the Intellectual Property development and protection of the business. In my previous company, I was responsible for a global business unit offering IP Protection services and solutions to large international companies to safeguard their IP assets on the internet.

3. How much experience do you have working with an international company?

I have worked internationally for 17 years. The last 1.5 years with Bonnier, prior to that 8 years with Melbourne IT Ltd (a publicly listed Australian company), 3 years with Razorfish Inc (at that time a publicly listed US company), 3 years with Bossard Consultants (a privately held French company) and 1.5 years with Kinnevik/Medvik (currently MTG, a publicly listed Swedish company).

4. Has the Bonnier group of companies ever had any experiences of infringement of its IPP right in any of its operational markets?

Considering the vast amount of Intellectual Property being produced by Bonnier Group, I am sure that there are many examples of this. For BBP International our number one issue currently is 3rd parties copying our articles and publishes them in their name, especially on the internet.
5. **Based on your experiences (Bonnier), how does IPP determine your choice of market?**

Many aspects are of course important in the decision to enter a new market. The ability to protect our IP is certainly one of them. An environment where we are unable to protect the material we producing in a reasonable way is likely to be unattractive to us considering the investment we are making to produce high quality content.

6. **What factors do you think will be appropriate for the company if they decide to go into Nigeria market where corruption is high but where the economy and demand for your product is also high?**

If the demand for our products are high, our entry would have to be based on that this would enable us operate according to our company policy and principles. One important aspect is to establish a very clear internal policy in order to avoid any involvement in corruption.

7. **If Bonnier decides to invest in the Nigeria market, what form of market entry mode would you employ and why?**

E.g of Market entry modes includes Exports, intermediary (eg of intermediary includes, licensing, franchising, management contracts, turnkey contracts, joint ventures and technical know-how or coproduction arrangements), Hierarchy mode (e.g of hierarchy includes, representatives/foreign sales, branch/foreign sales subsidiary).

I believe we would initially look for any relevant acquisition opportunities. If such opportunities do not exist, we would probably look into setting up a green field operation either on our own or with a local partner. The entry mode would obviously depends on on type of products, which we plan to offer in the market. Most of our products tend to require that we establish local operations. In a market like Nigeria, which is far away from our main markets and are likely to be a quite different environment, we are more likely to look for a local partner.

8. **IP infringement is a challenging issue in today’s business world and so what are your company’s contributions in the fight against infringement of IP right?**

Different parts of Bonnier are certainly engaged in this issue and are making efforts to contribute in different ways. Within BBP International, we are contributing to this by clearly signaling to the market and 3rd parties that we do not accept our copyright to be systematically infringed.
10. Appendix 2. Interview with Electrolux AB

1. Please you introduce yourself, the company and its objectives.

   Legal Assistant

   Electrolux is one of the world’s leading international appliance companies. We are a part in the daily life of hundreds of millions of families around the world. Each year, some 40 million consumers in more than 150 countries choose our products, such as cookers and cooktops, ovens, fridges and freezers, dishwashers, washing machines, tumble dryers, room air conditioners and vacuum cleaners. That translates to two products bought from us every second, every day of the year.

2. What is your expertise in the field of Intellectual property protection?

   Mainly patents/designs/trademarks but also marketing issues.

3. Global brand licensing is a business unit of Electrolux with a total of 50 know brands world wide. 11 of these brands are currently in the African and the Middle East market with high degree of infringements in these markets how does Electrolux protect its brand against infringement?

   To protect our brand we have first of all registered all our trademarks and logotypes. When it comes to protecting our brand against infringement we try to manage the risks by being proactive. It is important that our department, Group IP, has a good communication within the Electrolux organization, between the employees and its affiliates globally. It is often the case that we receive tips/information internally within the Electrolux Group about possible infringements and we then take an action from there. We also have an aim to more actively search for infringement ourselves by monitoring the use of our trademarks through trademark searches, trademark oppositions etc. We also have a large co-operation with external Legal/IP firms/agents in which we obtain help and assistants when a possible infringement has been discovered.

4. If a new brand under the Global brand licensing system that deals in Digital books business is been introduced by Electrolux, how can this intangible product be protected against infringement knowing your limitations in tangible product oriented business.
This is a highly unlikely scenario for Electrolux. If we license a brand we take responsibility for the brand but not for other infringement in a product, such as design or patent. To protect the product patents, design protection, trademark protection and other rights must be used.

5. Has Electrolux ever had any experiences of infringement of its IPP right in any of its operational markets?

Yes, in several markets – infringement of our trademarks, domain names and designs/patents etc.

6. Based on your experiences (Electrolux), how does IPP determine your choice of market?

It is not in itself a main issue for determining the choice of market.

7. What factors do you think will be appropriate for the company if they decide to go into Nigeria market where corruption is high but where the economy and demand for your product is also high?

If we can make money in the market in a sustainable way in relation to the investments necessary.

8. If Electrolux decides to invest in the Nigeria market, what form of market entry mode would you employ and why? (But if already in Nigeria which mode did you use).

Most likely intermediary.

Example of Market entry modes includes Exports, intermediary (E.g of intermediary includes, licensing, franchising, management contracts, turnkey contracts, joint ventures and technical know-how or coproduction arrangements), Hierarchy mode (Examples of hierarchy includes, representatives/foreign sales, branch/foreign sales subsidiary).

9. IP infringement is a challenging issue in today’s business world and so what are your company’s contributions in the fight against infringement of IP right?

We fight infringement and lobby for stronger IP systems
11. Appendix 3. Interview with the law Company

1. Please you introduce yourself and the firm.

Iwoghale Matthais Ozue ESQ

A.O. Akpiyoroh & Co.

Legal Practitioners. Barristers And Notaries Public

14 Okumagba Avenue, Warri Delta State, Nigeria

2. What is your expertise in the field of Intellectual property protection (Copyright to be precise)?

I am a legal practitioner called to practice law as a Barrister and solicitor of the supreme court of Nigeria; hence I am conversant in all areas of law.

3. Are there laws that guides against infringement of rights in Nigeria just as it is in Sweden with the antipiracy law introduced last year?


4. If there is a law against this act, what is the degree of enforcement or how effective are the enforcement agency to persecute perpetrators?

There are laws against the act of copyright infringement in Nigeria, both civil and criminal hence the setting up of the Nigeria Copyright Council (NCC) established under section 30 (1) of the copyright acts (cap 68) of the law of the federation of Nigeria, 2004 which is responsible for all matters affecting
copyright in Nigeria. Section 18 (1) of the copyright act states that any person who makes or causes to be made, for sale, here or for the infringing of trade or business, any infringing copy of a work in which copyright subsists, makes or causes to be made or has in his possession any plate, master tape, machine, equipment or contrivance was not for the purpose of making infringing copies of any such work, be guilty of an offence under this act and shall be liable on conviction to a fine of an amount not exceeding N1,000.00 for every copy dealt with in contravention of this section or to a term of imprisonment. The law enforcement agency can arrest, investigate and prosecute infringers in the court of law for criminal liability of piracy. The court also granted injunctions and award damages in favor of the copyright/trademark owners against the infringers of the copyright/trademark. To be candid, the enforcement agencies in Nigeria are truly effective whenever copyright infringement comes to their notice and the court in Nigeria are always very keen in looking into the issues involved with clarity.

5. Nigeria is been consider as a corrupt nation, knowing this what effect does it has against the fight towards piracy?

In the right against piracy, an act is enacted into the laws of the federation of Nigeria, 2004, known as the copyright act, (cap 68), Section 1(1) of the act states that the following shall be eligible for copyright.

a. Literary works;
b. Artistic work;
c. Musical work;
d. Cinematograph film;
e. Sound Recording; and
f. Broadcasts

Section 14(1) of the act states that copyright is infringed by any person of the copyright who without the license of authorization

(a). Does or causes an other person to do an act, the doing which is controlled by copyright;
(b). Imports into Nigeria, Otherwise that for his private or domestic use, any article in respect of which copyright is infringed under paragraph (a) of the sub-section;

(c). Exhibits in public, any article in respect of which copyright is infringed under paragraph (a) of this sub section.

(d). Distributes by way of trade, offer for sale, hire or otherwise of for any purpose prejudicial to the owner of the copyright, any article in respect of which copyright is infringed under paragraph (a) of this sub-section.

(e). Makes or has in his possession, plates, master tapes, machines, equipment or contrivances used for the purpose of making infringed copies of the work.

(f) Permits a place of public entertainment or of business to be used for a performance in public the work, where the performance constitutes an infringement of the person permitting the place to be used was not aware, and had no reasonable ground for suspecting that the performance would be an infringement of the copyright;

(g). Performs or causes to be performed for the purpose of trade or business or as supporting facility to a trade or business, any work in which copyright subsists.

Section 18 of the act provides for criminal liability of piracy where it stated in sub-section 1 of the section that any person who,

a. Make or causes to be made for sale, hire or for the purpose of the trade or business, any infringing cop of a work in which copyright subsist; or

b. Import or causes to be imported into Nigeria, more than two infringing copies to such works; or

c. Makes or has in his possession, plates, master tapes, machines, equipment or contrivances used for the purpose of making infringing of any of such work;

Shall, unless he proves to the satisfaction of the court that he did not know and had no reason to believe that any such copy was not an infringing copy of any such work, or that such plate, master tapes, machines, equipment or contrivances was not for the purpose of making infringing copies of any such work. Be guilty of an of be guilty of an offence under this act and shall be liable on conviction to a fine of an amount not exceeding N1,000.00 for every copy dealt with in contravention of this section or to a term of imprisonment.
6. As a lawyer with full knowledge of the law as regards to Intellectual property, what are your advises to prospective investors coming to the Nigeria market with products that are sensitive and needs protection.

A prospective investor coming to the Nigeria market with products that are sensitive and needs protection has to take all necessary steps to obtain incorporation as a separate entity in Nigeria under part A and B of the companies and allied matters act, 2004. The date of incorporation under part A of the companies and allied matters act, 2004 mentioned in the certificate of incorporation, the subscribers of memorandum together with such other persons as may from time to time become members of the company, shall be a body corporate, capable of exercising all the powers of an incorporated company including power to hold land, having perceptual succession and a common seal.

After incorporation with the corporate affairs commission the next state is to apply to register with the Nigeria Investment Promotion Commission (NIPC) and apply to Securities and Exchange Commission (SEC) for registration of securities. Thereafter, application is made for other permits, e.g. Business Permit, Residence permit etc as section 8 (1) (B) of the Nigeria immigration Act states that no person other than a Nigeria citizen shall on his own accord or in partnership with any other person, practice a profession or establish or take over any company with limited liability for any such purpose without the written consent of the minister of internal affairs.

Furthermore, the National office of the industrial property Act, section 5 (2) provides that every contract or agreement entered into by any person in Nigeria with another person outside Nigeria involving the transfer of foreign technology to the Nigerian partner shall be registered with the national office of technology acquisition and promotion (NOTAP) in the prescribed manner not later than sixty (60) days from the execution or conclusion of agreement.

An agreement involves the transfer of technology if its purpose or intent is in the opinion of national technology acquisition and promotion (NOTAP) wholly or partially connected with any of the following-
a. The use of trademarks;

b. The right to use patented inventions;

c. The supply of mask or detailed engineering;

d. The supply of machinery and plants;

e. The supply of technical expertise in the form of the preparations of plans, diagram, operation manuals or any other form of technical assistance of any description.

f. The provision of operating staff or management assistance and the training of personal. Lastly, a prospective investor should apply under the trademarks act to the registrar of trade marks for the registration as trademarks the product he intends to bring into the Nigeria market.

7. Do you agree with the term that ‘Intellectual Property Protection influences firms decision when entry a given market’. If you do please state how this is possible in other hands state otherwise.

By section 30(1) of the copyright act (cap 68) laws of the federation of Nigeria, a body is established to be known as the Nigeria copyright council (NCC) which is a body corporate with the perpetual succession and a common seal and may sue and be sued in its corporate name.

The council shall be responsible for all matters affecting copyright in Nigeria, monitor and supervise Nigeria’s position in relation to international conventions for the conclusion of bilateral and multilateral agreements between Nigeria and any other country, enlighten and inform the public on matters relating to copyrighting, maintain an effective data bank on authors and their works; and be responsible for such other matters as related to copyright in Nigeria as the minister may, from time to time direct.

Furthermore, under the copyright act, a right of action is given to the proprietor of certain sort of works to prevent certain acts, which vary according to the sort of work.
8. IP infringement is a challenging issue in today’s business world and so what are your company’s contributions in the fight against infringement of IP right?

Copyright infringements give rise to a range of remedies, civil, criminal and administrative. All are important, particularly given the very considerable quality of unauthorized copies that is currently rife in the record, film and television industries, and none more so than the developed “Anton pillar” order for inspection the whole territory will not be traveled again comment being restricted to a number of numbers of special provisions comment affecting civil cases. Infringement of copyright shall be actionable at the suit of the owner, assignee or an exclusive license of the copyright as the case may be, in the federal high court, exercising jurisdiction in the place where the infringement occurred; as in any action for such an infringement, all such reliefs by available to the plaintiff as is available in any corresponding proceeding in respect of infringement of another proprietary right.


Please briefly write about intellectual property protection in Nigeria and the development rate so far. You can also state one or two instances concerning prosecution of infringers. For example if your firm has charged any infringer to court and what was the outcome.

Patents give temporary protection to technology inventions and registered designs to the novel appearance of mass-produced goods; copyright gives longer-lasting right in, for instance, literary artistic and musical erections; trademarks are protected against imitation so long at least as they continue to be employed in trade. There are no single generic terms that satisfactory covers them all “industrial property” is not uncommonly used in the common law world, but many would hold this to exclude copyright, particularly if they want to emphasis the special importance and vulnerability of the creative artist. Intellectual property scarcely describes trademarks and similar marketing devices; but it has now acquired a degree of international acceptance as a title, it may sound rather grandiloquent. However, then, at its most serious, this is a breach of the law which protects some of the finer manifestations of human achievement. Intellectual property protects an application of ideas and information that are of commercial values in Nigeria. The subject is growing in importance to the advance industrial countries in particular, as the fund of exploitable ideas became more sophisticated and as the increasingly upon their superior corpus of new knowledge and fashionable conceits. There is currently a great strengthen the various types of protection of ideals. The growth of trade competition over the years has brought ever-increasing
advantage to those in the van of innovation. Intellectual property right, which to help sustains the lead of those with technical know-how, with a successful marketing scheme, with fetishes for pop-culture, have come to foster immense commercial returns. The increasing numbers of patents granted and trademarks registered and the upsurge of publishing, record producing, firm-making and broadcasting, stands as some increase of this development.

In the matter of Okezi Udeva (NIG) Ltd v Olufemi Akande CA/B/86/2006 at the court of appeal, Benin City, Edo State, Nigeria, where I am the counsel to the plaintiff who sued for infringement of for its registered design of a certain cloth, we claimed for an injunction and damages the trial court granted the injunction and awarded N5 million as special damages and N10 million as general damages. The defendant appealed, admitting liability and did not complain of the injunction but complained of the amount of damages. We aver that general damages are for loss over ten (10) year exclusive use of the registered design and injury to goodwill or reputable due to the marketing of inferior stuff by the defendant. We wait patiently for the court’s to judgment which we hope will be in our favor.

Source: Adapted from Root (1994) pg 9