



China's Zero-Tariff Policy and Nigerian Exports: Implications for Intellectual Property Protection



Introduction

In a major shift in China–Africa trade relations, China removed tariffs on all imports from Nigeria and 52 other African countries from 1 May 2026, following President Xi Jinping’s announcement on 14 February 2026.¹ The zero-tariff policy, which runs until 30 April 2028, covers sectors such as agriculture, textiles, manufacturing, and industrial goods.² By opening access to a consumer market of over 1.4 billion people, the policy represents China’s most significant trade concession to Africa so far.³

The economic opportunity for Nigerian manufacturers is substantial as they can now offer competitive prices in coastal Chinese cities where middle-class purchasing power rivals that of European markets. Small and medium enterprises producing processed foods, textiles, cosmetics, and light manufactures categories with “Made in Africa” branding stand to benefit most. With the reduced export costs, there will be increased investment in production capacity and quality upgrading as these enterprises position for sustained Chinese demand of their products.

However, expanded access without adequate intellectual property (IP) protection presents serious risks. Nigerian exporters may face trade mark theft, counterfeiting, and loss of brand ownership under China’s first-to-file trade mark regime if IP rights are not secured early.⁴ Protecting trade marks, designs, and trade secrets therefore becomes essential for Nigerian brands entering the Chinese market.⁵

¹ BBC, “China scraps tariffs for all but one African nation” (30 April 2026). [Link](#). Accessed 6 May 2026.

² Ibid; D Munene, “Zero-tariff policy to advance Africa’s renaissance” (6 May 2026). [Link](#). Accessed 6 May 2026.

³ Ibid.

⁴ D Prud’homme and T Zhang, “China’s Intellectual Property Regime for Innovation: Risks to Business and National Development” (2019). [Link](#). Accessed 6 May 2026.

⁵ YCIPLaw, “China’s First-to-File System: Why It Matters for Foreign Brands” (2025). [Link](#). Accessed 6 May 2026.

What The Zero Tariff Policy Changes In Real Terms



China's zero-tariff policy removes import duties previously imposed on Nigerian goods entering the Chinese market, reducing costs for exporters across agriculture, manufacturing, and consumer goods sectors.⁶ Processed products such as sesame, cashews, ginger, cocoa butter, and shea butter, which formerly attracted tariffs of between 8% and 15%, can now enter duty free.⁷

The immediate effect is a pricing advantage for Nigerian exporters and lower procurement costs for Chinese buyers, making long-term supply arrangements more commercially viable.

The policy also lowers practical barriers to entry for Nigerian businesses seeking access to China.

SMEs that previously avoided the market because of tariff calculations, compliance costs, and uncertain margins may now export through distributors, trading companies, or direct supply arrangements.⁸

In practice, many of these businesses are likely to enter the market without securing trade mark, patent, or design protection in China, often relying on Nigerian registrations that provide no legal protection under China's territorial IP system.⁹ The risk is particularly significant in sectors driven by branding and product identity, including processed foods, fashion, cosmetics, and light manufacturing.¹⁰

⁶ Vanguard, 'China Rolls Out Zero-Tariff Access for Nigeria, 52 Other African Countries' (30 April 2026). [Link](#). Accessed 6 May 2026.

⁷ Ibid.

⁸ Pan African Manufacturers Association (PAMA), Position Paper: Industrial Upgrading under the China-Africa Zero-Tariff Window (Lagos, March 2026).

⁹ Mondag, 'Enforcing Your Intellectual Property Rights In Nigeria And Globally' (22 January 2025). [Link](#). Accessed 6 May 2026.

¹⁰ The Sun, 'Zero-tariff opportunities: Elevating China-Nigeria cooperation to a new level' (15 February 2026). [Link](#). Accessed 6 May 2026.

Intellectual Property Risks For Nigerian Exporters In China

The most immediate intellectual property consideration for Nigerian exporters is the territorial nature of trade mark protection. Businesses need to understand that the registration of trade marks related to their brands in Nigeria will not afford protection to such businesses in China or anywhere else as different jurisdictions have their local laws and registration process for trade marks. Brands therefore need to secure registrations in the receiving country, not just the country of manufacture to protect their identities and avoid the cumbersome process of enforcing their rights in the absence of registrations.

Another issue to be considered by Nigerian exporters is trade mark squatting. This risk is imminent as a result of China's first-to-file system, where, with few exceptions, legal ownership generally belongs to the first party to register a trade mark rather than the first to use it commercially.¹¹

Most times, distributors, sourcing agents, and third parties often monitor foreign businesses entering their local market and register identical or similar marks before the actual owners complete registration.¹² A Nigerian exporter that ships products or negotiates distribution agreements before filing trade mark applications may therefore later discover that its own brand has already been lawfully registered in China by any of these entities. The commercial consequence is rarely theoretical: businesses are often forced to rebrand, negotiate expensive buybacks, or abandon market entry altogether.¹³

Counterfeiting is another significant risk that can affect market visibility. Nigerian cosmetics, processed foods, fashion items, and consumer goods are especially exposed because counterfeiters frequently imitate packaging, logos, and product presentation rather than the product itself.¹⁴

Counterfeit goods are then distributed through e-commerce platforms and informal retail channels at lower prices. Although China has strengthened IP enforcement mechanisms, enforcement remains expensive, province-specific, and largely reactive.¹⁵ By the time infringing products are identified and removed, substantial reputational damage and consumer confusion may already have occurred.

Weak contractual protection creates an additional layer of exposure. Nigerian exporters commonly rely on local distributors, manufacturers, or commercial agents without detailed agreements governing IP ownership, confidentiality obligations, exclusivity, or post-termination restrictions.¹⁶

¹¹ AFD China, "Registering a Trade mark in China, China Trade mark System" (25 June 2026). [Link](#). Accessed 6 May 2026; Articles 4 and 31 of the Trade mark Law of the PRC.

¹² SAMR, "China Cranks Up Heat on Counterfeits, IP Violations" (China Daily, 24 April 2026). [Link](#). Accessed 6 May 2026.

¹³ *Ibid.*

¹⁴ SAMR, "China Cranks Up Heat on Counterfeits, IP Violations" (China Daily, 24 April 2026). [Link](#). Accessed 6 May 2026.

¹⁵ Z Zhang, "China's 2019 Trade mark Law Amendment: What's New" (22 January 2020). [Link](#). Accessed 6 May 2026.

¹⁶ P Beconcini, "Anti-Counterfeiting in China: A High-Stakes Battle for Brands, Lawyers and Investigators!" (27 February 2025). [Link](#). Accessed 6 May 2026.

In practical terms, a distributor with access to pricing structures, customer networks, supplier information, or production specifications may later establish competing operations using the exporter's own commercial information.



Generic agreements or informal arrangements rarely provide adequate protection in cross-border disputes.¹⁷ Trade secret loss is also a recurring issue, particularly in agro-processing, cosmetics, and light manufacturing sectors where commercial value often lies in formulations, sourcing systems, or production methods.¹⁸ Once confidential information is disclosed without enforceable Non Disclosure Agreements (NDAs) or internal confidentiality controls, legal recovery becomes difficult even under strengthened Chinese trade secret regulations.¹⁹

An additional but often overlooked IP risk for Nigerian exporters concerns geographical indications (GIs), particularly for agricultural products and textiles which form part of Nigeria's export strategy under the zero-tariff policy, as regional names like "Ijebu Garri", "Ofada Rice", "Aso-oke" etc may be registered by third parties due to absence of bilateral GI protection, limiting authentic branding rights and cultural heritage protection.²⁰

These risks demonstrate that IP protection in China functions as a commercial entry requirement rather than a post-entry legal exercise. Trade mark filings, contractual safeguards, confidentiality protections, and design registrations must be secured before negotiations, shipments, or market announcements occur.

¹⁷ R&P China Lawyers, "Terminating China Distribution Deals: Key Steps and Risks" (24 November 2025). [Link](#). Accessed 6 May 2026.

¹⁸ Anti-Unfair Competition Law of the People's Republic of China (amended 2019), art 9; State Administration for Market Regulation (SAMR), Provisions on the Protection of Trade Secrets (issued 24 February 2026, effective 1 June 2026).

¹⁹ Ibid.

²⁰ C Uwanna, "Geographical Indications in Nigeria: Realities and Recommendations" (23 July 2021). [Link](#). Accessed 6 May 2026.

Practical Legal & Commercial Safeguards

For Nigerian exporters entering China under the zero-tariff regime, intellectual property protection operates as a market-entry requirement rather than a post-entry legal consideration. The most critical safeguard is early trade mark registration in China. As trade mark registrations are territorial in nature, registrations in Nigeria will not afford any protection in China. Additionally, China practices a first-to-file system where ownership is determined by filing date, not prior use.²¹ Hence, exporters should register both English and Chinese versions of their brand names and logos, and extend filings across relevant classes and sub-classes to avoid gaps that allow opportunistic registrations.

Second, exporters must rely on properly structured contracts when engaging distributors or agents. At minimum, agreements should clearly state IP ownership, define permissible use, impose confidentiality obligations, and set out termination timelines, modalities and consequences, including return or destruction of materials.²² Bilingual drafting is essential to reduce interpretational disputes.

Third, exporters must rigorously control the disclosure of sensitive commercial information. Formulas, sourcing systems, manufacturing processes, and quality control methods should be shared only when strictly necessary and only under enforceable NDAs.

Once proprietary information is disclosed without adequate safeguards, the competitive advantage is effectively lost. Legal action may be possible but is unlikely to restore what has been compromised.²³

Market entry requires balancing IP protection against market-testing costs. For high-value innovations or brand-sensitive products, secure trade mark registration and critical IP rights before exporting. For lower-risk products, consider limited initial exports with basic trade mark protection to validate demand before committing to comprehensive IP registration. In all cases, maintain strict control over proprietary information and delay licensing or local production until both market viability and IP protection are established.

²¹YCIPLaw, 'China's First-to-File System: Why It Matters for Foreign Brands' (21 November 2025). [Link](#). Accessed 6 May 2026.

²²International Chamber of Commerce, ICC Model Distributorship Contract (ICC 2019) 12-18; World Intellectual Property Organization (WIPO), IP and Business: Managing Intellectual Property for SMEs (WIPO 2020) 55-60.

²³Ibid.



Conclusion

Ultimately, the commercial benefits created by China's zero-tariff regime will depend not only on expanded market access but on the legal preparedness of Nigerian exporters. In practice, the value of trade marks, product identity, confidential business information, and commercial goodwill may be lost where protection is delayed until after market entry.

Within China's first-to-file system and territorially enforced IP framework, preventative protection is significantly more effective than post-entry enforcement. Nigerian exporters, particularly SMEs, must therefore treat intellectual property protection as part of commercial strategy rather than a separate legal formality.

Without timely registration and adequate contractual safeguards, the opportunities created by the zero-tariff policy may expose businesses to avoidable commercial and reputational loss rather than sustainable competitive advantage.

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