

NEWSLETTER

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STREN & BLAN PARTNERS QUARTERLY IP NEWSLETTER

REGULATORY UPDATES

Federal Ministry of Industry, Trade, and Investment

i. Update on the Intellectual Property Automated System (IPAS): On 23rd September, 2024, World Intellectual Property Organisation (WIPO) visited the Commercial Law Department of the Ministry of Industry, Trade and Investment which houses both the Trademarks Registry and the Patents and Designs Registry to assess the situation with the IPAS platform which hitherto has not been functioning optimally and has begun working on an upgrade of the platform.

ii. Update from the Nigerian Patents and Designs Registry: On 19th September 2024, an official update was circulated informing the public that patent applications would now be processed more swiftly, as the platform that was experiencing downtime has now been fixed by the technical team. It also stated that when an application is still undergoing examination, applicants can request a delay in processing if amendments need to be made. However, if the application has already been processed and amendments are necessary, amendment fees must be paid first.

WIPO Launches Branding Project for SMEs in Nigeria

On the 24th of September, 2024 WIPO officially launched the branding project for SMEs. The project aims to provide support to female & youth-led SMEs in the Food and Beverages, Cosmetics, and ICT sectors to utilize branding as a tool for strengthening market access and dominance. The

Director of WIPO, Nigeria Office, Tobi Moody in his address urged participants to leverage on the project and see branding as creating a distinct identity for SMEs, which are critical aspects of our economy serving as engines of job creation & reducing poverty.

Standards Organization of Nigeria (SON)

i. Enforcement Actions to Ensure Compliance with Regulations: On 13th June, 2024, the SON seized counterfeit electrical cables and wires in Ekiti State, worth over N30,000,000.00 (Thirty Million Naira) upon receiving reports that some of the vendors were retailing substandard cables and wires. SON also sealed two unregistered factories in Nasarawa state upon findings that their product was falsified and substandard.

ii. Landmark Collaboration Between the Standards Organization of Nigeria and the Standards Association of Zimbabwe: At the recent African

Organization for Standardisation (ARSO) meeting, the Standards Organization of Nigeria (SON) and the Standards Organization of Zimbabwe (SAZ) formed a new partnership. Both organizations will work together to enhance product quality and ensure safety standards. The key area of cooperation includes knowledge sharing, improving inspection and certification processes, adopting digital technologies, and strengthening enforcement. By combining the expertise of both organizations, Nigeria and Zimbabwe aim to boost economic growth and improve the well-being of their citizens.

National Agency for Food Drug Administration and Control (NAFDAC)

i. Development of a 5-year Traceability Plan: NAFDAC has developed a detailed 5-year traceability implementation plan to enhance the visibility and security of the supply chain within the pharmaceutical industry and combat the prevalence of substandard and falsified medicines. The key components of the 5-year

traceability plan include full visibility and supply chain security, developing a regulatory framework to support the enforcement of the traceability guidelines, pharmacovigilance and patient safety, collaboration, and stakeholder engagement, as well as putting in place, technical infrastructure and support.

National Agency for Food Drug Administration and Control (NAFDAC)

i. Public Alerts: NAFDAC issued public alerts in June and July 2024 regarding:

- The sale of Counterfeit PHESGO 600mg/10ml injection in Nigeria.
- The illegal distribution and sale of B-BAG HEALTHY medicine by Babban Gida Agalawa General Enterprises
- The illegal distribution and sale of falsified brand of Ginny Non-Dairy Creamer in Nigeria.
- The recall of Herbal Dietary Supplement by Stop-Clopez Corp. due to Undeclared Nortadalafil.
- Confirmed counterfeit of Herceptin in Nigeria.
- Confirmed counterfeit of Perjeta in Nigeria.
- Confirmed counterfeit of Tecentria Injection in Nigeria.
- Confirmed counterfeit of Avastin in Nigeria.
- The illegal sale of Substandard and Falsified (SF) Colamar (Artemether/Lumefantrine 20/120mg) Oral Suspension.
- Confirmed counterfeit of Mabthera 500mg/50ml in Nigeria.
- Sale and distribution of unregistered/banned veterinary products.

Economic and Financial Crimes Commission (EFCC)

The Economic and Financial Crimes Commission (EFCC) has advised filmmakers in the entertainment industry to conduct thorough due diligence on their funding sources to avoid unwittingly becoming involved in financial crimes such as money laundering. As Nigeria's film industry, particularly Nollywood, continues to grow and attract significant investment, it has also drawn increased scrutiny regarding the legitimacy of funding sources. The EFCC's advisory is part of its broader efforts to prevent the entertainment

sector from being exploited for illicit financial activities. Filmmakers are encouraged to carefully vet potential investors, ensure compliance with Nigerian laws, and collaborate with law enforcement if they suspect any suspicious activities. This move highlights the importance of financial transparency and integrity, aiming to safeguard the industry's reputation and promote sustainable growth.



LEGISLATION & CASE LAW UPDATES

Netflix Inc & ANOR. v. Mr. Ezra Enesi, FHC/L/CS/1691/21

– Whether an Assignment or License of Copyrights in a Composite Work Granted by One Co-owner to a third party is lawfully binding on all other Co-owners.

The dispute, which was brought to the Federal High Court in 2021, was centered on the legal implications of copyright licensing for co-owned or jointly authored works, with a specific focus on the Afrobeats song "Joro" by the popular artist, Wizkid.

In this matter, Sony Music Publishing (UK) Limited ("Sony") was assigned the rights to the composite work "Joro" through a Master's use Agreement that was executed by only one of the co-owners. Following this, Sony granted Starco TV3 Limited, the plaintiff, a Synchronization & Broadcasting License, allowing them to use and synchronize "Joro" in the TV series "Sex Education," which was later streamed on Netflix. The contention arose when Mr. Ezra Enesi, the second co-owner of "Joro," alleged copyright infringement, claiming unauthorized use of the work by Netflix Inc.

The Federal High Court on 7th June, 2024 ruled in favor of the Plaintiffs, affirming that an assignment or license of copyright in a composite work given by one co-owner is valid and binding on all co-owners. The Court recognized that a co-owner who licenses or assigns rights in a co-owned work to a third party is considered to be acting on

behalf of all co-owners. As a result, a licensee who acquires rights from one co-owner is not required to secure additional licenses or make further payments to other co-owners for the use of the same copyrighted material. The court ruled that the Defendant was legally bound by the license agreements and therefore, was not entitled to additional claims or any further compensation for the use of the work.

This ruling clarifies and reinforces the legal framework for copyright licensing of co-owned works under Nigerian law. It establishes that a license granted by one co-owner of a composite or jointly authored work is sufficient to bind all other co-owners, as long as the licensee has fulfilled the payment obligations under that license. This decision is particularly important for streaming platforms, production companies, and others who frequently acquire rights to use co-owned copyright works, as it streamlines the licensing process. Once a license is lawfully obtained from one co-owner, there is no further need to obtain licenses or pay additional fees to other co-owners.



UPDATES FROM OTHER JURISDICTIONS

CNIPA Launches Patent Prosecution Highway Pilot Program

The China National Intellectual Property Administration (CNIPA) on 8th June, 2024, launched a Patent Prosecution Highway (PPH) Pilot program with the African Regional Intellectual Property Organization (ARIPO). This program aims to expedite the patent examination process for applicants who have received a positive outcome

in one of the participating offices. The program will streamline patent application processes by reducing duplication of efforts. Consequently, applicants who receive a positive examination result in one office (either CNIPA or ARIPO) can request an accelerated examination of corresponding claims in the other office.

OGAPI Seminar Raises Awareness of Genetic Resources, Traditional Knowledge, and Cultural Heritage

The Gabonese Industrial Property Office (OGAPI) recently convened a workshop in Libreville focused on developing standardized legal frameworks for Genetic Resources, Traditional Knowledge, and Cultural Heritage. The goal was to provide a unified legal approach for the management of these assets across all OAPI member states. This initiative is a key component of OGAPI's strategic roadmap for 2023-2027, and it is anticipated that the proposed model laws will be adopted by member

countries, resulting in a harmonized legal landscape within the region. The seminar comes in the context of growing international recognition, as seen with the recent adoption of the WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge. This Treaty marks a significant step in establishing legal frameworks to protect and promote the rights of Indigenous people and local communities regarding their genetic resources and traditional knowledge.¹

¹ <https://dcc.com/news-and-insights/recognising-source-historic-treaty-on-patents-genetic-resources-and-associated-traditional-knowledge-adopted/>

Africa Group asks for Changes to World Trade Organization (WTO) Rules

On 19th June 2024, the Africa Group at the World Trade Organization (WTO) asked for changes to be made to the WTO rules governing the acquisition and transfer of intellectual property (IP) to tackle several environmental and development challenges. The Africa Group has indeed been vocal about the need to reform the WTO rules as they argue that these rules are hindering their ability to address environmental and developmental challenges. The Group believes that existing IP rules can limit access to crucial technologies, such as those related to renewable energy and

healthcare, needed for sustainable development. Africa Group also contends that the current IP regime favours developed countries, creating an uneven playing field for developing nations. Therefore, it is pertinent to state that changes to the WTO IP rules as advocated by Africa Group could facilitate technology transfer to developing countries, enabling them to address critical challenges like climate change and healthcare.

The Ministry of Commerce and Industry Announces Major Fee Reductions for Businesses In Qatar

The Ministry of Commerce and Industry in Qatar has significantly lowered its fees for various services, with some fees reduced by more than 90%, effective from 11th July, 2024. This decision is part of a broader initiative to stimulate economic growth and attract more investments from both local and international businesses. The new fee structure makes it much cheaper for businesses to register and obtain necessary licenses. For example, the cost for a commercial registration has been reduced from QAR 10,000 to QAR 500. These reductions aim to encourage entrepreneurship and

business expansion by lowering financial barriers. This also aligns with Qatar's long-term goals to diversify its economy and enhance its business environment, as outlined in the country's national development plans. The fee cuts are expected to make it easier for new businesses to start and for existing ones to grow, thereby contributing to a more dynamic and competitive economy.

Partners Against Piracy Launched in Namibia

Partners Against Piracy (PAP) is a significant initiative launched in Namibia on 12th June, 2024, by Multichoice in collaboration with key government agencies and industry bodies. The primary goal is to reduce the prevalence of illegal content

distribution, protecting the rights of content creators and owners. By safeguarding intellectual property, the initiative aims to foster a thriving creative economy in Namibia.

WIPO Commits to Supporting Cameroon's Intellectual Property Revamp

The World Intellectual Property Organization (WIPO) has shown its commitment to assist Cameroon, in strengthening its intellectual property (IP) frameworks. Some of the key aspects of WIPO's support involve building the capacity of Cameroon's IP office, strengthening Cameroon's IP

legislation, and promoting the protection of IP rights within the region, and other relevant institutions. This support is important for fostering innovation, creativity, and economic growth within Cameroon.

Anti-counterfeit Authority in Kenya Unveils IP Monitoring Platform

The Anti-Counterfeit Authority (ACA) in Kenya unveiled a new platform to monitor intellectual property on 5th June 2024. This platform, known as the Anti-counterfeit Integrated Information Management System (AIMS), is a digital system designed to combat the proliferation of counterfeit products in the country. Consequently, intellectual

property owners can now register their IP rights through the online platform. The system is also designed to equip enforcement bodies with the capacity to identify and seize counterfeit goods in the market.

Qatar's Implementation of Individual Fees for Madrid Protocol Designations and Renewals

Qatar has implemented individual fees for Madrid Protocol designations and renewals. This implies that trademark owners who wish to protect their brands in Qatar through the Madrid Protocol must pay a separate fee

directly to Qatar in addition to the international registration fee. This new development took effect on 3rd August, 2024.

China- Egypt Patent Prosecution Highway Pilot Project Extended to 2029

The China-Egypt Patent Prosecution Highway (PPH) pilot project has indeed been extended to 2029. This PPH project is designed to expedite the examination process for patent applications filed in China and Egypt as it allows for faster processing of patents by leveraging the work done by the other participating offices. The extension of the PPH until 2029 reflects

a continued commitment to improving patent examination efficiency between the two countries. This extension also provides a longer period for applicants to benefit from expedited examination processes.



NEWS ABOUT THE FIRM

A. Stren & Blan Partners has been recognized as the Corporate & Commercial, and the Real Estate & Construction Team of the Year at the ESQ Nigerian Legal Awards 2024 on 7th July, 2024, which reflects our commitment to excellence and our dedication to delivering top-tier legal services in our diverse areas of practice.

B. Our Founding Partner Amala Umeike and Managing Partner Christian Aniwku have been recognized as World IP Review (WIPR) 2024 Leaders. This recognition highlights their dedication and expertise in the Intellectual Property landscape.

C. Our Managing Partner Christian Aniwku has been recognized as a Notable Practitioner for 2024 by IP STARS (Managing IP). This recognition highlights his expertise and contribution to Intellectual Property Law and his commitment to excellence.

D. Our Founding Partner, Amala Umeike was a speaker at the 2024 South African Restructuring and Insolvency Practitioners Association (SARIPA) WEBINAR SERIES on 25th July 2024. His panel session was centered on "Restructuring Regimes – A Journey Around the World".

E. Our Partner, Ozioma Agu was a speaker at the 18th Annual Business Law Conference of the Nigerian Bar Association – Section on Business Law

(NBA-SBL), held in FCT Abuja, from the 26th – 28th June, 2024. She highlighted the importance of addressing the existing infrastructure deficits and policy implementation issues associated with Nigeria's natural resources. She also emphasized the need for a one-stop center where all necessary permits and licensing of power projects will be handled.

F. Our Team Lead, Noble Obasi was a speaker at the 18th Annual Business Law Conference of the Nigerian Bar Association – Section on Business Law (NBA-SBL), held in FCT Abuja, from the 26th – 28th June, 2024. This session focused on "Cybersecurity & Data Privacy in the Age of AI: Legal Considerations". During his session, he made significant contributions toward the crucial steps businesses should take in the event of a data breach.

G. Our Team Lead, Joseph Siyaidon was a speaker at the 1st International Chamber of Commerce (ICC) Nigeria Arbitration Day held in Lagos, on the 3rd and 4th of July, 2024. He spoke on a presentation titled "Unlocking the Potential for the Blue Economy: Opportunities and Challenges for Maritime Arbitration in Nigeria in Light of the Arbitration and Mediation Act (2023)". He explored the significant opportunities and challenges introduced by the new legislative framework.

¹ <https://dcc.com/news-and-insights/recognising-source-historic-treaty-on-patents-genetic-resources-and-associated-traditional-knowledge-adopted/>

H. Our Team Lead, Marvis Oduogu was a speaker at the BusinessDay Policy Intervention Series held in Lagos, on 5th July, 2024. His presentation was centered on the topic "From Regulation to Growth: NAFDAC's Economic Vision" where he discussed how the Agency can evolve from its regulatory role to becoming a catalyst for economic growth in Nigeria.

I. Our Associate, Chibudike Anene attended the Business Show Africa 2024 held in Sandton, South Africa on the 4th and 5th of September 2024. The Business Show Africa 2024 is an annual event focused on helping businesses understand how to build and grow. The event allows startups to exhibit their products and network with potential investors and consulting services.

J. Our Associate, Chibudike Anene attended the Adams & Adams Africa Network Meeting 2024 held in Pretoria, South Africa on the 4th, 5th, and 6th of September 2024. The Africa Network Meeting is an annual Intellectual Property (IP) seminar that provides an opportunity for IP practitioners in Africa and senior IP officers to come together to share industry insights and experiences relevant to the field of IP on the African continent.

K. Our Associate, Omonefe Irabor-Benson, was a panelist at a session organized by the Global Creative Legal Summit at the Landmark Event Center, Lagos on 19th September, 2024. She shared her insights on the panel discussion themed "Leveraging AFCFTA to Enhance Exports through Strong IP Protections."

L. Our Partner, Christian Aniuoku, and Associate, Emmanuel Ughanze, attended the WIPO Branding Project for SMEs in Nigeria Roundtable & Program

Launch on the 24th of September, 2024 at the United Nations House, Abuja.

M. Our Partner, Amala Umeike, was a speaker at the 2024 Business Recovery and Insolvency Practitioners Association of Nigeria (BRIPAN) International Conference held on 26th September, 2024, at the Shell Hall, MUSON Center in Onikan, Lagos. He shared his thoughts on the topic "Global Development in Restructuring and Insolvency: Challenges and Opportunities." He examined the current developments in global restructuring and insolvency and addressed the key challenges faced by practitioners while highlighting potential strategies for success.

N. Our Associate, Cynthia Ekeka, compered the 2024 BRIPAN International Conference themed "Restructuring and Insolvency in Times of Economic Challenges," held on 27th September, 2024, at the MUSON Center in Onikan, Lagos.

O. Our Team Lead, Joseph Siyaidon, spoke at the 9th International Chamber of Commerce (ICC) Young Arbitrators Forum (YAAF) Global Conference in New York on Friday, 27th September, 2024. He addressed the current state of play in Arbitration and Alternative Dispute Resolution (ADR) across various regions, diving into recent developments and landmark jurisprudence that have shaped the field.

About Stren & Blan Partners

Stren & Blan Partners is an innovative and dynamic Law Firm with a compelling blend of experienced lawyers and energetic talents. We are focused on providing solutions to our client's business problems and adding value to their businesses and commercial endeavours. This underpins our ethos as everything we do flows from these underlying principles.

Stren & Blan Partners is a full-service commercial Law Firm that provides legal services to diverse local and multinational corporations. We have developed a clear vision for anticipating our client's business needs and surpassing their expectations, and we do this with an uncompromising commitment to Client service and legal excellence.

Market Recognition

Our confidence and pride are in our client's satisfaction, and we consistently reassess our objectives in alignment with our client's business needs. Unsurprisingly, in the 3rd quarter of 2024, our firm was awarded the Corporate & Commercial, and Real Estate & Construction Team of

the Year by the ESQ Nigerian Legal Awards 2024. The esteemed recognition highlights our dedication to excellence and innovation in our fields of practice.

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