

PATENT

Acquisition and protection of Patents and Industrial Design Rights are governed by Patents and Design Act of 1970. Patents rights, when acquired give the patentee the right to preclude others from exploiting the invention for industrial and commercial purposes. The scope of protection is to be determined by the terms of the claim.

REQUIREMENTS FOR APPLICATION

Every patent application made to the Registrar shall contain:

The applicant's full name and address and if that address is outside Nigeria, an address for service in Nigeria (i.e. address of your local agent or Attorney in Nigeria will suffice).

- i. A description of the relevant invention with any appropriate plans and drawings. At least two copies of complete specification in English Language with relevant plans and drawings in duplicate where necessary. The description shall disclose the relevant invention in a manner sufficiently clear complete for the invention to be put into effect by a person skilled in the art of field of knowledge to which the invention relates.
- ii. A claim or claims, this shall define the protection sought and shall not go beyond the limits of the said description.
- iii. A patent application shall relate to only one invention but may include in connection with that invention claims for a number of products or for any number of manufacturing processes for those products or for any number of applications of those products. It may also include claims for any number of processes and for means of working those processes for the resulting product or products and for the application of those products.
- iv. Where appropriate, a declaration signed by the true inventor requesting that he be mentioned as such in the patent and giving his name and address.
- v. An application under the International Convention must be filed within twelve (12) months from the filing date of earlier application filed in a country which has been declared to be a convention country.
- vi. Where an applicant for a patent seeks to avail itself of a convention priority, the request for priority must be made when filing the Nigerian application. Such applicant shall append to his application a written declaration showing:
 - a) The date and number of the earlier application.
 - b) The country in which the earlier application was made.
 - c) The name of the person who made the earlier application.
 - d) Not more than (3) months after the filing of the Nigerian application such applicant shall furnish the Registrar with a copy of earlier application certified by the Industrial Property Office (or its equivalent) in the country where the earlier application was made.
- vii. Authorisation of Agent's Form Number 2 duly signed by the applicant (Notarisation not necessary)

PROCEDURE AFTER APPLICATION

- **EXAMINATION:**

If the application documents are not in accord with official requirements the Registrar has power to reject the application.

- **PUBLICATION**

Documents relating to a patent application will not be available to the public until grant of patent thereon.

- **ASSIGNMENT**

An assignment must be in writing and signed by the parties. Assignment and transfer by succession must be registered or they will have no effect against third parties.

- **INDUSTRIAL DESIGNS**

Industrial Designs are afforded protection for an initial period of 5 years which may be extended for two consecutive terms of 5 years each by renewal.

- **REQUIREMENTS FOR APPLICATION**

1. Full name, Address and Nationality of the Applicant.
2. Complete drawings or Picture of the Design.
3. Priority documents, if priority is claimed.
4. Authorization of Agent's signed by the Applicant.