

**NIALS JOURNAL**  
**OF**  
**INTELLECTUAL PROPERTY [NJIP]**  
**MAIDEN EDITION (2011)**



*Published by:*  
*Nigerian Institute of Advanced Legal Studies*  
**NIALS JOURNAL OF INTELLECTUAL PROPERTY [NJIP] MAIDEN  
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### Editorial\*

The subject of intellectual property (IP), without doubt, has attained a considerable universal prominence, especially in its ever growing significance to the core values of human enterprise and global policy. In today's world, its reach is so diverse and dynamic that it sits actively in the interstices of the disciplines of law, technology, economics health, culture, agriculture, environment, international relations, politics and more. The inter-disciplinary breath invites scholars, practitioners, policy makers and the industry across the world to thought-provoking debate of jurisprudence, policy and best practices in the ensuing systems of intellectual property. Inexorably, the debate has continued to draw more attention to diversity of issues and has in many essential respects become a conundrum as much as it is a continuum of some sort that tests the validity and, in Cornish's word, the 'omnipresence' of intellectual property<sup>1</sup>; a conundrum because it raises intractable questions such as the possible future of copyright in the new technology age<sup>2</sup> or the much trodden role of intellectual property to development, and a continuum because it portends an endless search for acceptable solutions to critical socio-economic issues of pressing concerns such as the role of patent system in addressing access to medicines or the ever 'procreative' frontiers of IP norm<sup>3</sup> or its tendency to amortize the world's cocktail of esoteric knowledge systems. This versatility has continued to be fuelled by the forces of globalization that has transformed and subjected hitherto localised structures into globalised systems.<sup>4</sup>

Whilst the developed countries and intellectual property doctrine appear to have found a convenient consanguinity, the developing and less developed countries are still at the throes of ambivalence inherent in the varied notions of intellectual property that has continued to trail the attainment of the elusive

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1. See William Cornish: *Intellectual Property, Omnipresent, Distracting, Irrelevant* (2004), Clarendon Law Lectures, Oxford University Press. See Adebambo Adewopo (2004) Review of William Cornish *Intellectual Property, Omnipresent, Distracting, Irrelevant*, Journal of Scottish Center for Research in Intellectual Property, 350, 351-352.

2. See Paul A. David: *The End of Copyright History* (2004) Review of Economic Research on Copyright Issues, Vol. 1(2), 5, 7.

3. Peter Drahos: The Globalisation of Regulation (2001), *The Journal of Political Philosophy*, Vol. 9, No. 1, pp. 103-128.

4. David Vaver: Intellectual Property: The State of the Art (2000) LQR 621, 624.

paradigm being flaunted for development. Policy makers and development experts have deepened critical focus on the interaction of intellectual property, nations and their industries with the emergent construct that there is far too much at stake in the political economy of development as to ignore the role of a strategically appropriate national intellectual property system. Part of the fallout of that is the 'one size fits all' hypothesis directed at recalibrating the geopolitical significance of IP.<sup>5</sup> Contemporary wisdom now supports the march by the rising interests among African countries towards a more focused and development-oriented intellectual property system.<sup>6</sup> There is no doubt that Africa and the rest of the developing countries are desperately in need of this discourse.

The growing community of African and other scholars in intellectual property are contributing in no small measures to the resource in the international norm-setting debates. Although, much of the state of the law in African countries, including Nigeria is generally known and understandably so, to fall short of the global standards of IPR protection, however, law and policy reform initiatives will continue to chart the path for the development of intellectual property in these countries. Experts in the field are also providing useful contribution to the development of the law. This is one of the intended objectives of the NIALS Journal of Intellectual Property. It is the first referred law journal in the field of intellectual property published in Nigeria and it is devoted to the ideal of contributing to existing knowledge in intellectual property law, policy and the wider issues that impacts intellectual property. The NIALS Journal of Intellectual Property will therefore help fill the gap of platforms for diffusion of knowledge in the field. NJIP will continue to publish contribution, on a bi-annual basis, by seasoned scholars, policy makers as well as practitioners for the development of intellectual property jurisprudence and the interaction of legislature, the courts and institutions; public and private, international and regional. It will not be limited to only issues of law written by IP lawyers, since intellectual property extends to other disciplines which are gemaine to the development of intellectual property jurisprudence and policy.

This Maiden Edition which assemble contributions from the body of brilliant academics and practitioners in the field explore a wide variety of important issues which intellectual property encounter today, particularly with regards to the evolving jurisprudence in Nigeria, Africa and beyond. The articles cover topical inquiries such as the search for an IP policy by Chidi Oguamanam; the impact of the digital age on the entertainment industries and the role of copyright law; the role of patent law in access to medicines; the 'Berne' international law clause on

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<sup>5.</sup> Gustavo Ghidini: On the Impact of TRIPS on 'Least Developed Countries': A Tale of Double Standards? *QMJIP*. Vol. 1, No. 1, April 2011, pp. 73-79. Graeme B. Dinwoodie: *Remarks: 'One Size Fits All', Consolidation and difference in Intellectual Property Law in The Structure of Intellectual Property Law, Can One Size Fit All?* Annette Kur & Vytautas Mizaras (ed.) (2011) 3-14.

<sup>6.</sup> Ikechi Mgbeoji: *TRIPS and TRIPS – Plus Impact in Africa*, in *Intellectual Property, Trade and Development, Strategies to Optimize Economic Development in a TRIPS-Plus Era*, Daniel Gervais (ed.) (2007) Oxford University Press 259, 270; R. Okedeji: *The International Relations of Intellectual Property: Narratives of Developing Country Participation in the Global Intellectual Property System* (2003) 7 *Sing J. Int'l & Comp. L* 315.

country of origin in the context of the digital age; the international and public policy dimension to the protection of the rights of indigenous peoples; and the reform of trademark law particularly in the context of the contemporary commercial practices and case law. This is made possible by the Nigerian Institute of Advanced Legal Studies under the headship of Professor Epiphany Azinge SAN. NJIP will accept scholarly manuscript on topical intellectual property and related issues as they touch on the wider socio-economic, technological and political developments. The Editorial Advisory Board is multi-national and, draws from reputable authorities in the field.

I would like to thank the contributors to this first issue for their hard work and our referees for their support and helpful comments. It is therefore my unique privilege to invite our readers to the entry of the NJIP into the rich repertoire of intellectual property scholarship.

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