

THE LEAD DEBATE ON THE PATENTS & DESIGNS ACT CAP. P2 LAWS OF THE FEDERATION OF NIGERIA, 2010 (REPEAL AND RE - ENACTMENT) BILL, 2018 (SB. 630).

Sponsor: Sen. (Dr.) Emmanuel Andy Uba, MFR

(Anambra South Senatorial District)

Mr. President, my Distinguished Colleagues, permit me to lead the debate on the Patent and Design Act (Repeal and Re-enactment) Bill, 2018.

You will recall that this Bill was read for the first time in this hallowed Chamber on Thursday, 1st March, 2018.

The Bill seeks to repeal the extant Patents and Designs Act of 1971 and re -enact the Patents and Designs Act of 2018, to bring about an upgrade in the body of laws governing patents in Nigeria and to make provisions in respect of future patents and applications for patents for the protection of inventions. The Bill also seeks to give effect to certain international conventions on Patents.

Mr. President, my highly respected colleagues, the existing legislation, the Patents and Designs Act is inherently inaccurate and it simply does not meet the needs of a modern society especially seeing that it had not been efficiently updated since 1971.

In 2016, you would recall that this Senate established a deliberate legislative agenda towards the improvement of the Economy by way of legislative reforms and it earmarked certain Acts of the Parliament that needed to be proposed, amended or repealed, in order to drive Nigeria up the *ease-of-doing-business* index, in a bid to better the economic prospects of our dear Nation. The Patents and Designs Act of 1971 was then listed as one of those Bills that was earmarked for a complete overhaul; hence the need for this Bill and this debate.

In this current age of borderless international trade, Nigeria cannot afford to be isolated; neither is it insulated from world events. Therefore, the prospects of doing business in Nigeria should be at par with what obtains in other countries of the world.

It is in line with the foregone need and the pressing demand to review intellectual property laws (of which the Patents Law is a sub-part) in Nigeria, that this Senate has embarked on a progressive legislative agenda to facilitate the absorption of advanced technologies and the stimulation of domestic innovative activity in order to contribute to the development of Nigeria.

Mr. President, intellectual property rights are exclusive rights that are conferred by law to an individual, enterprise, corporation or any entity for the product of that

individual, enterprise or corporation for the product of his or its intellect. Products of the intellect can take many forms as we know, and those that would be protected include, scientific inventions, industrial designs, signs of a purely commercial value or trademark, a trade secret on the one hand; or they may be in the form of a literary work. It may be in the form of an artistic work, a musical work.

Intellectual property law does confer on the individual, the exclusive right of exploiting, assigning, transmitting and contracting out the creations of his intellect. Those creations would have to be in some form as expressed in a legally admissible format and, in some cases, are subject to registration procedures.

In other words, in the same way that a person owns land or a person may own a car or any other item of person or property, and the law provides protection for those tangible rights and ownership, provides protection and grants the individual exclusive rights to exploit the land or car in terms of selling it, renting it or importing a car or exporting a car as it may be, in the same way with this intellectual property the law provides protection for the exclusive exploitation, assignment, transmission and the contracting out of novel creations of the intellect.

Mr. President, my highly respected colleagues, the Patents Bill is designed to enhance the quality of life for all Nigerians. It provides for an industrial property system which protects innovation and creative expression. It is a helpful pre-condition to creating and using new technology and therefore, it would boost economic growth and aid development. A strong system of intellectual property rights is indispensable to technological development and advancement.

The Bill seeks to protect intellectual property rights by setting up a framework for civil/judicial procedures, that is, making provisions for the objectives of providing impetus to scientific and technological development as well as to the rapid industrial growth of our country, heavily dependent as this country is on science-based industry in oil, natural gas and other fields.

In its Part III, this Bill also gives the opportunity to our country, as a member of the international community to protect industrial property, by securing maximum benefits from being party to what is known as the Patent Co-operation Treaty, to which this country has become a signatory. The international convention provides means whereby patents can be obtained in any or all of the states which are signatories on the basis of a single international application which is filed and processed centrally. This convention established the main principles that signatories to the convention agree to apply to their treatment of intellectual property in each of the countries.

Mr. President, respected Colleagues, this Bill is a significant requirement for the improvement in the attractiveness of Nigeria as an investment location.

Its implementation is a requirement for the deepening of trade relations in the global market place.

It improves a system that is self-sustaining, and it makes a contribution to the national treasury.

Finally, Mr. President and my dear colleagues, in keeping with the requirement of our standing rules by Order 77 (3), which requires a financial compendium to accompany any Bill, this Bill has no direct financial implication, as it would be administered by the already existing apparatus under the supervision of the Federal Ministry of Trade and Investment, therefore, no financial compendium is attached.

I therefore crave your support to ensure that this Bill scales second reading.

Thank you.