

PATENTS AND THE PHARMACEUTICAL INDUSTRY IN NIGERIA: PROSPECTS AND CHALLENGES



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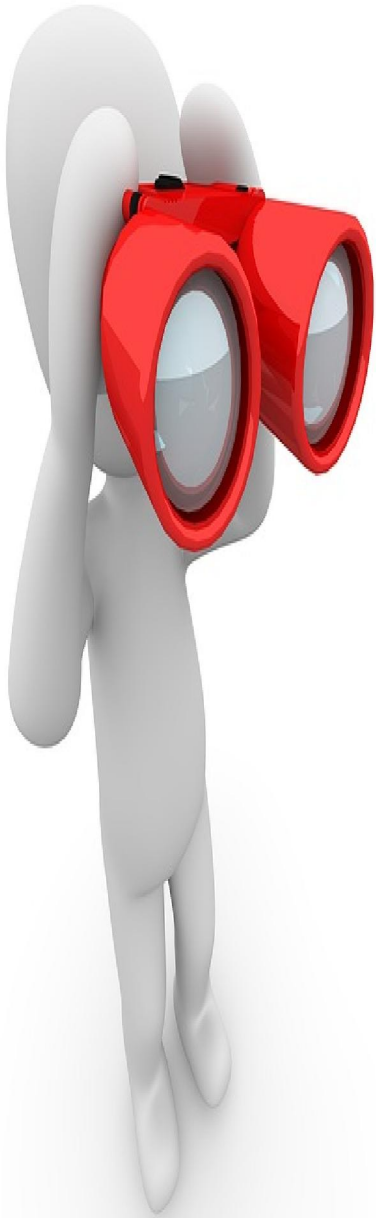
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OUTLINE

- **BACKGROUND**
- **CONCEPTUAL CLARIFICATION**
- **PATENTS REGISTRATION**
- **CHALLENGES AND PROSPECTS**
- **SUMMARY**



BACKGROUND

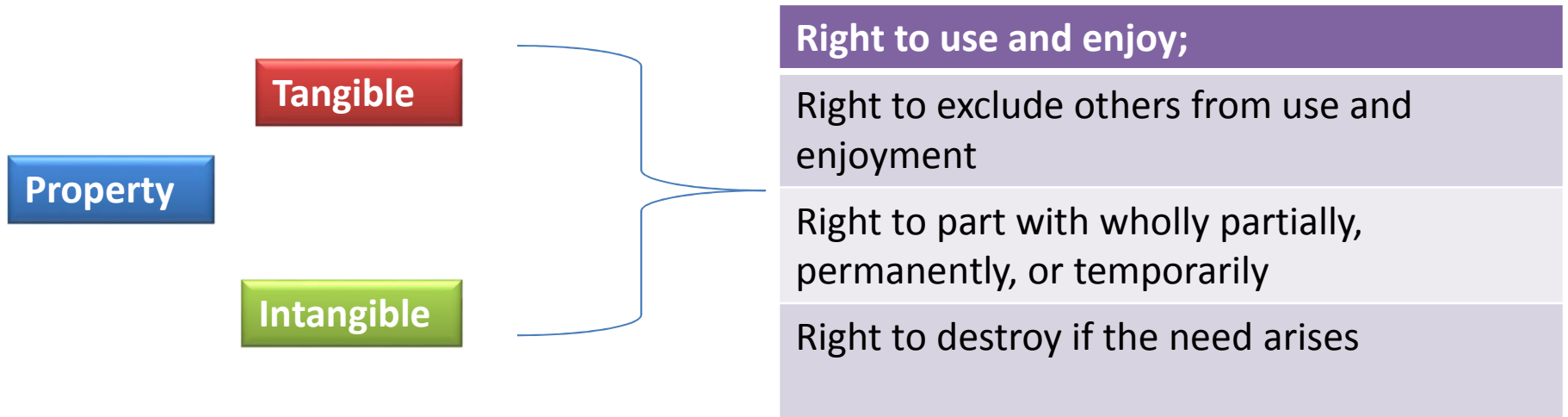
➤ Law is a body of *obligatory or enforceable rules and underlying principles and standards of human conducts* made by the *law making organ* in a society for the *purpose of securing order and peaceful interpersonal relationship in the society.*

➤ Dean Roscoe Pound defined Law as “an instrument for Social Engineering.” He noted further that: “Law Fixes Society by Eliminating Competing Interests in Society.”

➤ Professor Tom Fox, Law reforms society by playing a Mandating, Facilitative, Endorsing and Partnership role in the Society.

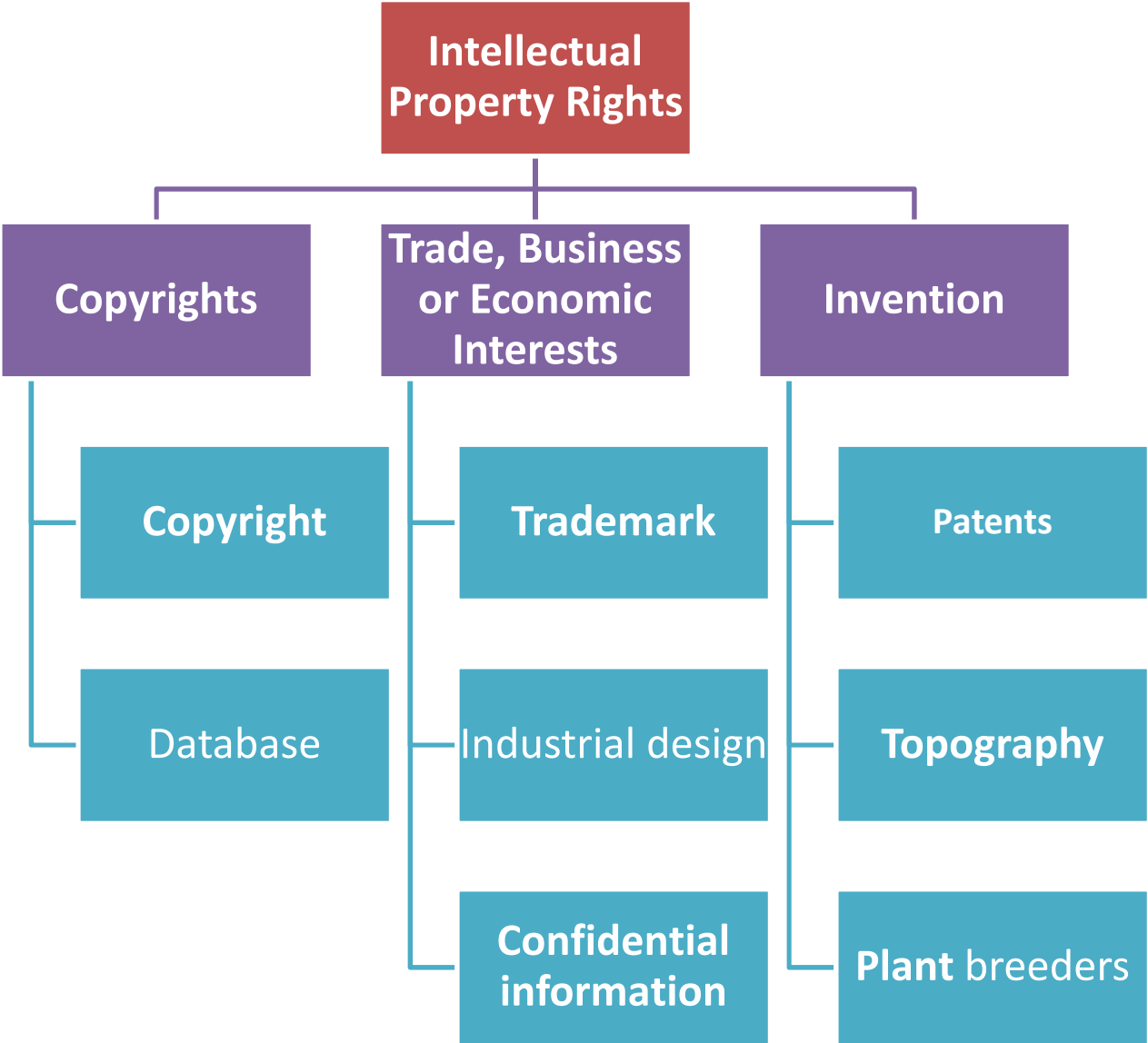


CONCEPTUAL CLARIFICATION

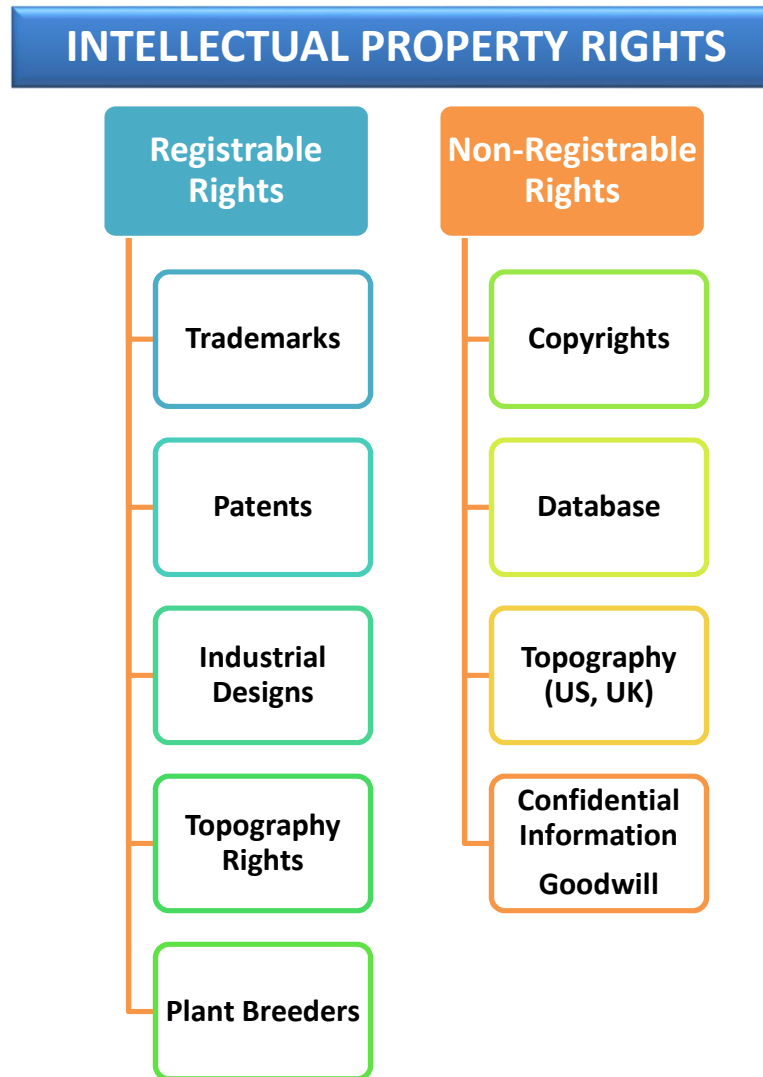


Intellectual Property Right refers to the exclusive legal rights given to inventors or creators for a certain period of time to protect their creations, more particularly inventions, literary or artistic works, distinctive signs and designs used in commerce.

CONCEPTUAL CLARIFICATION



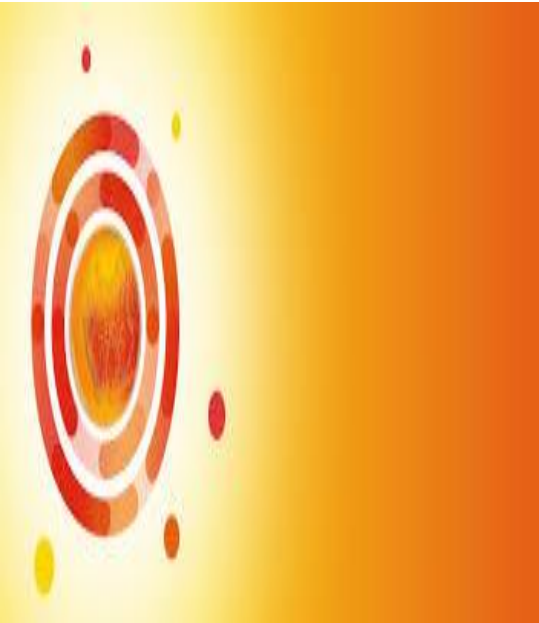
CONCEPTUAL CLARIFICATION



PATENT

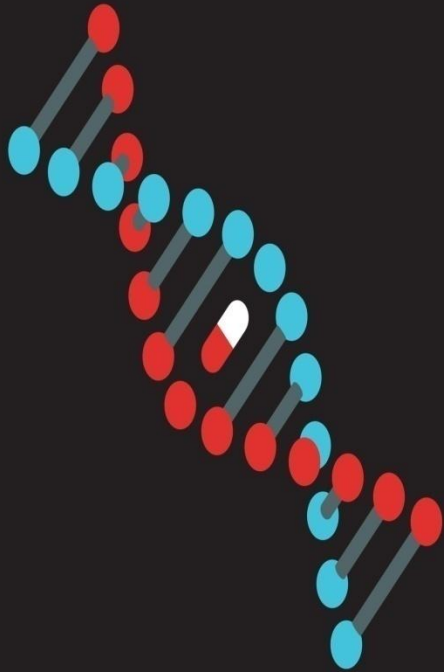
- Letter of Patent under the Venetian Statute by the Italian province of Venice in the year 1474
 - The English Statute of Monopolies 1623,
 - The use of patent has gained global recognition in protecting new and inventive ideas.
- The term patent refers to a grant made by the appropriate governmental authorities within a country to protect new inventions or improvements made therein that are well thought-out to have enhanced the way(s) the earlier inventions were made or used.

PATENT CHARACTERISTICS



- granted by the national or regional patent office such as the African Regional Intellectual Property Organisation (ARIPO), and the Organisation Africaine De La Propriete Intellectuelle (OAPI).
- valid for a limited period of time, generally for 20 years from the filing date (priority date) of the patent application, provided the renewal (or maintenance) fees are paid to keep the patent in force.
- An invention must be patentable, that is to say:
 - It is new, results from inventive activity and is capable of industrial application; or
 - If it constitutes an improvement upon a patented invention, it is also new and results from inventive activity and is capable of industrial application.

PATENT



- **Patents are by far the most important IPRs in the pharmaceutical industry as they are of the most economic value to innovative companies that depends on IP protection to support their investments on medical research.**

THE NIGERIAN PHARMACEUTICAL INDUSTRY

- multifaceted with many different stakeholders .
- Need for concerted action across stakeholders to create an enabling environment for industry to flourish and realize its full potential as an asset to economic and social development
- Unlike in the US, UK and the EU, where the pharmaceutical industry is well advanced , that of Nigeria is developing.
- The prospect of growth in the Nigerian pharmaceutical industry is encouraging
- The pharmaceutical market was estimated to be worth US\$ 600 million in 2009 and should grow substantially at around 12 per cent year-on-year to reach US\$ 717 million by 2011.



THE NIGERIAN PHARMACEUTICAL INDUSTRY

The key challenges confronting Nigeria's pharmaceutical market include counterfeit medicines, poor healthcare infrastructure and the limited spending power of citizens.

The pharmaceutical market was estimated to be worth US\$ 600 million in 2009 and was estimated to grow substantially at around 12 per cent year-on-year to reach US\$ 717 million by 2011.

Nigeria remains heavily reliant on imported pharmaceuticals. The revised National Drug Policy (NDP) (2004) set a target for 70 per cent (in volume) of the country's demand for medicines to be met by local drug manufacturers by 2008, an estimation that was not met.

The pharmaceutical manufacturing sector has experienced a steady annual growth of 10 per cent to 15 per cent since 2001 (IFC).

Furthermore, some local drug manufacturers are currently upgrading their facilities to comply with WHO prequalification and WHO cGMP requirements. If successful, this will enable them to promote the export of medicines manufactured locally in Nigeria to ECOWAS countries and beyond.

In addition, once prequalified, local manufacturers will be able to participate in international procurement tenders called by international development partners.

LEGAL FRAMEWORK FOR PATENT REGULATION



International
framework



Regional
framework



National
framework



INTERNATIONAL LEGAL FRAMEWORK

Paris Convention for the Protection of Industrial Property

Patent Cooperation Treaty

Strasbourg Agreement on International Classification of Patent

Patent Law Treaty

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

TRIPS Agreement

REGIONAL LEGAL FRAMEWORK

African
Regional
Intellectual
Property
Organisation
(ARIPO),

**Designated
African states**

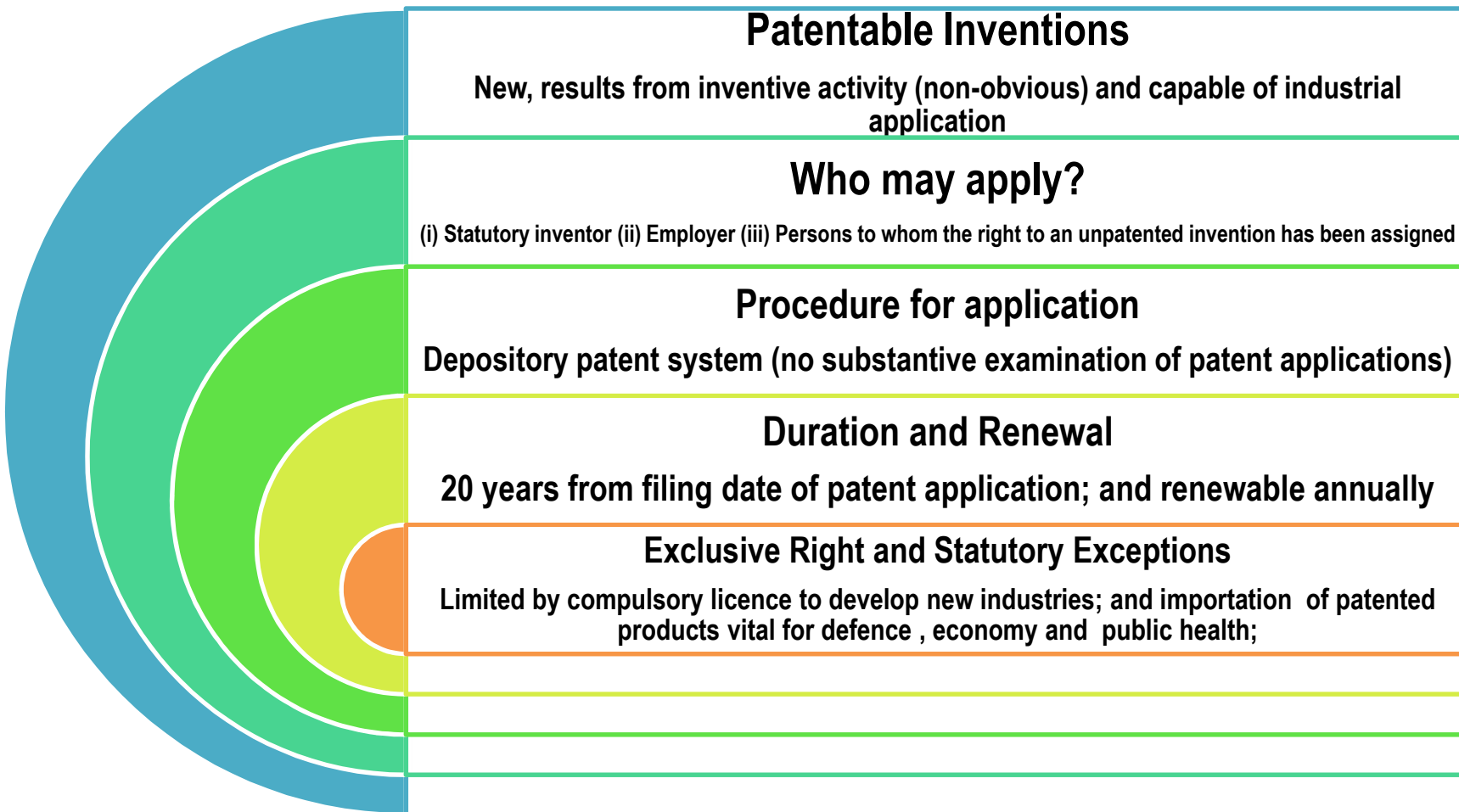
**National patent
laws retained**

Organisation
Africaine De La
Propriete
Intellectuelle
(OAPI)

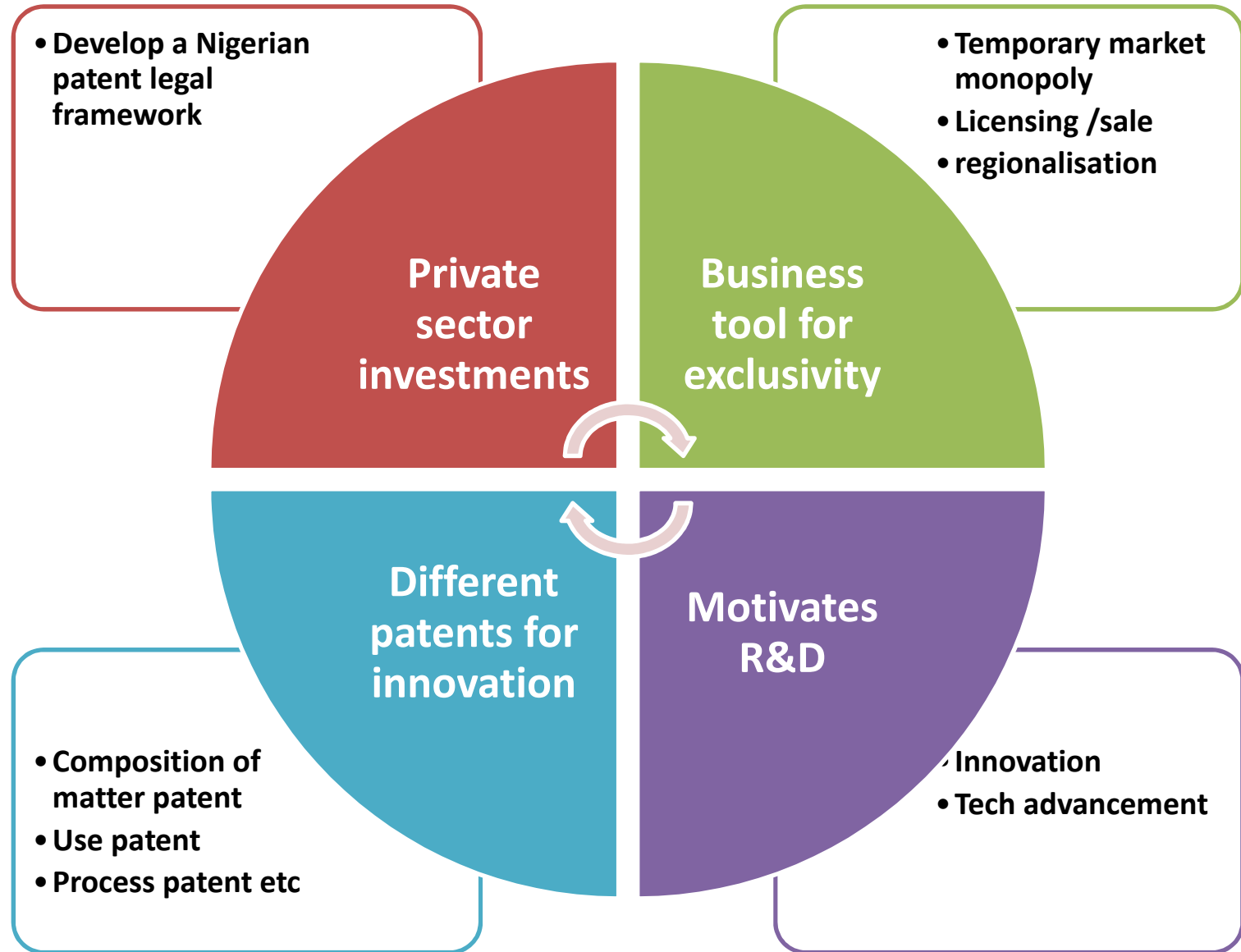
**Obviates
different
national
registration**

**Applies within
designated
states**

NIGERIAN LEGAL FRAMEWORK: Patents and Design Act



PATENTS AND THE NIGERIAN PHARMACEUTICAL INDUSTRY: PROSPECTS



THE NIGERIAN PHARMACEUTICAL INDUSTRY: CHALLENGES



- **Weak patent regime;**
- **Poor patent administration**
- **Lack of a coherent industrial policy**
- **Menace of counterfeiting drugs and other pharmaceutical products**

CONCLUSION



- **A globalised world intensely knowledge-driven can benefit Nigeria, if we reposition our IP laws, regulations and policy.**
- **Strengthen institutions – NAFDAC and the National Office for Technology Acquisition and Promotion (NOTAP)**