

#IPTuesday

Protecting Product Formulation and Packaging Identity

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The Fast Moving Consumer Goods (FMCG) manufacturing sector in Nigeria operates on rapid turnover and razor-thin margins, making Intellectual Property protection for product differentiation critically important.

The key challenges lie in simultaneously securing three core assets. Firstly, new product formulations, manufacturing methods, and unique machinery can be protected through Patents, provided they satisfy the criteria of novelty, inventive step, and industrial applicability under the Patents and Designs Act.

Secondly, the distinctive visual appearance of a product's packaging, such as the unique shape of a bottle, the graphical layout, or the colour scheme, is often the primary way a consumer recognizes the brand and should be protected using Industrial Designs and through the broad scope of Trademark registration, including three dimensional marks.

Thirdly, maintaining competitive advantage often rests on Trade Secrets, such as a specific, unpatented ingredient mixture or a supply chain process. For these secrets, which are not registered with any governmental authority, robust internal policies, employee training, and strict contractual clauses are the only forms of legal defense in the absence of dedicated Trade Secret legislation in Nigeria.

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