

World IP Day 2026: Your Nigerian Brand Is Not Protected Until You Have Done This

CAC registration is not trademark protection. Here is what it actually takes to protect a brand and its intellectual property in Nigeria.



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Background

Every week, we hear a story about a Nigerian business owner who has just discovered that someone else has registered their brand name as a trademark or that the logo their designer created is legally owned by the designer, not the business.

In every case, the business owner believed they were protected. They registered their business with the Corporate Affairs Commission (CAC). They had a contract with their designer where they signed a license agreement but none of that was enough. And the cost of fixing it where feasible is always higher than the cost of getting it right in the first place. On World IP Day, this article explains what it actually takes to protect a brand and its intellectual property in Nigeria in 2026.

CAC Registration Is Not Trademark Protection

The commonest IP misconception we encounter in Nigeria is that CAC registration is enough. A CAC business name or company registration gives you the right to trade under a name within the Nigerian corporate registry. It does not give you the exclusive right to use that name as a brand nor does it prevent anyone else from registering that name as a trademark. It only gives you limited rights that are enforceable against a third party who uses the same name in the marketplace.

Trademark registration at the Nigerian Trademarks Registry gives you the exclusive right to use the mark in Nigeria for the registered goods and services. Without this foundational brand protection enforcement, you are relying on the common law tort of passing-off which requires proof of established goodwill and reputation, is more uncertain than a registered trademark infringement claim, and is considerably more expensive to pursue.



How to Actually Protect Your Brand in Nigeria

Protecting a Nigerian brand properly requires these steps:

Step 1:

Conduct a Trademark Search

Before filing a trademark application, a search of the Nigerian Trademarks Registry should be conducted to identify any prior registrations that could conflict with your mark. Filing without searching risks rejection of your application and more seriously a dispute with a prior rights holder whose claim will be stronger than yours.

Step 2:

File in the Right Classes

Trademark protection in Nigeria is class-specific. There are 45 classes of goods and services (1 – 34 for goods, 35 – 45 for services) under the Nice Classification System, and your registration only protects you in the classes you have applied for.

A business that registers its trademark for clothing (Class 25) and then launches a restaurant under the same name without registering in the food and beverage class (Class 43) has no registered trademark protection for its restaurant. Identifying the right classes relevant to your current and planned business activities is one of the most important steps in a trademark filing.

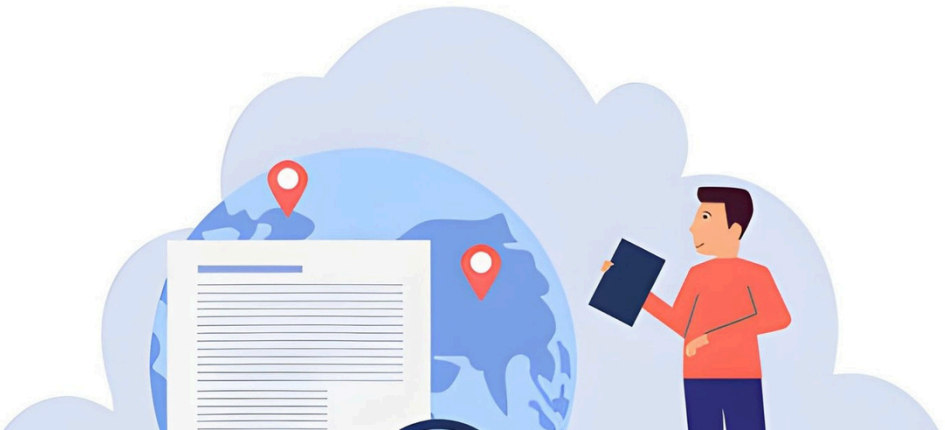
Step 3:

File and Manage the Application

The Nigerian Trademarks Registry process involves filing the application, examination by the Registry, publication in the Trade Marks Journal, and if there are no objections or oppositions, registration. This means that a business that needs trademark protection should file as early as possible, ideally before launching the brand publicly, and certainly before the brand becomes valuable enough to attract imitation

Step 4: Consider African and International Protection

For Nigerian businesses with ambitions beyond the domestic market, trademark protection in Nigeria alone is not sufficient. The African Regional Intellectual Property Organisation (ARIPO) allows a single application to cover up to 22 member states across Africa. The Madrid System allows Nigerian trademark owners to extend their protection to up to 130 countries through a single international application. Building an international IP protection strategy early is significantly more cost-effective than trying to reclaim a brand in a new market after a local party has registered it first.



IP Ownership in Your Commercial Contracts

Trademark registration addresses your brand but the IP position of most Nigerian businesses extends beyond the brand. Under Nigerian copyright law, copyright in a work created by an independent contractor belongs to the contractor,

not to the commissioning party, unless there is a written agreement to the contrary. This means that every business that has engaged external contractors to create any element of its brand, technology, or content needs to review those contractor relationships for IP assignment clauses



The One Obligation Overlooked by Businesses

For businesses operating under foreign technology licenses, franchise agreements, or technical service agreements, the National Office for Technology Acquisition and Promotion (NOTAP) registration obligation is frequently missed. NOTAP requires that technology transfer agreements must be registered within a stipulated timeline. While the agreement is valid and enforceable in Nigerian courts, payments cannot be made on the basis of the agreements through authorised dealer banks.

IP protection is not a legal formality. It is a commercial asset. The Nigerian businesses that take IP seriously early are the ones that can license their brands, attract investment, and defend their market position when the need arises.

Please note that the contents of this article are for general guidance on the Subject Matter. It is NOT legal advice. For further information or to see our other service offerings, please visit www.goldsmithsllp.com or contact:



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