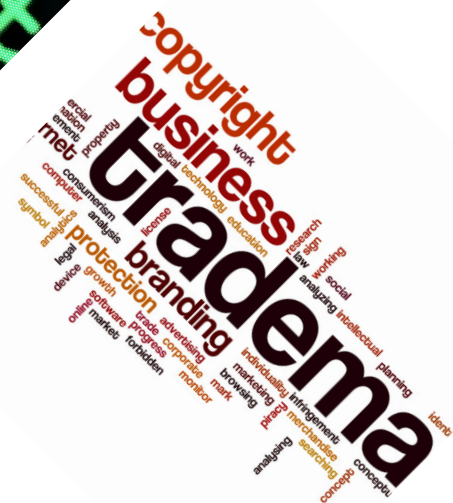


TRADEMARK INFRINGEMENT IN NIGERIA:

THE COST OF BRAND
IDENTITY THEFT IN
THIS DIGITAL AGE



TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

Article

INTRODUCTION

In this current digital age, a trademark is an invaluable asset that businesses can utilize to establish and safeguard their market space. A trademark can take the form of a name, symbol, catchy phrase, or any other mark capable of identifying the source of a product or service[1].

The current digital society is experiencing significant changes in the trademark landscape, presenting unique opportunities for trademark owners to reach a broader and more diverse audience, thereby significantly enhancing brand visibility and recognition. However, these advancements also bring forth potential challenges, particularly directly related to trademark infringement[2]. Addressing these challenges is paramount, given the escalating prevalence of online trademark infringement as online commerce continues to expand; the risks to brand integrity and consumer trust are heightened, necessitating proactive measures to safeguard intellectual property rights[3]. This article explores the critical importance of trademark protection in today's competitive business environment.

TRADEMARK LANDSCAPE IN NIGERIA

The digital age has revolutionized the landscape of trademark, presenting both challenges and opportunities for brand protection[4]. The evolution of trademark in the digital era represents a pivotal shift in legal frameworks to adapt to the challenges posed by online commerce and communication. Trademarks traditionally focused on physical goods and services, but with the advent of the internet and digital technologies, its scope expanded significantly. In the digital age, trademarks are not only used to identify products and services but also to establish and protect brand identities in the virtual sphere. This evolution has been driven by various factors, including the globalization of markets, the rise of e-commerce platforms, and the increasing importance of intangible assets in the digital economy[5].

A trademark is a creation of the mind that features a unique and distinguishing characteristic that differentiates it from other forms of IP[6]. According to Section 67 of the Trademarks Act, it provides that trade mark means, a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the mark, whether with or without any indication of the identity of that person[7].

[1] Peng, Jin. (2025). The Role and Significance of Trademark Law in Brand Value Protection. Lecture Notes in Education Psychology and Public Media. 84. 22-27. 10.54254/2753-7048/2025.20552.

[2] Zhang, Youfei. (2024). Trademarks in the Digital Age: The Current Challenges and Legal Protections. Lecture Notes in Education Psychology and Public Media. 69. 73-79. 10.54254/2753-7048/69/20240156.

[3] R. Thio, R. Christiawan, and W. Wagiman, 2024. Trademark Law in the Digital Age: Challenges and Solutions for Online Brand Protection. Global International Journal of Innovative Research, 2(4), pp.710-721.

[4] Ibid

[5] R. Thio, R. Christiawan, and W. Wagiman, 2024. Trademark Law in the Digital Age: Challenges and Solutions for Online Brand Protection. Global International Journal of Innovative Research, 2(4), pp.710-721.

[6] Ibid

[7] Trademark Act Cap T13 LFN 2004

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

The Nigerian Court in the case of *Society BIC S.A. & Ors v. Charzin Industries Ltd* [8] held that a trademark is a distinctive mark of authenticity through which the product of a particular manufacturer may be distinguished from those of others by word, name, symbol or device. In other words, a trademark can be any word, phrase, symbol, design, or combination of these things that identifies your goods or services. It's how customers recognize you in the marketplace and distinguish you from your competitors.

Trademark plays three crucial functions for consumers. Firstly, they serve as an identification, allowing consumers to find the producer of a specific product by using the trademark. Secondly, trademarks typically provide a guarantee of product quality, allowing consumers to recognize the source and derive a sense of satisfaction. Thirdly, trademarks help to drive up brand values. Hence, trademarks play an essential role in benefiting both consumers by reducing search costs and entrepreneurs by maximizing profits[9]. With the boosting technological developments in recent years, there has been a remarkable increase in the involvement of internet platforms and e-worlds in commercial activities, which leads to the broader use of trademarks of digital platforms[10]. Meanwhile, this conspicuous trend raises concerns about various potential trademark infringements in the digital realm.

The Trademark Landscape in Nigeria is governed by the Trademark Act, Cap T13, Laws of the Federation of Nigeria 2004, administered by the Trademarks, Patents and Designs Registry under the Federal Ministry of Industry, Trade and Investment. For a trademark to be protected under the Trademarks Act, it must be duly registered[11]. Registration of a trademark is essential to protect the registered proprietor of a trademark. According to Sections 5 and 6 of the Trademarks Act, when a person is duly registered as proprietor of a trademark under Part A or Part B of the register, such registration confers on them the exclusive right to use the mark and to prevent unauthorized use of any identical or deceptively similar mark that is likely to cause confusion or deceive consumers in the course of trade in connection with the goods for which it is registered[12]. The objective of these protective provisions is to ensure that no one other than the registered proprietor of a trade mark uses a mark either identical or so nearly resembling it as to likely deceive or cause confusion in the course of trade; accordingly, a duly registered trademark gives the proprietor the exclusive right to use it in marketing or selling goods, and any unauthorized use of an identical or deceptively similar mark without consent entitles the proprietor to sue for infringement, passing off, or both[13].

[8] (2014) LPELR-22256(SC)

[9] Zhang, Youfei. (2024). Trademarks in the Digital Age: The Current Challenges and Legal Protections. *Lecture Notes in Education Psychology and Public Media*. 69. 73-79. 10.54254/2753-7048/69/20240156

[10] Ibid.

[11] Section 4 of the Trademark Act Cap T13 LFN 2004

[12] Section 13 & 14 of the Trademark Act Cap T13 LFN 2004

[13] *Morison Industries Plc v. CPL Industries Ltd* (2021) LPELR-52981(CA)

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

Registration of Trademark

To register a trademark in Nigeria, an applicant is required to provide the following information to aid the registration of the trademark. They are:

- a. name, nationality, and address of the proprietor of the trademark;*
- b. representation of the trademark (such as the device/logo);*
- c. specification of goods/services for which the trademark is sought to be registered;*
- d. the class of goods/services in accordance with the Nice Classification; and*
- e. an executed power of attorney (Form 1) in favour of an agent or attorney.*

The steps involved in the registration of trademarks in Nigeria are enumerated below^[14]:

- **1. Availability Search:** The first step is to conduct an availability search to identify if the proposed mark is registrable it does not conflict with any existing trademark in the proposed class(es) to avoid any form of infringement.
- **2. Filing of the Proposed Trademark:** Upon the completion of the search and confirmation that the proposed mark does not conflict with any existing trademark, the proposed trademark is then filed via the registration portal. An acknowledgement form is thereafter issued on the portal by the Trademarks Registry.
- **3. Acceptance of the Trademark:** After the mark is filed, it is then examined by the Registrar of Trademarks, and if accepted, an acceptance letter is issued within 1-3 weeks.
- **4. Publication in the Trademarks Register and Filing of Opposition:** Upon the mark being accepted, it is then published in the Trademarks Journal. The trademark application is then opened for oppositions (if any) to be filed. The opposition period is within two months of the publication in the Trademarks Journal. In the event that a notice of opposition is filed against a trademark, the Registrar shall send the notice of opposition to the applicant, and it is expected that a counter statement be filed by the applicant stating the grounds relied upon. Where a counter statement is filed by the applicant, a copy of it is sent by the Registrar to the opposing party. The parties are then required to exchange evidence, after which a hearing date is fixed, and on the conclusion of such hearing, the Registrar then decides whether or not the trademark registration is to be permitted^[15]. The decision of the Registrar is subject to appeal at the Federal High Court^[16].

[14] Favour Ogini & Oluwabusola Ayeni Trademarks Protection in Nigeria: Registration Procedure and Enforcement of Rights

[https://www.gelias.com/images/Newsletter/Trademarks Protection in Nigeria Registration Procedure and Enforcement of Rights.pdf](https://www.gelias.com/images/Newsletter/Trademarks%20Protection%20in%20Nigeria%20Registration%20Procedure%20and%20Enforcement%20of%20Rights.pdf) assessed September 2025.

[15] Section 20 of the Trademark Act Cap T13 LFN 2004

[16] Section 21 of the Trademark Act Cap T13 LFN 2004

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

- **5. Issuance of the Certificate of Registration:** In the absence of any opposition to the trademark or where an application for opposition has been resolved in favour of an applicant, the Registrar shall proceed to register the trademark and issue to the applicant a certificate of registration in the prescribed form with the seal of the registrar[17]. Upon registration of a trademark, the registered trademark is valid for an initial period of seven (7) years, after which it can be renewed for additional periods of 14 years[18].

Grounds for the Opposition of a Trademark Registration

There are various grounds upon which an application for the registration of a trademark may be rejected, and these include where: -

- a. The trademark is likely to deceive or cause confusion, or is made up of a scandalous design[19];*
- b. The word is commonly used and accepted as the name of a chemical element or chemical compound as distinguished from a mixture[20];*
- c. The trademark is identical with a trademark belonging to a different proprietor and is already on the register relating to similar goods/services[21];*
- d. The trademark contains words such as 'patent', 'patented', 'registered', 'registered design', or 'copyright'; and*
- e. The trademark consists of words such as "Red Cross" or "Geneva Cross" or the representation of the Geneva or other crosses in red or of the Swiss Federal Cross in white or on a red background or in a silver on a red background or any such similar representation.*

Enforcement of Trademark Rights.

There are various modes for the enforcement of trademarks in Nigeria, and these include:

- **a. Filing of Opposition:** Upon the acceptance of the trademark by the Trademark registry, it is then published in the Trademark Journal and open for opposition (if any) to be filed within two (2) months. A notice of opposition is made known to the Applicant, who is expected to file a counterstatement. The Trademarks Registry is entitled to preside over opposition proceedings and can take further administrative actions with respect to proposed registrations.
- **b. Cease and Desist Letters:** This involves a trademark proprietor writing a letter to an infringing entity, informing the entity on the proprietor's exclusive right to use such mark, and warning such entity to deter from further acts of infringement.

[17] Section 22(3) of the Trademark Act Cap T13 LFN 2004

[18] Section 23(1) of the Trademarks Act Cap T13 LFN 2004

[19] Section 11 of the Trademarks Act Cap T13 LFN 2004. A design is said to be scandalous when it causes public outrage as a result of its immorality.

[20] Section 12 of the Trademarks Act Cap T13 LFN 2004

[21] Section 13 of the Trademarks Act, Cap T13 LFN 2004

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

- **c. Institution of an Infringement Action before the Federal High Court:** The Federal High Court has the exclusive jurisdiction over trademark matters[22]. By section 3 of the Trademarks Act, only a registered trademark can be enforced as no person shall be entitled to institute any proceeding to prevent, or to recover damages for the infringement of an unregistered trademark. The trademark proprietor of an unregistered trademark may however resort to the common law relief through an action for passing off to protect his goodwill.
- **d. Enforcement by other Regulatory Agencies:** There are other regulatory authorities in Nigeria that assist in the enforcement of trademarks in Nigeria, and these include the –

- **Federal Competition and Consumer Protection Commission:** The Federal Competition and Consumer Protection Commission Act, 2018 (the “FCCPA”) prohibits any undertaking from knowingly applying for any goods, a trade description or trademark in a manner that is likely to deceive consumers[23].
- **Economic and Financial Commission (the “EFCC”):** The EFCC is empowered to investigate economic and financial crimes including the theft of Intellectual Property[24].
- **Nigerian Internet Registration Association (“NIRA”):** NIRA specializes in helping trademark owners protect and enforce their rights against abusive and bad faith registration in relation to trademark and domain name matters.

- **e. Criminal Liability for Trademark Infringement:** The Merchandise Marks Act, Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act and Cybercrimes (Prohibition and Prevention) Act, 2015 provide for criminal liabilities and consequences for trademark infringement in Nigeria.

Legal Framework Governing Trademark Infringement

In Nigeria, the legal framework governing trademark protection and enforcement is drawn from a combination of statutes that address both civil and criminal aspects of infringement. These laws provide mechanisms for registration, protection, and remedies against unauthorized use of marks, as well as sanctions for deceptive practices.

The laws governing the protection of trademarks in Nigeria are –

1. *Trademarks Act*[25]
2. *Trademark Regulations, 1990*
3. *Merchandise Marks Act*[26]

[22] Section 251(f) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

[23] Section 116 of the FCCPA [24] Section 6 of the EFCC Act.

[19] Section 11 of the Trademarks Act Cap T13 LFN 2004. A design is said to be scandalous when it causes public outrage as a result of its immorality.

[20] Section 12 of the Trademarks Act Cap T13 LFN 2004

[21] Section 13 of the Trademarks Act, Cap T13 LFN 2004

[22] Section 251(f) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

[23] Section 116 of the FCCPA

[24] Section 6 of the EFCC Act. [25] Cap T13 LFN 2004 (LFN 2004)

[26] Cap M10 LFN 2004

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

4. *Trademark Malpractices (Miscellaneous Offences) Act*[27]
5. *Cybercrimes (Prohibition and Protection) Act 2015*
6. *Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act*[28]

UNDERSTANDING TRADEMARK INFRINGEMENT

Trade mark infringement refers to the unauthorized use of a trademark or service mark. This unauthorized use may be connected to goods or services and has the potential to cause confusion or deception about the origin of a product or service[29]. The Trademark Act provides that infringement occurs when a mark identical or confusingly similar to a registered trademark is used without permission, especially if it causes consumer confusion[30].

Trademark infringement refers to the unauthorised use of another's trademark or a mark closely resembling it, which confuses the minds of buyers. The Supreme Court of Nigeria held in *Bell Sons & Co v Aka & Anor* that in determining whether an infringement has occurred, both audio and visual comparisons of the original mark and the infringing mark must be taken together before a conclusion is reached as to whether an infringement has in fact occurred.

Thus, to establish infringement, the four key conditions must be met:

- (a) *The mark complained of must be identical with or confusingly similar to the registered mark.*
- (b) *The goods for which the mark is used must be specifically covered by the registration.*
- (c) *The use made of the mark must be in the course of trade, in areas covered by the registration.*
- (d) *The use must be in such a manner as to render it likely to be taken as being used as a trademark.*

The Plaintiff in an action for trademark infringement has the burden of proving its entitlement to the exclusive use of a registered trade mark or design that has a distinctive character and that the defendant infringed on that right by copying same on the infringing product[31].

Trademark Infringement under the Trademark Act provides that marks shall be deemed to be infringed by any person who not being the proprietor of the trade mark, uses a mark identical to it or so nearly resembling it as it is likely to deceive or cause confusion in cause of trade in relation to any goods in respect of which it was registered[32].

[27] Cap T12 LFN 2004

[28] Cap C34 LFN 20

[29] Zhang, Youfei. (2024). Trademarks in the Digital Age: The Current Challenges and Legal Protections. *Lecture Notes in Education Psychology and Public Media*. 69. 73-79. 10.54254/2753-7048/69/20240156.

[30] Section 5 of the Trademarks Act, Chapter T13 LFN 2004

[31] *MORISON INDUSTRIES PLC v. CPL INDUSTRIES LTD* (2021) LPELR-52981(CA)

[32] Section 5 (2) Trademarks Act, Chapter T13 LFN 2004

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

By the provisions of the Act, infringement of trademark occurs in 3 instances, to wit,

- **i. Infringement by Use:** The registration of a trademark entitles the registered proprietor as the owner of the trademark. Hence, where a person who is not the proprietor of a trademark or who does not have the authorization of the proprietor of a trademark uses a mark that resembles the registered trademark, it will amount to infringement for which the registered proprietor can file a suit.
- **ii. Infringement using marks confusing to consumers:** Distinctiveness is important to any registrable trademark. In this case, infringement of trademark occurs when an identical or similar mark which is known but used on a different package is put on display amongst people who are aware of the trademark but may be confused when the original and fake goods are put side by side. The test for infringement here is premised on whether the use of such a trademark will confuse or is capable of confusing consumers so as not to differentiate the original product from the faked one[33].
- **iii. Infringement relating to goods for which the mark is registered:** To succeed for a suit against infringement under the Trademark Act, the mark must be in relation to the same class of goods for which the mark is registered. For instance, if the registered mark is for shoes but the infringing mark is for racket, the act will not amount to infringement under the Act.

The Act does not recognize trademark infringement relating to services but to goods. However, the Business Facilitation (Miscellaneous Provisions) Act[34] has filled in this lacuna by defining trademark to include services.

Emerging Form of Trademark Infringement in the Digital Age

The emergence of the Digital Age has given rise to new trademark infringement not expressly recognized by the Trademark Act. They are:

- a. Counterfeit of Domain Names/Domain Spoofing:** Counterfeit of Domain name/Domain spoofing is a category of trademark infringement, although it is not recognized by the Trademark Act. Counterfeit of domain name is when cyber criminals fake a website name or email domain to try to fool users[35]. The goal of domain spoofing/counterfeiting is to trick a user into interacting with a malicious email or a publishing website as if it were a legitimate one. A domain name is a key to a brand online. The common practice in domain spoofing is creating a look alike website using a slight variation of your domain names.

[33] Alban Pharmacy Ltd v Sterling Products Int Inc (1968) All NLR 300.

[34] Paragraph 69 of the Schedule to the Act.

[35] What is domain spoofing/Website and email Spoofing, <https://www.cloudflare.com/pl-pl/learning/ssl/what-is-domain-spoofing/> " accessed September 2025

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

The faked website is not distinguishable from the authentic one and the risk of such fake website includes that consumers may give out their payment information and personal details on such websites. Counterfeit of domain names may lead to a trademark infringement when the defendant is dealing in goods online similar to a registered owner, in relation to the mark or logo itself, or the packaging and service marks.

b. Trade dress /Get-up: Trade dress also known as get-up is the overall commercial image of a product or service that indicates or identifies the source of the product or service and distinguishes it from those of others[36]. Trade dress consists of such elements as size, shape, colour, texture, etc. The goal of trade dress is to prevent competitors from creating products or packages that are confusingly similar to the protected product, which could unfairly benefit from the reputation and goodwill of the original product[37]. Trade dress is important for business because the distinctive looks which help them stand out in the market place and create a strong connection with consumers. It also helps business protect their investments in branding and product design by preventing competitors from unfairly benefiting from the reputation and goodwill of their products. Despite this, trade dress is not recognised under the Trademark Act.

c. Dilution: Dilution is an infringement that can occur when a person uses a well-known name which would occur inadvertently to destroy the uniqueness and originality of a particular mark. This would affect the value of the product in currency especially if the reputation of the mark was extended across a diverse range of products[38]. Dilution can take the form of blurring or tarnishment. Dilution by blurring occurs when a mark is used by a different manufacturer in an unrelated line of business. Dilution by tarnishment occurs where the trademark is used by a different seller in unrelated goods of lower quality than those of the trademark holder. Tarnishment covers cases where the defendant uses a similar mark in a way that severely clashes with the meanings that consumers associate with the plaintiff's mark[39]. In essence, dilution interferes with the proper economic function of trademarks[40]. Infringement by dilution is not recognized under the Trademarks Act in Nigeria.

d. Parallel Importation: Parallel Importation (also known as grey goods) refers to a situation where the owner of the trademark has not given its consent to import its trademarked goods to a certain area[41]. Currently, In Nigeria, no statutory prohibition on parallel importation exists. Parallel importers operate outside the distribution network set up by the manufacturer or his or her authorized distributor, parallel imports are not fake or counterfeit goods[42], but they occur when products are imported cheaply without the owner's consent having a trademark or other intellectual property in the goods, thereby aiming to compete with the owner's own products which had originally been marketed abroad at a lower price[43].

[36] Trade Dress: International Trademark Association, <https://www.inta.org/topics/trade-dress/> accessed September 2025.

[37] Protection of Trade dress under intellectual property < <https://www.excelonip.com> > accessed September 2025

[38] F Shyllon, 'Intellectual Property Law in Nigeria, Studies in Industrial Property and Copyright Law' Max Planck Institute for Intellectual Property, competition and Tax Law, Munich vol. 21, 183.

[39] D Klerman, 'Trademark Dilution, Search Cost and Naked Licensing' (2006) 74 FORDHAM L Rev 1759, 1762.

[40] F Shyllon, 'Intellectual Property Law in Nigeria. Studies in Industrial Property and Copyright Law' Max Planck Institute for Intellectual Property, competition and Tax Law, Munich vol. 21 at P. 241.

[41] I Avogoutis, 'Parallel Imports and Exhaustion of trademark Rights: Should Steps be taken towards an International Exhaustion Regime'? (2012) European Intellectual Property Review, vol. 34 No 2 P 108-121

[42] O Agaba, 'The Parallel Importer and the Nigerian Trademark Jurisprudence: A Critical Analysis' (2013) NAIL Journal of Intellectual property vol. 2, No1.

[43] F Shyllon, 'Intellectual Property Law in Nigeria. Studies in Industrial Property and Copyright Law' Max Planck Institute for Intellectual Property, competition and Tax Law, Munich vol. 21 at P 255.

TRADEMARK INFRINGEMENT IN NIGERIA: THE COST OF BRAND IDENTITY THEFT IN THIS DIGITAL AGE

A deficiency in the Trade Mark Act is that it does not define infringement or infringing materials in the Statute. Infringement in Nigeria is still related to closely resembling goods likely to cause confusion or deception[44]. This does not punish parallel importation as the trademark in this case is original and registered. Consumer goods businesses are unable to control the quality of this grey goods/parallel

The Cost of Brand Identity Theft

Brand identity theft through trademark infringement causes significant economic and reputation costs for businesses in Nigeria. The advent of technology has amplified the effect of trademark infringement, where the infringing act is amplified on online platforms. A notable example illustrating the severe cost of brand identity theft involves Fastest Cakes, a Nigerian bakery brand that successfully trademarked its name in 2021. In March 2025, the company expanded operations to Ibadan, further solidifying its market presence. Shortly after, a competing business registered with the Corporate Affairs Commission (CAC) as “Cakes in Ibadan – Fastest Cakes in Ibadan.” On social media, the infringing business adopted the handle @fastestcakesinibadan, a near-identical name that misled consumers and diverted potential customers from the original brand.

The infringing entity, formerly known as Deelipicious Cakes, admitted that its initial name proposal had been rejected by the CAC and that it deliberately incorporated the phrase “Fastest Cakes” to capitalize on the established reputation of the original brand. Recognizing this clear act of brand impersonation, Fastest Cakes lodged a complaint with the CAC, citing trademark infringement and brand confusion. Following the investigation, the CAC issued a cease and desist letter instructing the infringing business to change its name due to its confusing similarity with the registered trademark.

This highlights the tangible and intangible costs of brand identity theft. Financially, victims suffer loss of revenue, reduced customer base, and expensive litigation costs. Reputationally, infringements erode consumer trust and tarnish established goodwill. In the digital age, where brand visibility is amplified online, such infringements can rapidly escalate, causing long-term damage that far exceeds immediate financial loss.

CHALLENGES FACED IN THE NIGERIAN TRADEMARK SYSTEM

The existence of the Trademark Act plays an important role in safeguarding the exclusive rights of trademark proprietors. However, the Trademark Act does not take into account technological advancement, particularly in relation to trade names, service mark, and the regulation of counterfeit of domain names peculiar to e-commerce.

[44] Section 13(1) Trademarks Act, Chapter T13 LFN 2004

HIGHLIGHTS OF THE KEY AMENDMENTS OF THE INVESTMENT AND SECURITIES ACT 2025

These lacunae have in turn affected the Nigerian economy by causing the following[45]-

- **1. Discouragement of Foreign Investment**

The idea of law is to ensure the protection of rights. However, where the law is weak, or lacks effective enforcement mechanisms, it will discourage foreign direct investment (FDI), innovation, and technology transfer. The extant primary legal regime for trademark protection in Nigeria does not provide adequate protection for trademark proprietors who spent time and energy creating symbols or marks to ensure that their marks are not imitated or passed off. This is particularly evident in lack of recognition of other categories of trademark infringements like counterfeiting of domain name, dilution, among others and non-recognition of other forms of trademarks like scent, shapes, among others. For instance, counterfeiting/spoofing of domain name constitutes a threat to foreign investment while the fraudsters reap the benefits of what they never laboured for. If a customer is tricked, for instance under a domain name, the genuine domain will be.

- **2. Loss of Revenue**

Another challenge of trademark protection laws to the Nigerian economy is the loss of revenue for the businesses and for Nigeria as a country. Nigeria incurs loss of revenue through reduced foreign investment.

- **3. Loss of Jobs**

Lack of adequate protection of trademark has ripple effects with chain reaction as one act causes another. Reduced foreign investments mean loss of jobs for Nigerians employed by these foreign businesses.

- **4. Lack of Economic Stability**

Lack of incentives for innovation as a result of counterfeiting and damage to reputation owing to counterfeit goods, discourages foreign investors thereby reducing the GDP of Nigeria. Reduced foreign investment and loss of jobs owing to inadequate protection of trademarks creates economic instability.

CONCLUSION

This essay has examined the evolving trademark landscape in Nigeria, the legal framework governing infringement, and the rising challenge of brand identity theft in the digital age. While the Trademarks Act and related laws provide a foundation for protecting brand owners, the rapid expansion of online commerce has exposed gaps in enforcement and regulation. Therefore, there is a pressing need for the reform of Nigeria's Trademarks Act to reflect technological realities such as digital infringement, domain name abuse, and dilution. Strengthening administrative mechanisms, enhancing inter-agency collaboration, and incorporating global best practices from jurisdictions like the EU and the US will ensure that Nigeria's trademark system effectively protects brand identity in the digital age.

[45] Anita NWOTITE, Prof. Nwamaka Adaora IGUH, Chidinma Somtochukwu ONWUGBOLU, 2025 CHALLENGES OF TRADEMARK PROTECTION LAWS TO THE NIGERIAN ECONOMY file:///C:/Users/FOC%20LEGAL%203/Downloads/ajol-file-journals_479_articles_295627_682308ee3259d.pdf assessed September 2025