

IP Lawyers Speakers Series: Interview with Intellectual Property Lawyer, Senator Iyere Ihenyen

TOPICS: Cybersquatting, Information and Communications Technology, Information Technology Law

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This week's IP Lawyers Speakers Series guest is Senator Iyere Ihenyen, an Associate at Assizes Lawfirm and its sister-firm, The Write House. He is a graduate of the University of Benin and was called to the Nigerian Bar in 2012.



Q: How did you get involved in Intellectual Property Law?

I didn't have any special interest in Intellectual Property Law until my final year at the University of Benin. From the many optional courses available to me in 500 level, Intellectual Property was one of the other two courses I chose to study. That choice has turned out to be a wise one. Apart from doing my dissertation in Intellectual Property, I have continued to research and write about various aspects of Intellectual Property, particularly involving Intellectual Property Rights in today's Internet age. My key specialization is helping Information Technology start-ups take care of every aspect of their Intellectual Property.

Q. You are a founding member of Nigerian Law Today. Can you tell us more about the website?

When I completed my Law School program in 2012, I noticed the dearth of articles on current developments in certain aspects of Nigerian law. The situation was worse with evolving areas of Nigerian law such as Information Technology and Intellectual Property.

Rather than folding my hands, I came up with the idea of having a regularly updated website with well-researched articles on current developments in Nigerian law. I contacted two learned friends about the idea. In January 2013, we established **Nigerian Law Today**.

Nigerian Law Today presently covers Corporate Law, Debt Management Law, Information Technology Law, Intellectual Property Law, International Law and legal opinions on current issues. The site enjoys traffic from various part of the world, particularly Nigeria, South Africa, UK, US, and Asia.

Q: In October 2015, you wrote an interesting article on Cybersquatting in Africa, do you still think Cybequatting is a big problem in Africa and more specifically in Nigeria? What are your thoughts on what can be done?

A situation where somebody deliberately registers a domain-name address that is identical to an existing domain name to confuse and mislead domain visitors is a big problem everywhere in the world.

Why the problem was starting to get bigger in Nigeria and Africa generally was because our laws failed to catch up with technology. Due to the gap, many cybersquatters profited wrongly from the good reputation and swaths of established and fast-growing businesses for many years.

Even rival companies deliberately registered domain names they believed their competitors will most likely register, denying their competitors legitimate use of their name and reputation for business online. This was exactly what happened in 2012 between the two biggest online-shopping business companies in Nigeria, Konga and Jumia. Jumia Nigeria had allegedly registered about 10 Konga domain names outside Nigeria to stifle Konga's growing market across Africa. I discussed this case with a few others on my article, "Squashing the Squatter on Cyberspace".

To solve cybersquatting, we need both legal and technological solutions. Because cybersquatting threatens innovation and genuine businesses worldwide, we need the right laws to curb it. That's why criminalizing cybersquatting is the right way to go. So I think the recent Cybercrimes (Prevention, Prohibition, etc.) Act 2015 is a welcome development for Nigeria. Part of the solution would be seeing Nigeria Internet Registration Association (NiRA) becoming more active and proactive in domain-name registration, regulation and policing in Nigeria's cyberspace. Also, while it is great expanding space for new players on the Internet, domain-name registrars and regulators need to be cautious about the creation of new top-level and second-level domains. This is because cybersquatters easily use these new domains to perpetuate their illegal activities online. For instance, before a domain registrar allows anyone register the domain name .org, .net, or .info, it should ensure that the person or body applying to register any of these domain names is the same person or body that owns .com, the pre-existing domain name.

Q: How has the intellectual property law sector in Nigeria grown over the years? Have you seen an increase in the number of trademarks, patents and designs filed or general awareness about IP Rights?

We are not where we ought to be but we are not where we used to be. The evolution of law firms that specialize in Intellectual Property and the expansion of Intellectual Property departments in leading law firms in Nigeria attest to the growth in this sector. If there were no demand for legal services in the IP sector, I doubt there would have been the level of supply noticeable in the IP market today.

The rapid growth in Nigeria's telecommunications sector and the entertainment industry continue to contribute greatly to the growth in the Intellectual Property Law sector. So I think these trade and commercial activities have definitely resulted in an increase in the number of Intellectual Property rights that need protection, particularly trademark registration for brands and copyright registration for movies and music mostly.

But considering that Nigeria is Africa's biggest economy with millions of enterprising youths, I think the present level of filings at the Registry is on the low side. It is particularly so for patents and designs. This may not be unconnected with Nigeria's failure to stimulate a knowledge-based economy which helps drive local innovation as we find in countries like Japan, India, and China. Research and Development is almost non-existent in the country, worsened by lack of funding and low incentives, dying local industries, and importation of foreign technology. Also, part of the problem is the poor IP awareness amongst individuals and businesses. Most people still don't fully appreciate that Intellectual Property is the beginning and the end of any successful enterprise. Intellectual Property is not just a body of legal principles, but also the heart of enterprise, industry, and innovation. This is why I am always happy whenever I see the level of advocacy for an improved IP regime in Nigeria by IP lawyers, experts, and stakeholders in the sector. NLIPW is also helping to raise awareness about IP through its publications online. This is the way to go.

Q: Any other information you would like to share with our readers?

I have a message. We need to work together to help protect intellectual property against infringements. These infringements continue to deny the IP rights owner the reward of his or her intellectual sweat and the public of the full benefits of ideas and innovation in our world today.

Intellectual Property is more vital to our lives than most of us imagine it. Where IP flourishes, individuals, families, communities, cities, and countries grow richer and better. This is why everyone needs to be involved in Intellectual Property rights protection. Government alone cannot do it.

Recognizing how central Intellectual Property is in our lives help us realize our full potentials as individuals, brands, and businesses. Without IP rights protection, there will be no incentives for innovation and adventure. The result would be a state of poverty, where life is static, unambitious, impoverished, and short.

Thank you for taking time to talk to us.

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