

Industrial Designs & Anton Pillar Orders



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Content Sources

1. Mondaq
2. Social Science Research Network (SSRN)
3. International Journal of Advanced Legal Studies and Governance

Anton Piller Order, Class Actions and Injunctions in Nigeria by Obasitan Ogunkeye, The Law Firm of Allan & Ogunkeye, Published in Mondaq, February 7, 2002

This article highlights one of the major challenges that owners of intellectual property encounter i.e., gaining knowledge of the infringement of their rights, only when products or tangible expressions of the infringement are made available to the public. The infringement is often carried out by retail traders who are often not the source of infringing products but merely at the end of the chain of distribution. The author states that the inability to quickly identify the source of the product in the market forces intellectual property right owners to sue a few retailers because the infringing product is usually distributed all over the country, making it impossible to sue each of them individually.

This article also examines three ex-parte orders that courts can grant under Nigerian practice to assist intellectual property owners whose rights are infringed. These include:

1. The leave of the court to sue named defendants as representatives of all other persons involved in the offending product.
2. An Anton Piller order, to enable access to be gained into the defendant's premises for the purpose of taking possession of infringing products and documentary evidence of the volume of dealing in such.
3. An interim injunction to restrain the defendants and the represented class from selling the offending product until the determination of the motion on notice filed at the same time as the motion ex-parte.

New and Not Against Public Order or Morality: The Threshold for Industrial Design Registration in Nigeria by Aminu Adamu Bello, May 18, 2008

This paper explores the nature of industrial designs in Nigeria and the threshold for the grant of an industrial design registration and protection in Nigeria — the novelty requirement and the conformity to public order or morality provision. These provisions are contained in the Patents and Designs Act, Cap 344, Laws of the Federation of Nigeria 1990 which is the regulating statute in respect of designs in Nigeria.

The paper also explores some of the rights conferred by the registration of an industrial design in Nigeria. The paper concludes that the nature of industrial designs, as defined under the Act in Nigeria, has some limitations. According to the author, Nigeria neglects to acknowledge that while works protected under copyright may not need registration and so could exist without intention to be used as industrial design, they nonetheless could create a brainwave in a designer to make her adopt, adapt and place the artistic work on a product. This neglect continues to effectively remove the benefit owners of prior art base get for adaptation.

This paper demands a review of the design statute in Nigeria in order to accommodate dual or multiple protection for intellectual property that have the potential of cutting across fine lines imposed by and accepted as a consequence of the country's level of development.

The Impact of Consumers' Protection Laws and the Regulatory Schemes in Nigeria by Dennis Odigie Job Odion, International Journal of Advanced Legal Studies and Governance, Vol.2, No.1, April 2011

This paper considers the impact of Consumers' Protection Laws and the Regulatory Schemes in Nigeria. The logical conclusion that readily flows from the context analysis of this study is that the Courts, relevant Consumer Protection Statutes and Regulatory Agencies have failed to deliver the much needed impact of consumer protection laws and regulatory schemes in Nigeria. Consumerism is still underprotected and at the mercy of unconscionable manufacturers and pretentious traders.

A model Consumer Protection Law that affords a remedy in the basis of defect and consumer goods, rather than resultant injury to the consumer among others is recommended.

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