

Nigeria: N250m Suit filed against Macmillan Publishing Company

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According to a [news report], a Canada based Nigerian author, Paulicap Okechukwu Okekeda (the Plaintiff) has filed a N250 million suit against Macmillan Publishing Company Nigeria Limited and Universal Basic Education Commission for alleged copyright infringement. The case is currently before Justice Abdulazis Anka of the Federal High Court, Lagos.

“In a statement of claim filed before a Federal High court in Lagos, the author alleged that he is the author of a book titled “BIRIBAMBA THE LONELY ELEPHANT, first published in the United States of America on 30th of June, 2011 by Authorhouse Publishers.”

According to the report, the Plaintiff’s book was approved by the Canadian Educational Authorities and is currently being sold and used in schools across Canada.

The Plaintiff alleges that on one of his visits to Nigeria, he met with representatives of Macmillan Publishing Company in Lagos to discuss the possibility of getting his book published in Nigeria, subject to the execution of a valid contract between him and the publishing company. However, the parties were unable to enter into a valid agreement.

The Plaintiff further alleged that in reckless disregard for his intellectual property rights, Macmillan Publishing Company together with Universal Basic Education Commission proceeded to print, publish, sell and distribute the book without his knowledge, consent or approval and without any recourse whatsoever to him as the author.

“... the publishing house went ahead to sell many copies of the book to the Federal Government of Nigeria through the Universal Basic Education, with the inscription FGN/UBE 20113 ‘NOT FOR SALE’, making substantial financial gains from the transaction.”

The Plaintiff alleges that upon discovering the infringement of his IPRs, he instructed his lawyer to contact Macmillan Publishing Company and the company through its lawyer responded, requesting personal negotiation with him for possible amicable negotiation and

settlement of the copyright infringement. The Plaintiff states that Macmillan eventually failed to activate the negotiation process.

The Plaintiff is seeking N250 million as general damages for the infringement of his intellectual property and copyright as well as an order restraining the defendants and their agents from further infringing and selling of the plaintiff's work. He is also seeking N2 million as the cost of the suit.

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