

Passing-off and Legal Reforms



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Content Sources

1. Nigerian Institute of Advance Legal Studies, Journal of Intellectual Property
2. Nigerian Institute of Advanced Legal Studies
3. Templars Barristers and Solicitors Website
4. Council for the Development of Social Science Research in Africa

Ferodo Limited and Ferodo Nigeria Limited v. Ibeto Industries Limited; Another Critical Review by Dr. Ayoyemi Lawal Arowolo, Nigerian Institute of Advance Legal Studies, Journal of Intellectual Property (2012)

This paper critically analyses the case of Ferodo Limited and Ferodo Nigeria Limited v. Ibeto Industries Limited. The focus of the article centers on trends in contemporary practice and the future direction of jurisprudence.

Supreme Court Decision in Ferodo Ltd v. Ibeto Industries Ltd: A Review by Helen Chuma-Okoro, Nigerian Institute of Advance Legal Studies, Journal of Intellectual Property Maiden Edition (2011)

This article looks at the case of Ferodo Limited and Ferodo Nigeria Limited v. Ibeto Industries Limited. It examines what issues constituted the cause of action and how the Court addressed those issues. It also looks at the significance of the case to the development of the law on trademarks in Nigeria and the jurisprudence of other jurisdictions concerning similar issues.

Trademark Infringement: Suing for 'Passing-Off' in Nigerian Courts, Excerpt from Templars Barristers and Solicitors Newsletter

This article deals with the issue of 'Suing for Passing-Off' in Nigerian Courts. This is an issue

that has generated so much controversy both within the judicial system and the academia in Nigeria. The major diverging point for most part seems to be whether the Federal High Court could be the proper and exclusive locus to adjudicate issues relating to 'passing-off,' especially when the mark to be protected has not been registered under the Trade Marks Act.

A Development Oriented Intellectual Property Regime for Africa by Enyinna S. Nwauche, paper presented at the 11th General Assembly of the Council for the Development of Social Science Research for Africa (CODESRIA) in Maputo Mozambique, December 6–10, 2005

This paper argues that the crisis of intellectual property in Africa is even more profound because there is no evidence of any significant awareness that intellectual property must result in the development of a knowledge economy which is so essential if Africa is to move forward. The paper recognizes that while Africa is a net consumer of intellectual property, it rarely does so on its own terms.

Section 2 of the paper identifies the nature of the crisis of intellectual property in Africa while Section 3 constructs a theoretical and practical basis on which a human rights-based intellectual property regime should be anchored. In this regard, the paper identifies key institutional constraints that inhibit development: issues of access to knowledge by developing countries, poor or no funding of research, and high health security and technology costs. The paper proposes a model of a development oriented intellectual property regime. Finally, the paper constructs a model of instrumental framework appropriate for a human rights based intellectual property regime.

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