

Law paper

A Systematic Review of Trademark Rights within the Jurisdictions of Nigeria, the United Kingdom, and South Africa

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ABSTRACT: A trademark is essential for enhancing the economic efficiency of the marketplace. This is accomplished by minimizing consumer search costs, thereby facilitating the identification of products and producers within the open market. There has been a scarcity of research focused on the comparative analysis of trademarks within the frameworks of Nigeria (NTMA), South Africa (SATMA), and the United Kingdom (UKTMA). This has led to a notable deficiency in research, particularly concerning intellectual property law in Nigeria. This study seeks to deliver a comprehensive analysis of the current research on trademarks as it relates to intellectual property law, based on a systematic literature review, frequently described as a meta-analysis research methodology. The study has identified three key conclusions. Much of the prior research primarily overlooked the examination of trademark rights in the context of standard operations in other countries and was largely concentrated in Africa. Thirdly, the methodologies and approaches utilized in the majority of studies predominantly featured an exploratory approach rather than a comparative approach within legal research procedures, aimed at establishing innovative concepts in trademark rights administration. The paper concludes by identifying several areas that may require additional research to improve the administration of trademark rights in Nigeria, in line with established practices in other regions of the world.

Keywords: Intellectual Property, Trademark rights, Copywriting and Counterfeiting

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INTRODUCTION

A trademark, sometimes known as a mark, is widely recognized as a marker of dependable origin and high quality. In the twenty-first century, trademarks continue to influence consumer decisions by differentiating products and services from those offered by competitors and developing a distinct company character. A trademark serves numerous important purposes, including identifying a seller's goods and distinguishing those items

from others on the market, associating the goods with the provider, and functioning as a sign of the provider's reputation and legitimacy. Furthermore, a trademark represents a defined degree of quality, giving buyers the expectation of consistent standards. It is also recognized as a powerful promotional tool, effectively promoting goods and increasing brand recognition (McCarthy, 2004). Trademarks play an important function in

increasing the economic efficiency of the marketplace. It accomplishes this by lowering customer search costs, making it easier for consumers to discover products and providers on the open market (Beebe, 1995). Furthermore, trademarks encourage producers to invest in quality by assuring that the owners, not their competitors, reap the reputational benefits of such investments. To be eligible for registration, a trademark must be located within the jurisdiction of the country in which it is requested to be registered. The essential premise of trademark registration is to give the trademark owner the legal ability to protect their proprietary rights from illegal use by individuals who do not have the necessary authorization to use the brand. The goal of trademark registration is to prevent the coexistence of identical trademarks, which could cause customer confusion (Landes and Posner, 1987). Additionally, it serves as proof of ownership, especially in cases of trademark infringement. Trademark registration allows trademark owners the sole and exclusive right to engage in commercial use of the protected names or symbols, including the authority to authorize their use by third parties through licensing agreements. These exclusive rights are enforced through a nation's judicial system. To illustrate, trademark holders can seek seizures or preliminary injunctions through the court system to quickly stop acts that violate intellectual property rights, such as unauthorized reproduction or distribution of copyrighted material or the sale of counterfeit products (Baroncelli et al., 2005).

In contrast, the absence of trademark registration causes confusion, especially when two similar trademarks are used in the same market. In such cases, consumers may get confused and disappointed when a trademark they think to be known and distinctive does not precisely reflect the origin of the goods as they had hoped. According to the source given, the first user of a trademark may suffer irrevocable damage to their reputation. Infringement can occur when there are insufficient legal frameworks and a general lack of public awareness of trademark restrictions, resulting in legal illiteracy. The basic goal of the trademark system is to protect an individual or organization's intangible assets by providing incentives for investments in increasing the value of products made available to the public (Landes and Posner, 1987). Trademark registers can be found in almost every country, but the specific criteria for determining what qualifies as a trademark, the extent of protection provided, guidelines for preventing confusion between marks, registration costs, legal remedies for combating infringement, and a variety of other important details may differ between national systems (Oyewunmi, 2015). A registered trademark is valid for seven years (Section 23(1), NTMA, Laws of the Federation, 2004). This ownership can be extended using the renewal method specified in the Act. According to the source given, the owner of a trademark can extend its validity for

an extra fourteen years after the first expiration of the right to use the mark. Registration of a trademark allows the owner to build a positive reputation and generate passion for their brand. Furthermore, it protects consumers from being misled by false associations with unrelated businesses, and registration is renewed every 10 years in South Africa (South African Trademark Act No. 194 of 1993). Trademark rights, like other forms of intellectual property rights, have a particular territorial scope (Alexander and Coil, 1978). The basis of such rights is geographic, which means that each territory or state has the authority to determine the scope of trademark protection within its own jurisdiction. This includes deciding what should be protected as a trademark, who should benefit from the protection, and how long the assurance of protection should last (Slováková, 2006). In essence, every country protects its intellectual property rights only to the extent that they are enforced in accordance with its domestic legislation. When an individual wishes to register a trademark in a foreign country other than his or her own, the inherent territorial nature of trademarks becomes clear. In such circumstances, the individual must follow the relevant legal procedures and pay the applicable costs in the countries where they seek trademark protection. It is worth noting that the chance of acquiring trademark protection varies by country (Landas, 1975).

Various governments have engaged into accords controlled by the World Intellectual Property Organization (WIPO), including the Paris Convention, TRIPs Agreement, and Madrid Protocol, among others, with the goal of improving international industrial property rights (Oyewunmi 2015). The Paris Convention, founded in 1883, is the oldest convention among its counterparts. It accepts the territorial principle, which states that the registration of a trademark in one nation, denoted as country A, is unaffected by the registration of trademarks in other member nations, notably countries B and C, which have ratified the Paris accords. As a result, the agreement creates regulations for each nation's domestic trademark system, as stated in Article 6(3) of the Paris agreement of 1883. As a result, each country has its own unique trademark system, which is governed by domestic legislative restrictions (Brook, 2009).

When trademark protection is based on usage rather than registration, the scope of territorial protection may be limited to the specific region or country where the trademark is used. To clarify, a trademark registered in the United Kingdom or South Africa provides protection only within those countries' borders, whereas a Community trademark provides protection within the jurisdiction of the European Union (Morcom et al., 2008). Nigeria has joined the World Intellectual Property Organization (WIPO) and proven its commitment to the protection of intellectual property by ratifying the Paris Convention in September 1963. Furthermore, Nigeria demonstrated its commitment to intellectual property

protection by ratifying the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) in 1995. The United Kingdom has included the aforementioned treaties, including the Protocol Madrid Agreement, into the UKTMA to enable the simultaneous beginning of trademark registration proceedings in multiple selected countries. The protection of trademark rights is a critical component of the larger field of intellectual property, requiring immediate attention and improvement. Nigeria's present trademark legislation is deficient in a number of areas, including service marks and get-up. Furthermore, it does not sufficiently handle other types of trademark infringement, such as counterfeit domain names, dilution, and parallel imports. The NTMA 1965 has not been amended to reflect current advancements in trademark rights. As a result, the Act's provisions do not cover many sorts of marks, such as service marks, forms, packaging, and others, which should be properly registered. Regardless of the international responsibility to resolve them, it is critical to acknowledge and correct current shortcomings in the trademark law system, as they have a significant impact on its economic development. Do the laws governing trademarks in the United Kingdom and South Africa have similar shortcomings? Alternatively, are the aforementioned countries more effective at adopting these measures? To overcome the existing gap in content and practice, this study will conduct a comparative analysis of trademark rights in Nigeria, the United Kingdom, and South Africa.

Aim and objectives of the study

The primary objective of this research is to conduct a systematic review of trademark rights within the jurisdictions of Nigeria, the United Kingdom, and South Africa. The study aims to achieve specified objectives, which include:

1. Categorization of literature sources based on focus area
2. Geographical location where the study was conducted
3. The methodology employed in carrying the study
4. The profiling of the sources in terms of relevance and key findings

Literature review

Trademarks according to Landes and Posner (1987) posit that trademarks are widely recognized as influential drivers of economic development and the primary benefit of trademark protection resides in its ability to mitigate consumer search costs. The author added that it is imperative to recognize that the inclusion of property rights within a trademark serves the fundamental objective of protecting the broader public from potential consumer fraud. Litman (1999) in a study on the symbolic

significance of trademarks and their potential to contribute to the construction of consumer identities found that KFC for instance as a corporate entity, is renowned for its commitment to delivering exceptional quality. It encompasses a unique persona and way of life that is cultivated through a range of avenues, such as product showcasing, strategic marketing approaches, advertising initiatives, packaging aesthetics, and the manufacturing procedure itself. Maskus (2000) further emphasized that the basic purpose for trademarks is to protect the rights to use a certain distinctive symbol or appellation for marking a product, service, or organization because, such markers have a concrete value in facilitating the distribution of products and services. According to Barnes (2006), customers derive advantages from the capacity to depend on familiar trademarks in order to discern and obtain suitable products and services.

According to Millot (2009), trademarks constitute one of the most important assets of firms and it enables consumers to differentiate between competitive products and possibly to develop loyalty towards one preferred trademark. Oyewunmi (2015) found that a function of trademark is the ability to differentiate between the goods or services of one proprietor from those of all other goods in the course of trade. Trademarks has been further stated to serve as useful tools of identification and been able to distinguish between varieties of products in the market place. Leong (2020) found that a world of globalized commerce, the application of the principle of territoriality in trademark law results in complexities and inconveniences to trademark proprietors who desire legal protection in numerous jurisdictions. The adoption and ratification of several important international intellectual property agreements formed the backbone of a global trademark protection system. In terms of multilateral instruments establishing a normative framework for trademark protection internationally, the oldest of them is the Paris Convention for the Protection of Industrial Property, signed in 1883 (Paris Convention). According to Gamze (2023), the necessity of limiting the powers of the trademark right holder in favor of the public interest has led to the emergence of the principle of exhaustion. After the first sale, the right owner's inability to interfere with the subsequent sales of the branded products defines the principle of exhaustion.

Okubor and Omonemu (2023) observed that comparing Nigerian and Ghana trademark protection acts would only justify the fact that such a comparison will not only highlight the shortcomings of the Nigerian trademark system, but will also guide reform initiatives aimed at improving trademark management. The study identifies crucial areas of the Nigerian trademark regime that demand updating. Additionally, it is discovered that the Nigerian trademarks regime does not grant a trademark application or prospective user a broad variety of advantages over those that exist in other jurisdictions. In

order to reflect current developments in product/service identification, the report consequently suggests that a new Trademark Act be passed that is modeled after the existing trademark laws in Ghana and South Africa.

Eze (2015) posits that trademark counterfeiting is the reproduction and use of another’s trademark on identical or substantially similar goods. Counterfeiting products are often indistinguishable from the genuine products. Consumers are deceived into purchasing an inferior quality product disguised as a famous brand. The principal objective of the law of trade mark is to ensure that no one, not being the proprietor of a trademark, or registered user thereof uses a mark identical with it or so resembling it as to be likely to deceive or cause confusion in the cause of trade in relation to any goods in respect of which it is registered. Chidede (2022) argued that intellectual property remains a necessary tool for social, cultural, economic, and technological development in the 21st century. In this century, the global economy is driven by knowledge and technology, and the market is increasingly recognizing intellectual property as a valuable commercial asset and a force for technological innovation. South Africa, among other countries, recognizes the role of intellectual property rights in several policy measures related to development, trade, and industrialization. Nwachukwu and Okolie (2022) discovered that trademark as a branch of intellectual property contributes immensely to the economic growth and development of many nations around the world and Nigeria is not an exception while examining the legal effect of registration of trademark with a view to enhancing the economic efficiency of the marketplace by making the products and producers easier to identify by consumers. Nwachuckwu and Okolie (2022) found that the law, practice, and procedures for registration of trademarks are provided for in the Nigeria Trademark Act. However, the provisions of the Act remains as it was copied from the United Kingdom Trademark Act of 1938 without any substantial amendment to bring the provisions in tandem with international best practices. Olatunji (2016) discovered that trademark law is the pivot on which the economy of any country rests. It helps to identify the source of products and services and over a period of time trademark becomes an indicator of the quality of the products/services carrying the mark. Mhlongo (2018), the question that had to be answered is whether the apparent failure of South African copyright law to adequately safeguard the rights of owners of those copyrights means that the current copyright legislative framework falls short of the objective of securing an author’s property rights, and thus requires copyright law to be developed. It is also important to expand copyright exceptions and limitations to better enable access to knowledge by providing for an exception for derivative or transformative works such as parody and caricature. The Copyright Amendment Bill’s proposed introduction of exceptions and limitations for the benefit of people with

disabilities must be welcomed. The Copyright Amendment Bill must introduce provisions to deal with orphan works when copyright owners cannot be identified. The amendment must be sought in this respect in order to permit the use of orphan works on reasonable terms to promote access to these works.

METHODOLOGY

A systematic literature review, which is non-doctrinal approach, was used as the method for this study. The approach is primarily aimed at providing a comprehensive summary of current literature that is relevant to the research topic, analysis of trademarks rights between Nigeria, South Africa and the United Kingdom. In general, the first phase of a systematic review involves searching for the literature for relevant papers in all relevant academic offline (libraries) and online databases such as Web of Science and Scopus or general search engines such as Google/Google Scholar (Khan, 2003). In addition, given the embryonic state of a research field such as trademark rights searches for individual papers, articles, reports, websites and books is important to ensure that no key works are missed in the study (Herman and Gideon, 2008). The methodology adopted in this paper is illustrated in the diagram. Considering the information presented in (Figure 1),

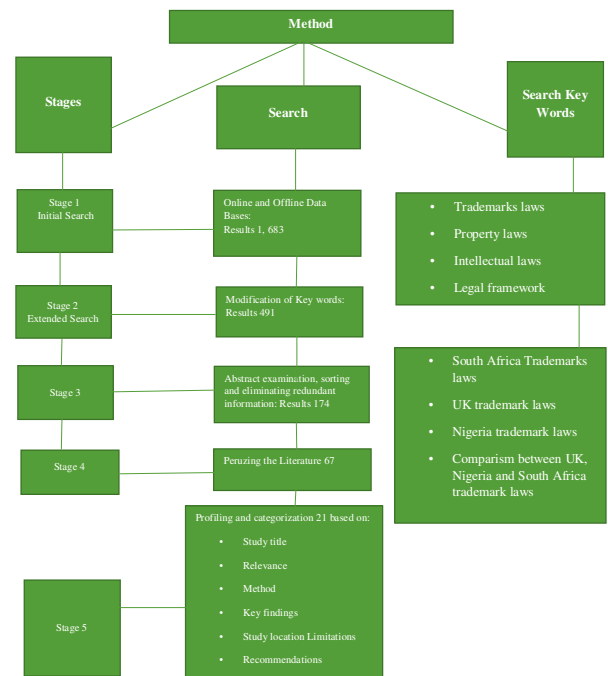


Figure 1: Schematic Presentation of the Research Methodology.

the research methodology, grounded in a systematic literature review, can be articulated as follows: Phase 1

(Initial search): Approximately 1,682 results were identified utilizing three key terms: Trademark rights, property law, intellectual law and legal framework reflecting to Nigeria, South Africa and the United Kingdom. Phase 2 (Modification of the key terms): Following the initial screening, it was determined that only 491 of the document identified in phase 1 were pertinent to the study, as they fell within the defined scope or context. A more targeted search was conducted utilizing specific combinations of keywords as illustrated in figure 1 above. Phase 3 (examining the abstracts and sorting and eliminating redundant information): Following this exercise, 174 sources were identified as pertinent to the study. Phase 4 (Perusing the literature): During this phase, the primary texts from the 67 sources were examined, resulting in the identification of 21 sources that were deemed relevant to the research topic. Phase 5 (Profiling and Categorizing 21): A profiling table was developed to summarize the conclusions drawn from the 26 sources.

RESULTS

The findings indicate that only 21 resources were considered relevant and valuable to the topic of trademark rights within the context of Nigeria, South Africa and the United Kingdom as demonstrated in the preceding section.

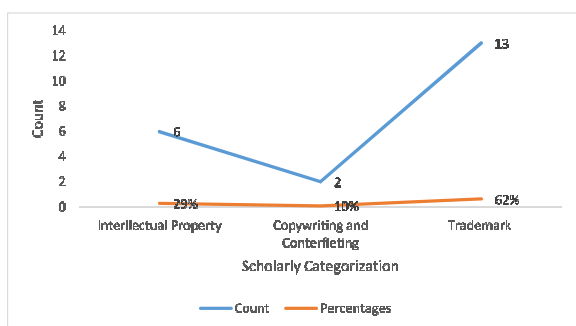


Figure 2: Scholarly Categorization.

The studies are organized into categories based on the methodology employed, the thematic focus of the research, and the geographical context of the investigation, all of which illustrate the interrelationships among the study variables. Below is a comprehensive list of publication categories. The systematic review indicates that a considerable amount of the literature consists of studies focused on trademark rights and intellectual property laws, as illustrated in (Figure 2).

The findings suggest that the studies reviewed a limited amount of literature pertaining to copywriting and counterfeiting. The systematic review reveals that a

significant portion of the literature comprises studies conducted within Africa, as demonstrated in (Figure 3). The findings indicate that the studies examined outside of Africa were fewer than those carried out within Africa, with only minor variations observed.

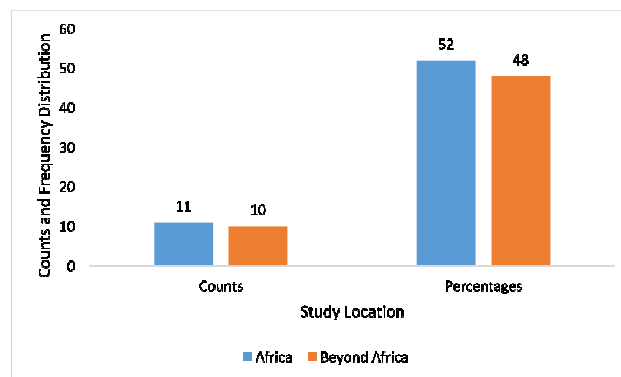


Figure 3: Geographical Location

The systematic review indicates that a substantial majority of the literature consisted of studies conducted through doctrinal (exploratory approach) legal research procedures, as illustrated in Figure 4). This suggests that the studies reviewed employing a doctrinal (comparative approach) were notably limited.

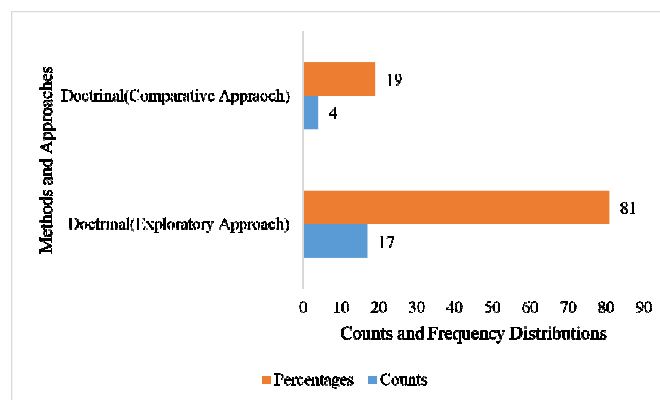


Figure 4: Methods and Approaches

DISCUSSION

The existing literature review suggests that NTMA requires substantial revision, as it has not been updated since its extraction from the UKTMA.

Table 1: Profiling.

S/N	Author (Year)	Relevance	Methodology Adopted	Key Findings
1	Nwachukwu and Okolie (2022)	Examining the legal effect of registration of trademark with a view to enhancing the economic efficiency of the marketplace by making the products and producers easier to identify by consumers.	Doctrinal	The law, practice, and procedures for registration of trademarks are provided for in the Nigeria Trademark Act with no substantial amendment as Copied from the UK Trademark Acts to bring the provisions in tandem with international best practices.
2	Olatunji (2016)	Evaluate trademark law as a pivot on which the economy of any country rests.	Doctrinal	Effective trademark laws are therefore a sine qua non to boosting foreign investments and is new trademark law will boost investments in Nigeria and adequately protect the marks of both local and foreign proprietors of marks.
3	Mhlongo (2018),	Examined the apparent failure of South African copyright law to adequately safeguard the rights of ownership.	Doctrinal	The Copyright Amendment Bill has proposed introduction of exceptions and limitations for the benefit of people with disabilities, orphan works on reasonable terms to promote access to these works.
4	Avgoutis, (2012)	Investigated the classical problem of intellectual property protection within the multilateral trading system of the World Trade Organization (WTO).	Doctrinal	The multilateral trading system in result is simply and essentially based upon exhaustion while allowing for sectorial control and limitations of parallel trading by other means
5	Pathak, (2018)	Intellectual Property Rights and Parallel Trade: Debate on National Versus International Exhaustion of Rights	Doctrinal	Most of the countries have implemented common basic standards of intellectual property (IP) protection based on the widely adopted Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) of the World Trade Organization (WTO).
6	Gresyndale, (2024)	Examine the local recognition of Trademark Registered with WIPO in African Countries? By comparing Nigeria, Kenya, South Africa and Ghana	Doctrinal (Comparative Analysis)	In Ghana and Kenya, which are Madrid Protocol members, WIPO trademarks can be recognized domestically after local inspection. Nigeria and South Africa must access local trademark registration procedures for protection.
7	Cottier, (2022)	Discusses parallel trade and exhaustion of intellectual property in WTO Law	Doctrinal	There is a general trend in trademark and copyright to apply international exhaustion, the area of patent law and in particular the pharmaceutical and chemical sector remains conceptually controversial across the board for all forms of protection with the doctrine of regional exhaustion in the European Union
8	Rai, R. K., and Jagannathan, S (2012)	Parallel imports and unparalleled laws: an examination of the exhaustion doctrine through the lens of pharmaceutical products	Doctrinal	There is considerable divergence among scholars, both economic and legal, about the need for harmonization of principles of exhaustion, and consequently parallel import laws.
9	Okubor and Omonemu, (2023)	Examined Nigeria Trademark Regime: A Comparative Analysis with South Africa and Ghana	Doctrinal (Comparative Analysis)	Identified crucial areas of the Nigerian trademark regime that demand updating. The Nigerian trademarks regime does not grant a trademark application or prospective user a broad variety of advantages over those that exist in other jurisdictions.
	Temitope, O. (2025)	Evaluated the enforcement of intellectual property rights in Nigeria and South Africa: A Comparative Reappraisal	Doctrinal (Comparative Analysis)	Nigeria and South Africa have made progress in developing IPR laws, but considerable obstacles remain. Nigeria's trademark protection system includes registered and unregistered marks, although limited resources, piracy, and public ignorance hinder enforcement. Although South Africa has a better developed trademark regime with established enforcement procedures and public education, it still confronts issues such as faster court processes and increased enforcement agency capability.
10	Olusola, (2020)	Examined the comparative standards for protection of trademarks	Doctrinal	Nigeria has mostly complied with TRIPS, although she still violates numerous essential articles, most notably those protecting renowned marks.
11	Chikere, (2022)	Analysis of the Legal Framework Governing Trademarks in Nigeria: Insights from the United States, the United Kingdom, and India	Doctrinal (Comparative Analysis)	Nigeria had a restricted trademark registration denial owing to a previous trademark application. In the US, trademark applications are denied if there is an existing trademark, not only a prior application.
12	Fagbemi.(2015).	Examined the analysis of statutory provisions and case law for trademarks registration under the Nigeria Trademarks Act.	Doctrinal	Trademark registration is increasing regularly, with innovations launched internationally. Examples of advances include service mark registration, exhaustion theory in America, and domain name registration due to internet use. The Nigeria Trade Marks Act does not contain these new ideas.
13	Xuan-Thao, N. (2001)	Examined Cyberproperty and judicial dissonance within the context of property law specifically the trouble with domain name classification	Doctrinal	Recognizing domain names as intangible property helps create legislative protection for generic or descriptive domain names that are not trademarked.
14	Olugbenga, (2016)	Fundamentals of the Nigerian Trade Marks Act and implications for foreign trade mark owners	Doctrinal	The NTMA adheres to the provisions of the long-repealed UK Trade Marks Act 1938 (UKTMA 1938). While it was more comprehensive and contemporary compared to its predecessors, it faced significant criticism due to the awkwardness of certain provisions resulting from poor draughting.
15	Mukhtar, N. (2013)	Nature and scope of intellectual property law: an appraisal of concepts, issues and prospects for developing economies	Doctrinal	It is this right that permits the owner to take action against any person exploiting his invention without agreement.
16	Moffat, (2004).	Mutant copyrights and backdoor patents: The problem of overlapping intellectual property protection	Doctrinal	The presence of overlapping protections ultimately undermines each individual protection scheme, complicating the assessment of the effectiveness of the incentive structure established by Congress.

Table 1: Profiling.

17	Moore, (2016)	Intellectual property and the prisoner's dilemma: a game theory justification of copyrights, patents, and trade secrets	Doctrinal	The prevalence of copying has reached alarming levels, and existing enforcement mechanisms have proven inadequate in addressing this issue. Consequently, there is a significant risk of descending into a collectively sub-optimal scenario that stifles both innovation and content creation.
18	Lemley and McKenna, (2010)	Irrelevant confusion about trademark and purchase of products	Doctrinal	Notably, proof of a false advertising claim requires the plaintiff to demonstrate that the misrepresentation is material – that it is likely to affect a product purchasing decision
19	McKenna, M., P (2013)	The normative foundations of trademark law	Doctrinal	Nearly every major doctrinal innovation in the last century has increased mark owners' authority to use and interpret their marks. Strength marks have benefited most from greater protection, since trademark law strives to preserve "their" marks' value.
20	Ghosh, (2014)	The exhaustion doctrine	Doctrinal	The major conclusion is that the exhaustion doctrine can serve as a policy tool for development and the promotion of international trade and innovation
21	Adewopo, and Oguamanam, (2016)	The Nigerian trade mark regime and challenges of economic development	Doctrinal	In the new economic order, trade regulation is crucial as national laws cope with global harmonization, which opened up intellectual property opportunities, notably trade and associated marks.

The identified deficiencies can be primarily attributed to the absence of review since adoption and non-compliance with the International Framework and institutions governing trademark rights. In comparison to Nigeria, South Africa possesses superior trademark rights. This study utilized a systematic literature review methodology to achieve its results. Twenty-one publications were analyzed, emphasizing their relevance, the countries where the studies were carried out, and the methodologies utilized in these investigations. A profiling (Table 1) was created to examine the underlying reasons. The findings reveal that a significant portion of the research on intellectual property laws reviewed has been conducted in Nigeria, while additional studies have occurred in regions outside of Nigeria. A significant lack of research exists on this topic in Africa, particularly in Nigeria.

The existing research predominantly focusses on intellectual property, copyright, and trademark rights. For example, Gresyndale (2024) investigated the local acknowledgement of trademarks registered with WIPO in African nations by analyzing Nigeria, Kenya, South Africa, and Ghana. The study focusses solely on registration and membership with WIPO, rather than examining the practical application of trademark rights within the context of the intellectual property laws specific to each country under investigation. However, it was found that in Ghana and Kenya, which are members of the Madrid Protocol, WIPO trademarks can be recognized domestically following local inspection. In contrast, Nigeria and South Africa must utilize local trademark registration procedures for protection. Nigeria's Trademark Framework: Okubor and Omonemu (2023) conducted a comparative analysis involving South Africa and Ghana, focusing on the trademark regimes of Nigeria, South Africa, and Ghana. This study closely aligns with the current research in terms of content, methods, and approach, with variations arising from the

exclusion of the United Kingdom. It identified critical areas within the Nigerian trademark regime that require updating, highlighting that the Nigerian system does not provide trademark applicants or prospective users with a wide range of advantages compared to those available in other jurisdictions.

Furthermore, Temitope (2025) conducted an evaluation of the enforcement of intellectual property rights in Nigeria and South Africa through a comparative analysis. This study specifically focused on the enforcement of trademarks between the two countries, aligning closely with the present study in terms of content, methods, and approach, with variations arising from the exclusion of the United Kingdom. Temitope (2025) observed that Nigeria and South Africa have made strides in the development of intellectual property rights laws; however, significant challenges persist. Notably, Nigeria's trademark protection system encompasses both registered and unregistered marks, yet limited resources, piracy, and a lack of public awareness impede enforcement. Although South Africa possesses a well-developed trademark regime characterized by established enforcement procedures and public education initiatives, it continues to face challenges, including the need for expedited court processes and enhanced capabilities within enforcement agencies.

Chikere (2022) conducted an analysis of the legal framework governing trademarks in Nigeria, drawing insights from the United States, the United Kingdom, and India. The findings indicated that Nigeria experiences a limited trademark registration denial due to prior trademark applications. In contrast, the US denies trademark applications based on the existence of an existing trademark, rather than solely on prior applications. Notably, this study shares similarities with the current research, particularly regarding the exclusion of South Africa, which is of interest in the present study.

Some of the literature examines the legal effect of registration of trademark with a view to enhancing the economic efficiency of the marketplace by making the products and producers easier to identify by consumers (Nwachukwu and Okolie, 2022), evaluate trademark law as a pivot on which the economy of any country rests (Olatunji, 2016), examines the apparent failure of South African copyright law to adequately safeguard the rights of ownership (Mhlongo, 2018), investigated the classical problem of intellectual property protection within the multilateral trading system of the World Trade Organization (WTO) (Avgoutis, 2012), Intellectual Property Rights and Parallel Trade: Debate on National Versus International Exhaustion of Rights (Pathak 2018), discusses parallel trade and exhaustion of intellectual property in WTO Law (Cottier, 2022), parallel imports and unparalleled laws: an examination of the exhaustion doctrine through the lens of pharmaceutical products (Rai and Jagannathan, 2012), comparative standards for protection of trademarks (Olusola, 2020).

Others include the analysis of statutory provisions and case law for trademarks registration under the Nigeria Trademarks Act (Fagbemi, 2015), Cyberproperty and judicial dissonance within the context of property law specifically the trouble with domain name classification (Xuan-Thao, 2001), fundamentals of the Nigerian Trade Marks Act and implications for foreign trade mark owners (Olugbenga, 2016), nature and scope of intellectual property law: an appraisal of concepts, issues and prospects for developing economies (Mukhtar, 2013), mutant copyrights and backdoor patents: The problem of overlapping intellectual property protection (Moffat, 2004), intellectual property and the prisoner's dilemma: a game theory justification of copyrights, patents, and trade secrets (Moore, 2016), irrelevant confusion about trademark and purchase of products (Lemley and McKenna, 2010), the normative foundations of trademark law (McKenna, 2013), the exhaustion doctrine (Ghosh, 2014) and the Nigerian trade mark regime and challenges of economic development Adewopo and Oguamanam (2016). A limited amount of literature has conducted a comparative analysis of practices between countries in Africa, particularly Nigeria, and other nations both within the continent and beyond. Instead, the focus has been on the registration and significance of trademarks, as well as the need for their adoption to improve a nation's economic performance. This study has identified this as a shortcoming in content, location, methods, and approach. The methodology utilized by the majority of studies predominantly relied on doctrinal approaches, lacking a comparative analysis across nations. This trend suggests a preference among researchers in the field of intellectual property law, particularly concerning trademark rights, for doctrinal methodologies without the support of comparative analysis to substantiate their frequent arguments. The profiling (Table 1) provided a clear summary of each

study, emphasizing its significance, pinpointing limitations, and suggesting avenues for future research initiatives. Typically, the majority of the studies utilized an exploratory approach through the doctrinal method, which is inherently limited to a small population.

A considerable portion of the studies depended on literature reviews, which lacked sufficient comparative analysis to support their arguments. The results indicate that suggestions for future research can be organized into four key areas. The aim is to improve the research on trademark rights by conducting a comparative analysis across different countries, employing multiple case studies to achieve generalizable results. This will involve exploring various aspects of trademark rights, including registration and patent law, while supporting the findings with pertinent cases.

Conclusion

Nigeria can learn from the United Kingdom and South Africa by implementing new trademark legislation that is up to date to reflect current trends in trademark rights. Because of e-commerce, laws governing online infringement should be included in the Act; the criminal aspect of trademarks in the Merchandise Act should be revised to reflect realistic punishment, deterring criminals. Additionally, Nigeria should ratify the international conventions to which it is a party. Nigeria must consequently urgently update its trademark law, as intellectual property continues to play an important role in global policy and economic development.

Research Contribution

This study aims to provide trademark researchers with a comprehensive overview of the current research landscape, specifically addressing the notable lack of studies in this area, particularly a comparative analysis of trademarks among Nigeria, South Africa, and the United Kingdom, thereby underscoring a significant research gap. This review can be a significant asset for researchers seeking knowledge and references in the field of trademarks, providing valuable materials for further exploration and study. The profiling table presented in the paper provides a solid foundation for emerging researchers in this field. This paper enhances the literature review chapter of a PhD research project centred on the comparative analysis of trademark rights in Nigeria, the United Kingdom, and South Africa.

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