

**NATIONAL OFFICE FOR TECHNOLOGY ACQUISITION AND
PROTECTION's INTERVENTIONS IN THE PROMOTION OF
INTELLECTUAL PROPERTY RIGHTS IN NIGERIA: AN
APPRAISAL**

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Abstract

The National Office for Technology Acquisition and Promotion is the primary government agency responsible for overseeing technology transfer activities in the Nigeria. This paper used the doctrinal research methodology to critically examine the NOTAP as an Agency for the transfer of technology and found out that in fulfilling its mandate to move Nigeria from the periphery to the dominant center of the global industrial power structure, NOTAP has adopted a technology acquisition strategy and a vibrant innovation, research and development commercialization program. To this end, NOTAP executes a series of pivotal functions designed to propel Nigeria's technological field forward.

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One of these functions under the Act is to promote intellectual property rights. This it does by the evaluation and registration of Technology Transfer Agreements amidst other initiatives. In promotion of these Intellectual Property rights, NOTAP encounters some challenges which include Excessive reliance on imported technology among others. A comparative analysis of the agencies responsible for overseeing technology transfer activities in United States of America and South Africa was carried out and lessons drawn from it. Recommendations thereafter were made as to how best NOTAP can promote Intellectual Property Activities to include development of Nigeria's own Intellectual Property Rights, regulation of the influx of foreign technology and consistent funding and policy coherence.

Keywords: Intellectual Property, Promotion, Transfer, Technology

1.0 INTRODUCTION

The National Office of Industrial Property Act was promulgated in 1979 with the stated objective inter alia of monitoring on a continuous basis, the transfer of foreign technology to Nigeria. The administration of the Act was entrusted to the National office of Industrial Property which was recently renamed as the National Office of Technology Acquisition and Promotion (NOTAP) with the principal aim of registering contracts/agreements which deal with the transfer and acquisition of foreign technology¹. Technology transfer is a planned and deliberate movement of a specific technology between two or more entities in which the transferor and the recipient are

¹www.nigeriahc.org.uk. Protection of Intellectual and Industrial Property; National Office of Technology Acquisition and Promotion (NOTAP). Accessed 13th may ,2025.

identifiable, and their respective motives and purposes are clear.² NOTAP encourages an efficient process for identifying and selecting foreign technology, promotion of research and development, patenting and Intellectual Property thereby fostering an environment for innovation and progress. It plays a pivotal role in enhancing the negotiation skills of Nigerians, ensuring that parties involved in Technology Transfer Agreements negotiate the best possible terms and conditions.³

Additionally, NOTAP streamlines the adaptation of imported technology, facilitating the integration of cutting-edge solutions into Nigeria's local content.⁴ NOTAP systematically tracks the inflow of technology into Nigeria and strategizes for its adaptation and domestication. It serves as a functional bridge in sustaining the link between the research community and industry, thus making it a strong anchor for stimulating national development.⁵

2.0 OVERVIEW AND ESTABLISHMENT OF NOTAP

National Office for Technology Acquisition and Promotion (NOTAP) was established by Decree No. 70 of 1979, amended by Decree No. 82 of 1992 now referred to as NOTAP Act Cap N68 LFN 2004. NOTAP is a parastatal under the Federal Ministry of Science and Technology (FMST). It is a corporate body with a mandate to implement the acquisition, promotion and

² Mfeka B., Advancing Technology Transfers for Sustainable Development in South Africa; United Nations Economic Commission for Africa (UNECA) Survey Report (2023).www.uneca.org. Accessed on 13th may, 2025.

³ Banwo& Ighodalo, Regulator Spotlight; National Office for Technology Acquisition and Promotion (NOTAP) (2024). accessed 16th may, 2025.

⁴*ibid.*

⁵www.zsi.at, cooperation partners. national office for technology acquisition and promotion. accessed on 14th May, 2024.

development of technology into the country. In 1992, the name of the Office was changed from National Office of Industrial Property (NOIP) to National Office for Technology Acquisition and Promotion (NOTAP) by Decree No. 82 of 1992⁶.

In line with globalization and liberalization of the world economy, NOTAP has shifted its emphasis from regulatory and control to promotional and developmental roles. The new areas of focus are aimed at attracting foreign technologies and investment and the development of indigenous technology. NOTAP was therefore established as one of the main instruments to carry out the National Policy on Technology Development. Part of this policy stipulates the encouragement of the flow of technology into the country in order to strengthen industrial development and encourage domestic enterprises to acquire foreign technologies that are suitable to the local environment.⁷

NOTAP was established with the mandate to encourage a more efficient process for the selection of foreign technology and development of the negotiating skills of Nigerians with a view to ensuring the acquisition of the best contractual terms and conditions in the transfer of foreign technology agreements. It also includes the provision of a more efficient process for the adaptation of imported technology, Registration of all foreign technology transfer agreements having effect in Nigeria, monitoring on a continuous basis of the implementation of any contract agreement registered pursuant

⁶ This was to ensure that the name adequately reflects the entire functions of the office and to also remove any ambiguity or misconception that may arise in relation to any other government agency.

⁷notap.gov.ng. accessed on 12th May, 2025.

to the Act setting up the office and the commercialization of Research and Development results and inventions.⁸

2.1 NOTAP's VISION⁹

To move Nigeria from the periphery to the dominant centre of global industrial power structure within the shortest possible time and make her a major global power house of the 21st Century through an efficient Technology Acquisition Strategy and a vibrant innovation and R & D¹⁰ commercialization program.

2.2 NOTAP's MISSION¹¹

To ensure the acceleration of Nigeria's drive towards a rapid technological revolution by an efficient acquisition /absorption of foreign technology and a concerted development of indigenous technological capability through a proactive promotion of innovation and commercialization of technology.

2.3 ORGANISATIONAL STRUCTURE OF NOTAP.

NOTAP is structured into six main departments:

- i. Corporate planning Department.
- ii. Human Resources and Finance Department.
- iii. Consultancy Services Department (CS)

⁸*ibid.*

⁹ A vision statement is an aspirational statement made by a company that outlines long term goals. it is a written document that describes where an organization is going and what it will look like when it gets there.

¹⁰ Research and Development. Centre for Technology Journal Edition for April 2025; “Intellectual Property Rights in Nigeria”

¹¹ A Mission Statement is a simple and brief description that encompasses the purpose of a company defining its culture, goals, and values.

- iv. Technology Acquisition and Research Coordination (TARC) Department
- v. Technology Innovation and Commercialization (TIC)
- vi. Technology Transfer Registration (TTR)

At the apex of the Organization is the Director General assisted by six Directors heading each of the six departments.

2.4 FUNCTIONS OF NOTAP.

- 1. Encouragement of a more efficient process for the identification and selection of foreign technology.
- 2. Development of the negotiating skills of Nigerians with a view to ensuring the acquirement of the best contractual terms and conditions by Nigerian parties entering into any contract or agreement or agreement for the transfer of foreign technology.
- 3. Provision of a more efficient process for the adaptation of imported technology.
- 4. Registration of all contracts or agreements having effect in Nigeria for the transfer of foreign technology to Nigerian parties. Every such contract or agreement shall be so registrable if its purpose or intent is in the opinion of NOTAP, wholly or partially for or in connection with any of the following purposes, that is to say:
 - (a) The use of trademarks
 - (b) The right to use patented inventions
 - (c) The supply of technical expertise in the form of the preparation of plans, diagrams, operating manuals or any other form of technical assistance of any description whatsoever.
 - (d) The supply of basic or detailed engineering
 - (e) The supply of machinery and plant and

(f) The provision of operational staff or managerial assistance and the training of personnel.

5. Monitoring on a continuous basis of the execution of any contracts or agreements registered by NOTAP.
6. Commercialization of viable R&D results emanating from both private and public research institutions.
7. Promotion of intellectual property rights and encouragement of innovation among Nigerian scientists, researchers and inventors.
8. Establishment of network of linkages among researchers, inventors, industry and research institutions.

2.5 ACTIVITIES OF NOTAP¹²

The activities of NOTAP include:

- i. Facilitating the transfer of foreign technology.
- ii. Evaluation/Registration and monitoring of Technology Transfer Agreements
- iii. Establishing relationship with national agencies, research and development institutions etc for focused activities on priority areas of domestic technological needs.
- iv. Linkages between and among research institutions, industry and venture capitalists, financial institutions, Governments (Local, State and Federal) and NGOs.
- v. Collation and preparation of compendium of R & D results emanating from the nation's research institutions, universities, polytechnics and colleges of technology.
- vi. Evaluation and assessment of data gathered from the various research institutions nationwide.

¹² notap.gov.ng. *ibid.*

- vii. Sectoral analysis of registered technology agreements to monitor technology trends in the country.
- viii. Publication of project profiles for the promotion and establishment of industrial ventures and SMEs.
- ix. Consultancy services on investment and selection of process technologies.
- x. Preparation of feasibility studies on selected viable research results.
- xi. Promotion of viable R& D results and inventions at trade fairs, techmarts etc. at both National and International levels.
- xii. Promotion of innovation, patenting, Intellectual Property Rights and related matters through workshops, seminars and awareness building programmes.
- xiii. Technology Advisory and Support Services
- xiv. Commercialization of viable Research and Development Results
- xv. Research Industry Linkage
- xvi. Maintenance of a Compendium on Research and Development activities in the country
- xvii. Promotion of locally generated technologies
- xviii. Promotion and encouragement of the development of creative and inventive skills among Nigerian Scientists, Researchers, Inventors and Innovators.

3.0 NOTAP's ROLE IN THE PROMOTION OF INTELLECTUAL PROPERTY.

The NOTAP has taken decisive steps to strengthen the Intellectual Property Rights of Nigerian inventors and innovators, aiming to amplify their capacity in developing products and services that will contribute

significantly to the nation's economy. NOTAP strives to guide inventors through the process of protecting their intellectual property, as safeguarding it increases the likelihood of successful commercialization by the private sector.¹³ This they do in the following ways:

a) Promotion of Technology Transfer

One of the major activities of NOTAP is the evaluation and registration of Technology Transfer Agreements and contracts entered for the transfer of technology to Nigerian parties. These agreements are described as legally binding documents that contain the terms and conditions under which technical skills, specialized knowledge, technical know-how, and other proprietary rights for the manufacturing of goods and services are transferred from one individual, enterprise or organization through licensing and other contractual arrangements that are mutually beneficial to both parties.¹⁴ Prior to registration, NOTAP evaluates these agreements in terms of their legal, economic and technical benefits to the Nigerian economy.

Some contracts must be registered by Section 7 of NOTAP Act, otherwise any profit or benefit due under the contract to the foreign partners cannot be repatriated or transferred to them through the Central Bank of Nigeria. This has been further clarified in the case of *Stanbic IBTC Holdings Plc v. Financial Reporting Council of Nigeria (FRCN) & Anor*¹⁵ where the Court of Appeal stated that failure to register a contract prevents payment through,

¹³ Isaac N. NOTAP enhances intellectual property rights of Nigerian inventors, 2023, sciencenigeria.com. accessed on 31st may, 2024.

¹⁴ The agreements that are subject to NOTAP'S regulation in Nigeria include agreements relating to hotel management, trademarks license, software license, value added services, shared services, management services, technical know-how and franchise.

¹⁵ (2015), (2018) LCN/12169 (ca)

or on the authority of the Central Bank. Such contracts include where the transfer of technology involves:

- i. The use of trademarks;
- ii. The right to use patented inventions;
- iii. The supply of technical expertise in the form of the preparation of plans, diagrams, operating manuals or any other form of technical assistance of any description whatsoever;
- iv. The supply of basic and detailed engineering;
- v. The supply of machinery and plant, and;
- vi. The provision of operating staff or managerial assistance and the training of personnel.

However, certain technology transfer agreement cannot be registered with NOTAP. This involves when the technology is obsolete or freely available in Nigeria, price is not commensurate to the technology acquired and where the contract requires the transferee to submit to a foreign jurisdiction in the event of dispute.

b) Procedure for Registration

Application for the registration of technology transfer agreement with NOTAP is made in the applicant's company letterhead paper directed to the Director of NOTAP within thirty (30) days from the effective date of the agreement. Every contract or agreement which on the date of the coming into force of this Act had been entered into by any person in Nigeria and which still has an effect on the commencement of this Act in relation to any matter shall be registered with the National Office in the prescribed manner not later than six months after the commencement of this Act”¹⁶

¹⁶ s 5 NOTAP Act

Every application for the registration of a contract or agreement shall be addressed to the Director of NOTAP and shall be accompanied by certified true copies of the contract agreement and by all other related documents annexed thereto.¹⁷

Applicants are required to make payment of a presentation fee of Fifty Thousand Naira (N50,000.00) through the NOTAP online portal to commence registration, accompanied with the following information and documents:

- i. A copy of the duly completed application form.
- ii. Certificate of Incorporation with the Corporate Affairs Commission.
- iii. Memorandum and Article of Association of the company.
- iv. A duly completed TAA Pre-Qualification Form.
- v. Taxpayer Identification Number (TIN).
- vi. A draft copy of the Technology Transfer Agreement to be registered.
- vii. A copy of the duly completed NOTAP questionnaires for different sectors.
- viii. A duly completed copy of the Monitoring Form.
- ix. A copy of the feasibility study report of the company
- x. Annual audited accounts for the preceding three years.
- xi. Evidence of tax payment for the preceding three years.
- xii. Profile of the technical partner.
- xiii. Performance bond for advanced payment.

¹⁷ s 5(3) NOTAP Act.

- xiv. A comprehensive training program which must include the number of personnel, skill, or knowledge to be acquired.
- xv. Approval or licenses obtained from the relevant authorities and bodies such as the Nigerian Communication Commission (NCC) for agreements on communication, etc where applicable.¹⁸

An earlier registration which has been granted may be cancelled if the Director of NOTAP is satisfied that such contract or agreement has, after the registration thereof, been amended or modified in contravention of the provisions of the NOTAP Act, he shall give notice in writing to the parties concerned of his intention to cancel the certificate of registration. This decision however may be appealed by the applicant to the Governing Council of NOTAP. Further and final appeal may be made to the Federal high Court.

c) Promotion of Patent

Another function of the NOTAP is to assist in the patenting¹⁹ of all inventions and innovations carried out by government-funded research institutes and others in the private sector.²⁰ Although the application for the grant of Patent is made

¹⁸ These submissions may now be made online only as there is an automated process readily available.

¹⁹ Patenting is the legal right to exclude others from making, using or selling an invention for a limited period of time in exchange for publishing an enabling disclosure of the invention.

²⁰ NOTAP is not a patent office. however, NOTAP can assist by acting as an agent in facilitating the filing and grant of patent application. in other words, NOTAP facilitates

to the registrar of Patent and Industrial designs which is under the Federal Ministry of Commerce, NOTAP through its information network provides the following services:²¹

- Link the inventors with Patent Offices all over the world;
- Assist inventors in drafting patent applications covering the invention in question;
- Process patent application through Industrial Property Offices.

d) Establishment of Intellectual Property Technology Transfer Offices (IPTTOs) in Tertiary Institutions across the country

NOTAP's mission extends beyond regulating the inflow of foreign technology into the country but also involves nurturing the growth of locally motivated technologies. Over 90% of the technologies utilized in various sectors of Nigeria's economy are of foreign origin and for a nation aspiring to become a significant player in the global technology landscape, this overwhelming reliance on foreign technology is deemed unacceptable.²² NOTAP has established forty-three (43) Intellectual Property Technology Transfer Offices in Universities, Polytechnics and Research Institutions in Nigeria with the aim of promoting indigenous

patenting by evaluating technology in patent applications and forwarding same to the patent registry.

²¹ an overview of the role of Nigeria's NOTAP in the promotion of technology transfer and intellectual property, 2023, firstfiduciary.ng. accessed on 30th June, 2024.

²² Dr Idoreyin Imiyoho, Ag. Director, NOTAP. A statement made during a courtesy visit to the Minister of Technology and Innovation, 2023, sciencenigeria.com. accessed on 1st June, 2024. she further emphasized that technology is the differentiating factor between developed and developing nations. given that technology originates from research, NOTAP has introduced strategic programs and initiatives to encourage nigerian researchers to conduct research that caters to real-world needs as opposed to conventional research primarily for career advancement.

technological capabilities and interaction and strengthening the linkage between University/Research Institutions and Industries. Where a University or Research and Development institution has a sufficiently large volume of Intellectual Property activities and technology transfer contracts (e.g. a rate of 10 internationally protected Ips per year), it is necessary to manage and exploit all the IP activities through the IPPTO which will undertake the selection of IPs and evaluation of their technological and commercial potentials²³. The IPTTO is designed/established to:²⁴

- (a) develop a robust intellectual property Rights portfolio through patenting, copyright, technology licensing; to support the Institution's initiative in developing patent culture.
- (b) To set into motion the formal system of incentives and reward that encourages individual researcher to be involved in partnerships.
- (c) To facilitate the utilization of Intellectual Property system in Tertiary Institutions and to enable the Universities / Research and Development institutions to use Intellectual Property system as a source of technology information and a source of generating wealth and income.

e) Organizing Workshops and Seminars for Awareness on Intellectual Property Rights for Inventors, Innovators and Researchers

NOTAP has moved to preserve the Intellectual Property Rights of Nigerian Inventors and Innovators in order to boost their potential

²³ notap.gov.ng <newdev> establishment of ipttos- notap. accessed on 15th May, 2025.

²⁴*ibid.*

to develop products and services that will add value to the nation's economy. This they do by organizing capacity building workshops on Intellectual Property Rights for inventors, innovators and researchers. The Permanent Secretary of the Ministry of Science Technology and Innovation, Mrs Monilola Udo who gave the keynote address during a workshop organized by NOTAP in 2023 in FCT Abuja emphasized the need for Nigeria to address the "low limited culture of IPRs" in the country stating that it will open avenue for the country's researchers and inventors to exploit the invaluable benefits from IPRs.²⁵

The former Director General of NOTAP, Dr. Dan Azumi Mohammed Ibrahim lamented the challenged of Intellectual Property in the country, stressing that Nigeria must develop its IPRs to stop over dependence on imported technology which cost the nation huge amounts of money.²⁶ He however pointed out that NOTAP has moved to address this problem by trying to regulate the flow of foreign technology in the country even as it encourages and promotes local generated technology.

²⁵ Odoh I., NOTAP strengthens Intellectual Property Rights of Nigerian Inventors. leadership.ng, accessed on 12th May, 2025.

²⁶ibid. He stressed that more than 90 percent of the technologies that power the Nigerian economy are imported technologies in any sector you can think of and if you sit down and think, these technologies are products of knowledge and research and development of other people. He pointed out that research and development is weak in Nigeria due to poor funding.

4.0 COMPARATIVE ANALYSIS OF TECHNOLOGY TRANSFER IN THE UNITED STATES OF AMERICA, SOUTH AFRICA AND OTHER THIRD WORLD COUNTRIES

4.1 UNITED STATES OF AMERICA

In the United States of America, technology is transferred from universities to industry of intellectual property rights in the form of patents or licenses and via start-ups of new companies. In order to facilitate commercialization of research results, Offices of Technology Transfer (OTT) was set up with the primary purpose to assist its researchers in disseminating research results for the public good.²⁷

The OTT is a set up as a unit within the university aimed at finding the proper balance between the functions of teaching and research within the university on one hand and providing service to the wider community on the other. In most cases, the Director of the OTT reports to the Vice President for Research or Provost, indicating that the activity is regarded as strategically important. The staffing varies from 2 to 18 and the annual budget for licensing and patenting varies from less than \$400,000 to \$4 million. The larger the OTT, the broader is the in-house expertise and the more aggressive the pursuit of patents and licenses. The steps to transfer or commercialize a technology are basically the same at all universities as there is a sign-off authority on Non-Disclosure Agreements, Material Transfer Agreements events:²⁸

²⁷ Carlsson B and Fridh A, “technology transfer in united states universities” (2002) *Journal of Evolutionary Economics*, www.researchgate.net. accessed on the 14th of May, 2025.

²⁸ Carlson B. and Fridh A., *ibid.*

- i. It starts with the invention disclosure to the OTT by the Faculty or Researcher leading to a review.
- ii. Then the disclosure is either accepted or rejected usually with some adjustments
- iii. The next step is to look for the right kind of property right protection such as patent, copyright, trademark etc.
- iv. Once intellectual property rights have been obtained, licensing is likely to be the next step.
- v. Then lastly, there is a start-up.

4.2 SOUTH AFRICA

Technology transfer and diffusion is among the national priorities in South Africa with the Department of Science and Technology spearheading the effort. The DST is establishing the Technology Innovation Agency with the objective of supporting the state in stimulating and intensifying technological innovation and invention in order to improve economic growth and the quality of life of all South Africans by developing and exploiting innovations and inventions.

In South Africa, technology transfer and diffusion appear to have started to take root. Most of the country's universities include technology transfer in their mission statement and have established relevant supporting structure. The technology transfer offices in South African universities are relatively young and understaffed and the universities are over-dependent on industrial funding for their research and development activities.

The transfer of technology from industrialized to developing countries has long been the subject of international discussions and declarations, unanimously advocating that the transfer should be stepped up. The

developing countries are convinced that unless there is rapid technology transfer under favourable conditions, it will be impossible to narrow the development gap vis-à-vis the industrialized nations within the foreseeable future. The industrialized countries themselves are conscious of the developing countries ever-growing significance as markets for their exports and of the fact that they must therefore have the technology to be able to produce competitive exports of their own in order to finance their imports from the industrialized countries.

When a developing country makes technological developments on its own, it faces the following competitive disadvantages:

- (i) Foreign technologies because of long experience in development and application of technologies are more reliable and hence involve less risk than domestic technologies.²⁹
- (ii) The risk in developing a technology domestically is not only that it may technically fail to fulfill its function, but also that the products the technology produces may not be marketable. Competing foreign technologies often carry a trademark which gives their product a competitive advantage.
- (iii) Technology transfer agreements often include restrictive provisions on the development and use of competing domestic technological developments.

²⁹ At the time of transfer, their development costs have frequently been largely written off, with the result that they can be transferred at relatively low marginal cost. the marginal cost consists of the cost of transfer itself.

(iv) Most domestic subsidiaries of foreign corporations prefer to have their research and development work done in the parent company's laboratories.³⁰

4.3 LESSONS FOR NIGERIA

It was noted in both United States of America and South Africa that the emphasis on technology transfer is rooted in tertiary institutions. Nigeria should therefore take a leaf from them and see to it that NOTAP in carrying out their functions lays more emphasis in promoting research and development in tertiary institutions as that is where the crop of young people and the future of any country lies. This will in turn enhance sustainable development in Nigeria.

5.0 CHALLENGES FACING NOTAP IN THE PROMOTION OF INTELLECTUAL PROPERTY RIGHTS IN NIGERIA

- i. Excessive reliance on imported technology - Over 90% of the technologies fueling Nigeria's economy originate from other countries, spanning various sectors such as transportation and manufacturing.
- ii. Insufficient Funding - Poor/insufficient funding has led to the weak state of research and development in Nigeria.
- iii. Low limited culture of Intellectual Property Rights in the country hinders research and development which leads to innovation.

3.0 RECOMMENDATIONS.

³⁰ This may be a question of company strategy, but may also be due to cost considerations. industrial research calls for expensive laboratory facilities which in many cases can only be used cost-effectively if all R&D activities are centralized there. furthermore, central laboratories make it easier for a company to keep its new development secret.

- i. Development of Nigeria's own Intellectual Property Rights to reduce dependence on imported technology which is ultimately rooted in the knowledge and research and development efforts of other nations.
- ii. Influx of foreign technology should be regulated while simultaneously encouraging and promoting locally generated technology.
- iii. Consistent funding and policy coherence in order to position Nigeria competitively on the global technology state.
- iv. Enlightenment of Nigerian inventors on how they can utilize their intellectual property to generate revenue for the Country.

4.0 CONCLUSION

Technology transfer serves to join research with real world products that can provide benefits for society, solutions to problems and at the same time, generate profit that can be used to fund further research and development. In line with globalization and liberalization of the world economy, NOTAP has shifted its emphasis from regulatory and control to promotional and developmental roles. It is trite to note, that this new area of focus is aimed at attracting foreign technologies and Investment and further the development of indigenous technology.

By prioritizing the strengthening of Intellectual Property Rights and fostering innovation, Nigeria can unlock its full potential and propel itself towards technological advancement and economic growth.