Creation of Digitalised Special IP Courts in Nigeria: A Necessity for Innovation and Technology Development

By

Onyinye Edith Anyanor*

Abstract

The rapid advancement of technology and the increasing role of the digital economy have intensified the need for stronger protection and enforcement of intellectual property (IP) rights in Nigeria. The current judicial framework, enforced primarily by the Federal High Court, faces challenges such as a lack of specialisation, delays in adjudication, limited technical expertise, and infrastructural deficiencies, all of which hinder efficient IP dispute resolution. Given the complexity and promptness of modern IP disputes, the Federal High Court, though constitutionally vested with jurisdiction over IP disputes, remains structurally inadequate to meet the intricate and dynamic demands of modern IP enforcement—particularly those relating to the internet, digital technologies and AI-generated works. Through a comparative analysis of China's IP regime, the paper examined how digitalised Special IP courts can assist in the protection of IP rights by incorporating technical expertise, organised procedures, and digital tools. The study found that technology-enabled IP courts that allow for e-filing and virtual trials would boost legal certainty, lessen delays, and promote confidence in the courts, thereby incentivising domestic innovation and attracting foreign direct investment. This paper, therefore, proposes the establishment of digitalised special IP courts for Nigeria, as same is both a strategic and structural necessity for promoting innovation and technology-driven economic development in Nigeria. The work also recommends legislative and policy reforms, including judicial capacity building, digital infrastructure investment, and targeted amendments to existing IP laws, to establish ICT-compliant courts and personnel for effective enforcement of IP rights.

Keywords: Artificial Intelligence, Digital Technology, Enforcement, Intellectual Property, IP Court

1. Introduction

The role of the court in protecting intellectual property in this era of digital technology and AI cannot be overemphasised. In Nigeria, as in several jurisdictions, the legal framework for the protection of IP works struggles to keep pace with technological developments, resulting in enforcement challenges and inadequate adjudication mechanisms. The intricacy of IP disputes, often involving cross-border internet infringements, AI-generated works, and emerging technologies, demands specialised structures for adjudication. The need to equip the courts with the technical expertise to deliver efficient and consistent decisions has become compelling.

Currently, the Federal High Court, though clothed with statutory authority, faces significant hurdles in handling IP disputes due to limited specialisation, case overload, and deficient integration of the relevant digital apparatuses for trial and case management. These limitations occasion delays in justice delivery, hinder effective protection of innovation, daunt foreign investment, and slow down the country's transition into a technology-driven economy.

* **Onyinye Edith Anyanor**; LL.B (Hons.) (Benin), LLM (UNIZIK) Ph.D Candidate, Faculty of Law, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria) Email: anyanoredith@gmail.com, GSM: 08060017581

The creation of digitalised special IP courts in Nigeria has therefore become not only desirable but necessary. Such courts would leverage technology for case filing, tracking, and trial to ensure speedy and fair adjudication by ensuring the engagement of judges and legal practitioners with expertise in IP and technology law. By ensuring faster resolution of disputes, enhancing the credibility of Nigeria's IP enforcement regime, and providing a more innovation-friendly legal environment, these specialised courts would play a crucial role in promoting technological development and economic growth.

This paper proposes the establishment of digitalised special IP courts as an essential step toward aligning Nigeria's legal system with global best practices, consolidating its innovation ecosystem, and ensuring that the country remains competitive in the digital age.

2. Enforcement of IP Rights in Nigeria: The Jurisdiction of the Federal High Court

The Federal High Court was established by the Federal High Court Act[1] pursuant to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended).[2] FHC is a superior court of record and has all the powers of the High Court of any State in the Federation.[3] By the provisions of the Constitution of the Federal Republic of Nigeria, the Federal High Court has the jurisdiction to determine all matters arising from any Federal enactment relating to copyright, patent, designs, trade marks and passing-off, industrial designs and merchandise marks, business names, commercial and industrial monopolies, combines and trusts, standards of goods and commodities and industrial standards.[4] Section 251 (3) of the Constitution also empowers the Federal High Court to have and exercise jurisdiction and powers in respect of criminal causes and matters in respect of which jurisdiction is conferred by subsection (1) of this section. The clear implication of this provision for IP rights is that they are enforceable in the Federal High Court, whether civil or criminal. Section 7 of the Federal High Court Act[5] also clearly confers jurisdiction on the Federal High Court in respect of any enactment relating to copyright, patents, designs, trade marks and merchandise marks.[6] The specific statutes governing the various types of IP rights- Copyright, Trademarks, Patents and Designs designated the FHC as the court with the requisite jurisdiction to entertain matters arising therefrom.[7] These provisions clearly reflect the legislature's deliberate intention to vest the Federal High Court with exclusive jurisdiction over intellectual property (IP) matters. This jurisdiction extends beyond civil remedies such as injunctions, damages, and compensation for IP infringements, to encompass the criminal aspects of IP law, including offences related to IP theft and the circumvention of technological protection measures.

The Chief Judge of the Federal High Court is also empowered, with the approval of the National Council of Ministers, to make Rules of Court for regulating the practice and procedure of the Court, including all matters connected with the forms to be used, the fees to be paid, practice and procedure upon an appeal and so on.[8] Unfortunately, in its efforts to enforce intellectual property rights, the Federal High Court has continued to grapple with numerous challenges.

[1] Federal High Court Act 1973 s 1(1)

[2] Section 249(1) of the Constitution created the Federal High Court, which is the third-highest court in the hierarchy of courts in Nigeria.

[3] FHCA 1973 s 1(3)

[4] Constitution of the Federal Republic of Nigeria 1999 (as Amended) s 251 (1) (f)

[5] Federal High Court Act 1973

[6] FHCA 1973 s 7 (1) (c) (i) and (2) of the Act

[7] Copyright Act 2022 s 103, Patents and Designs Act 1971 s 26

[8] FHCA s 44 (1)

3. Challenges of the Federal High Court in the Enforcement of IP Rights in Nigeria: A Case for a Digitalised Special Court for IP in Nigeria.

(i) Complexity of IP Disputes: The complexity of intellectual property matters arises from the unique nature of IP rights. The complexity of IP disputes is further heightened by the participation of parties from different countries and the inherently territorial nature of IP rights.[9] Municipal laws govern IP rights, yet are subject to global issues cutting across several jurisdictions and traversing various legal and economic contexts. This complexity is attributable to the territorial nature of IP rights, which is in continuous conflict with the borderless digital world. Other issues can be traced to the diverse legal issues of authorship and enforcement mechanisms, the intersection of IP with private international law for cross-border disputes, and the ever-evolving technologies like Artificial Intelligence. The intersection of AI and IP poses unique legal and regulatory challenges, particularly concerning privacy, data protection, and liability.[10] The role of Intellectual Property Laws in balancing innovation promotion with the rights of creators, and its overall bearing on economic development, also adds strata of complexity to the IP administration.

It is common knowledge that modern IP cases, which are conducted virtually, often involve technical, scientific, and digital evidence that most of the trial judges and lawyers may not possess the competence to handle.[11] AI-generated works like texts, images, music, sound; software patents, data-driven designs, and digital copyright infringement all require specialised training and skill to interpret. The Nigerian copyright system faces a crucial juncture as it adapts to the digital era, internet expansion, and the emergence of advanced technologies like Artificial Intelligence. This new landscape challenges traditional copyright norms and requires a nuanced evaluation to ensure the system effectively safeguards IP and encourages innovation.

(ii) Lack of Trained Judicial Personnel: Another significant challenge confronting the courts in the enforcement of copyright laws in Nigeria is the lack of adequately trained judicial officers.[12] In many instances, judges of the Federal High Court lack specialised knowledge or formal training in copyright and other IP laws. Consequently, their limited understanding of the subject often results in inconsistent and sometimes erroneous rulings in copyright infringement cases. This problem is compounded by the scarcity of appellate decisions, particularly from the Court of Appeal and the Supreme Court, on copyright-related matters, which could otherwise serve as guiding precedents. In the absence of such domestic authorities, judges are frequently compelled to rely on English case

[9] L Toscano and O Suarez, 'An Expanding Role for IP Offices in Alternative Dispute Resolution' *WIPO MAGAZINE* <https://www.wipo.int/en/web/wipo-magazine/articles/an-expanding-role-for-ip-offices-in-alternative-dispute-resolution-40667> accessed 29 October 2025.

[10] A Ubaydullayeva, 'Artificial Intelligence and Intellectual Property: Navigating the Complexities of Cyber Law' [2023] (1) (4) *International Journal of Law and Policy*, 6

[11] PA Aidonojie etal 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' [2023] (1) (4) *Journal of Digital Technologies and Law*, <https://www.lawjournal.digital/jour/article/view/314> accessed 27 October 2025

[12] IU Ibe and NN Udeoji, 'The Challenges and Prospects of Nigeria Copyright Administration in a Digital Artificial Intelligence Age' [2024] (3) (1) *ABUAD Private and Business Law Journal*, 20 <https://www.researchgate.net/publication/380621642_THE_CHALLENGES_AND_PROSPECTS_OF_NIGERIA_COPYRIGHT_ADMINISTRATION_IN_A_DIGITAL_ARTIFICIAL_INTELLIGENCE_AGE> accessed 27 October 2025

precedents, which may not align with the unique socio-legal realities of the Nigerian context. For example, judicial approaches to multimedia copyright issues in England differ substantially from the provisions and practical applications under the Nigerian Copyright Act.[13]

(iii) **Backlog and Delay in the Regular Courts:** The Federal High Court, which is the court of first instance for IP matters, is already overburdened with diverse cases: oil mining and geological surveys, maritime, taxation, revenue, banking, election petitions, and so on.[14] This has placed an enormous burden on the Federal High Court, which in most States of Nigeria has either one or two Judges presiding. Hence, there is a delay in adjudication as a result of the over-congestion of cases in these courts. The implication is that some copyright cases may last as long as a decade, climbing from the court of first instance to the apex court, before the rightful owner will get justice against an incursion on their rights. Owing to this enormous responsibility conferred on the court, it is always plagued with congested cause lists, placing unnecessary burden on the judges, staff and court facilities. The hardship occasioned by the system is visited on the litigants, some of whom eventually abandon their cases out of frustration. Nwogu has identified these delays in the judicial system and lack of transparency in the enforcement system as one of the factors that discourage copyright litigation and enforcement.[15] The necessity for a digitalised IP court has never been more evident than now. The COVID-19 pandemic exposed the possibility of conducting trials and managing administrative affairs virtually. The COVID-19 pandemic accelerated judicial digitalisation globally, and some states in Nigeria have come on board.[16] The Federal High Court of Nigeria has also launched its e-filing platform, which became operational in the Lagos Division in June 2025.[17]

Digital IP courts can employ e-filing systems, virtual hearings, and electronic case management to enhance the speedy dispensation of cases. Handling of evidence in digital formats like software codes, digital artworks, blockchain records, etc., can promote transparency and public trust. Some countries like the United Kingdom, China and the U.S. have improved efficiency through specialisation.[18]

Specialised intellectual property (IP) courts enhance the quality of justice by leveraging judicial expertise developed through the consistent adjudication of IP disputes. This accumulated experience enables the courts to deliver more informed, consistent, and technically sound decisions. Specialised intellectual property (IP) courts possess a unique capacity to keep pace with the dynamic and evolving nature of IP law and to adapt swiftly to new developments. Their concentration of expertise enables them to handle complex technical disputes with precision and

[13] Currently, there is a scarcity of judicial precedents in Nigeria addressing cases of intellectual property infringement over the internet.

[14] CFRN 1999 (As amended) s 251 (1)

[15] M Nwogu, 'Challenges of The Nigerian Copyright Commission (NCC) in the Fight Against Copyright Piracy in Nigeria' [2014] (2) (5) *Global Journal of Politics and Law Research,* 30.

[16] Rivers and Lagos States Judiciary introduced e-filing in 2020, and through continuous improvement, the system has become an established part of the judicial system. Almost all the states in Nigeria are now taking steps to develop laws and set up platforms for virtual hearings of cases.

[17] Deborah Musa 'Federal High Court Unveils Lagos E-filing Platform June 23' *Punch E-Paper* (Nigeria, 5 June 2025) <https://punchng.com/federal-high-court-unveils-lagos-e-filing-platform-on-june-23/#:~:text=The%20Federal%20High%20Court%20of,set%20for%20June%2020%2C%202025> accessed 1st November 2025

[18] The United Kingdom established the Intellectual Property Enterprise Court in 2013; China has digitalised special IP courts in its three cities of Beijing, Shanghai, Guangzhou, and the United States of America appoints specialised IP judges, although they sit in the regular courts.

confidence. This specialisation is particularly advantageous given the tendency of non-specialised courts, when confronted with technically complex IP issues, to rely heavily on court-appointed or party-appointed technical experts, thereby risking a shift of decision-making authority from judges to external specialists. The establishment of specialised IP courts, therefore, serves as a proactive measure to preserve judicial autonomy while ensuring that decisions remain grounded in sound legal reasoning informed by technical understanding. In addition to improving the quality of adjudication, specialised IP courts can enhance the time and cost efficiency of judicial proceedings. This efficiency benefits all stakeholders, especially litigants, who would no longer need to endure protracted litigation before obtaining a final decision on the merits of their case. The timely resolution of IP disputes is increasingly critical in today's fast-paced technological and commercial environment, where innovations are rapidly commercialised, and business decisions must be made swiftly. For the judiciary, specialisation facilitates more effective case management, allowing judges to allocate resources efficiently and thereby reducing the risk of backlogs of cases.[19]

Furthermore, specialised IP courts promote consistency and uniformity in judicial decisions, fostering a coherent and predictable body of jurisprudence. Such predictability enhances legal certainty, encourages investment and innovation, and improves the overall efficiency and credibility of the IP enforcement system. Ultimately, the creation of specialised IP courts strengthens both the administration of justice and the broader innovation ecosystem by ensuring that IP disputes are resolved with expertise, efficiency, and consistency.[20] This, by extension, is likely to attract foreign direct investment (FDI), as a robust intellectual property enforcement framework signals a nation's commitment to the protection of proprietary rights.

A major criticism often raised regarding the establishment of specialised courts relates to the significant financial implications involved in setting up the courts, training judicial personnel, and sustaining their administrative operations.[21] Justice, like every other end, inevitably comes at a cost. However, assessing the overall cost of justice solely in terms of financial cost may not present a fair or complete picture. The delays caused by case backlogs and the inexperience of judges often result in the denial of timely justice and a corresponding loss of public confidence in the judicial process. It is therefore expedient that the cost of justice be evaluated not merely by its pecuniary implications, but by the outcome it seeks to achieve — the delivery of justice itself.

Another concern often raised is that specialised courts may be vulnerable to undue political or economic pressures, which could compromise the integrity and autonomy of the judicial process.[22] However, a digitalised Special Court envisaged in this work would put in place measures that will ensure independence and integrity of the court, such as e-filings, public

[19] J Werra, etal 'Specialized Intellectual Property Courts; Issues and Challenges' A CEIPI-ICTSD publication series <https://www.ceipi.edu/websites/ceipi/Documents/Publications_CEIPI___ICTSD/CEIPI_ICTSD_N__2.pdf> accessed 25 October, 2025

[20] Diane P. Wood, 'Keynote Address: Is It Time to Abolish the Federal Circuit's Exclusive Jurisdiction in Patent Cases?' (2013) (13) (1) *Chicago-Kent Journal of Intellectual Property*, 3 <http://scholarship.kentlaw.iit.edu/ckjip/vol13/iss1/1> accessed 25 October 2025

[21] See M Zimmer, 'Overview of Specialised Courts' (2009) (2) (1) *International Journal for Court Administration*, 46- 60 <https://iacajournal.org/articles/10.18352/ijca.111> accessed 09 August 2026; Mark A. Lemley, 'Where to File your Patent Case', *American Intellectual Property Law Association Quarterly Journal* (38) (4) (Fall 2010) Pp 1–37

[22] JP Kesan and GG Ball, 'Judicial Experience and the Efficiency and Accuracy of Patent Adjudication: An Empirical Analysis of the Case for a Specialised Patent Trial Court', *Harvard Journal of Law and Technology* (24) (2) (Spring 2011): 393–467 <http://jolt.law.harvard.edu/articles/pdf/v24/24HarvJLTech393.pdf> accessed 11 September 2025

hearings, including the receiving of evidence, and delivering of judgment in public. The judges of the Court would be appointed through the normal procedure for the appointment of judges in Nigeria. The judges should be placed in the same class as the judges of other superior courts of record in Nigeria.

4. Lessons for Nigeria from China

Nigeria can take a valuable lesson from China, which has successfully pioneered the establishment of specialised courts for Internet and intellectual property–related matters, known as 'Internet Courts.' China inaugurated three of such courts in Hangzhou (18 August 2017), Beijing (9 September 2018), and Guangzhou (28 September 2018). These courts were created in response to the rapid expansion of digital commerce, online transactions, and intellectual property disputes arising from Internet-based activities.

In alignment with the digital transformation of its judicial system, China has pursued comprehensive reforms aimed at integrating information and communication technologies (ICT) into its judicial process. These reforms promote procedural pluralism and support the development of diverse dispute resolution mechanisms, such as online mediation and electronic litigation systems. Specialised intellectual property (IP) courts are vested with jurisdiction over both civil and administrative cases. This structural flexibility enables them to ensure consistency in the adjudication of related civil and administrative matters while simultaneously enhancing judicial efficiency.[23] With respect to administrative cases, the judicial power of specialised IP courts in China is notably far-reaching. These courts are empowered to hear appeals against administrative decisions relating to the subsistence, ownership, and infringement of IP rights, as well as first-instance cases involving patents, plant varieties, integrated circuit layout designs, trade secrets, and computer software copyrights. Among them, the Beijing Intellectual Property Court holds particular significance. It has exclusive jurisdiction over appeals against administrative decisions issued by State Council departments concerning the grant, validity, or scope of IP rights, including patents, trademarks, plant variety protection, and integrated circuit layout designs. Its jurisdiction also extends to disputes involving compulsory licences and other administrative acts by national IP authorities. Given that the principal State Council departments and IP administrative bodies - such as the Patent Re-examination Board and the Trademark Review and Adjudication Board are located in Beijing, the concentration of these administrative cases within the Beijing IP Court is both logical and efficient, ensuring consistency and expertise in administrative IP adjudication.[24]

One of the gains of the Specialised IP Court is its transnational jurisdiction, which prevents it from local protectionism. Specialised IP courts are composed of experienced IP judges. Aside from the Chief Judges and Deputy Chief Judges appointed by the legislatures, only senior judges with at least six years of IP trial experience are eligible for appointment, ensuring a high level of expertise and professionalism in IP adjudication.[25] There are also appointed technical

[23] J Werra and others 'Specialized Intellectual Property Courts; Issues and Challenges' *A CEIPI-ICTSD publication series*, 51 <https://www.ceipi.edu/websites/ceipi/Documents/Publications_CEIPI___ICTSD/CEIPI_ICTSD_N__2.pdf> accessed 25 October, 2025

[24] ibid at 52

[25] See 'SPC Guiding Opinions on Selection and Appointment of the Judges of the Specialized IP Courts (Trial Implementation)', Arts 3 and 4. <https://www.google.com/search?q=See+%E2%80%98SPC+Guiding+Opinions+on+Selection+and+Appointment+of+the+Judges+of+the+Specialized+IP+Courts+(Trial+Implementation)%E2%80%99%2C+Arts+3+and+4.&oq=See+%E2%80%98SPC+Guiding+Opinions+on+Selection+and+Appointment+of+the+Judges+of+the+Specialized+IP

investigators to assist the judges with technical cases.

The establishment of the Internet Courts thus forms a basic pillar of China's broader judicial modernisation initiative, strategically designed to enhance judicial efficiency, transparency, and accessibility through the application of advanced technology. According to Hong Xue[26]:

> The specialised IP courts, equipped with resources, capacity and legal support, are no doubt a milestone in Chinese IP enforcement and judicial reforms. With the reform of jurisdiction, enhancement of independence, and improvement of professionalism, the IP courts should be able to quickly acquire authority, expertise, and specialisation.

For Nigeria, the Chinese experience offers a practical model for building a digitally enabled and specialised IP adjudication framework. By drawing from China's example, Nigeria can develop digital IP courts capable of handling complex, technology-driven disputes with efficiency and expertise, thereby promoting innovation, protecting creative industries, and promoting confidence in the country's judicial regime.

Through the use of the internet and associated technological tools, the Chinese judiciary streamlined litigation processes and supported the development of a more diverse and accessible dispute resolution structure. The courts serve as ground-breaking platforms for judicial enlightenment and experimentation with combined technological processes in dispute resolution. Their emergence has also sparked debates within China regarding potential challenges to traditional judicial adjudication principles and the most effective ways to harmonise emerging technologies with conventional trial and adjudicatory procedures. There is, however, no doubt regarding what mischief the courts have come to cure. The Hangzhou Internet Court, with Supreme People's Court approval, is responsible for hearing first-instance civil and administrative cases related to the internet in the Hangzhou area. Cases emanating from AI and online infringement of intellectual property rights fall within the jurisdiction of the internet court, and distance is no barrier.

So while traditional court proceedings are increasingly facilitated by the use of some web-based resources, the Internet Court is distinctive because the actual proceedings are conducted online. It is intended that this infrastructure can reduce, to a certain extent, the litigation and court costs paid by the parties, as well as the sometimes burdensome transport incidentals and time costs. The Internet Court is equipped to provide guidelines to assist disputants in their litigation preparations.[27] At the same time, the Chinese court still provides traditional offline litigation services as it is equipped with the latest hardware facilities to assist in the provision of assistance for the disputing parties. The procedures of the Courts are remarkably flexible, allowing parties to institute actions filing of pleadings at any time without being constrained by the working hours of traditional courts. Litigants can file their claims and pay filing fees online at their convenience, as is obtainable in some jurisdictions in Nigeria.[28] This practice can help eliminate

+Courts+(Trial+Implementation)%E2%80%99%2C+Arts+3+and+4.&aqs=chrome..69i57.1129j0j15&sourceid=chrome&ie=UTF-8> accesses 28 October 2025

[26] Hong Xue 'Specialized Intellectual Property Courts in China' A CEIPI-ICTSD publication series, Page 55 <https://www.ceipi.edu/websites/ceipi/Documents/Publications_CEIPI___ICTSD/CEIPI_ICTSD_N__2.pdf> accessed 30 October, 2025

[27] ibid at 531

[28] In 2020, the Rivers State Judiciary launched its e-filing platform, known as the Rivers State Court Management System (RIVCOMIS). The platform enables electronic filing of cases, online payments, e-affidavits, and the migration of existing cases to the digital system, among other features. <https://rivcomis.riversstateapps.ng/home/index.html> accessed 27 October 2025.

quackery and enhance the efficiency and credibility of the judicial system, as demonstrated by the experience of the Rivers State Judiciary.[29] Parties are also able to track the progress, upload documents, and submit electronic evidence through the court's dedicated online litigation platform.

To enhance accessibility, the Chinese system offers multiple interfaces, including web portals and mobile applications, to enable parties to choose the most convenient means of participation. At the pre-litigation stage, parties may engage in online negotiations and mediation sessions using the video or voice conferencing tools integrated into the platform. This process is much more than a mere digitalisation of legal procedure and documentation, but also extends to the trial process as hearings are conducted online, eliminating the need for physical courtroom appearances. In online courts, the entire litigation process, including case filing, service, mediation, evidence exchange, pretrial preparation, trial, and judgment, should generally be completed on the Internet. The basic standard of online court is that the whole process is commenced and concluded online.[30]

At the conclusion of the trial, the judge delivers his judgment and uploads it to the litigation platform for parties to access, while at the same time sending it to the parties through their email. For enforcement, parties can apply online for execution of the judgment, prompting the court to utilise its internal information system to investigate and preserve the defendant's assets or to carry out necessary offline enforcement measures. At the conclusion of each case, the same is archived electronically, generating an automatic digital record.

The Internet courts have been criticised for not offering a one-for-all solution despite the innovations. It has been observed that the functioning of the courts is influenced by factors such as regional economic disparities, infrastructure development levels, digital literacy among citizens, and the technological competence of legal professionals and judges.[31] Digital literacy should not be considered a barrier to access to justice before the internet court. Beyond the fact that digital and technological literacy is rapidly advancing globally, most infringements or wrongs for which remedies are sought now occur on the internet. Since the internet serves as the marketplace for both parties, it would be unreasonable for any complainant or defendant to rely on such a defence. The use of digital courts will introduce visible changes in the manner in which cases are conducted, ensuring professional courtroom practices and strategies and ensuring that cases are concluded expeditiously. The internet courts focus on specific types of internet-related disputes, such as e-commerce, intellectual property, and cybersecurity issues. They utilise various online platforms for different stages of litigation, including case filing, exchange of evidence, and hearings.

The creation of an IPR division within the Supreme Court of China (Supreme People's Court of China) is also a demonstration of the intentionality of the Chinese Government to prioritise expertise. The judges in the IPR Division are jurists with substantial expertise in intellectual property matters and the application of technology. For instance, Zhou Bo, Deputy Chief Judge of the Intellectual Property Court within the Supreme People's Court, demonstrated deep understanding and proficiency in the field through his presentation on IP and AI. Judges like

[29] Ann Godwin, 'How e-filing of court processes improved judicial system, by Rivers CJ' <https://guardian.ng/news/how-e-filing-of-court-processes-improved-judicial-system-by-rivers-cj/> accessed 30 October 2025

[30] M. Guo, 'Internet Court's Challenges and the Future of China' [2021] (40) *Computer Law and Security Review*, <https://www.researchgate.net/publication/348116712_Internet_court's_challenges_and_future_in_China/citation/download> accessed 09 August 2026

[31] ibid

him possess a solid grasp of both IP and technological terminologies and can effectively apply relevant tools in adjudication.[32]

China's establishment of Internet Courts offers valuable insights for Nigeria in the creation of specialised intellectual property (IP) courts. The Chinese model demonstrates how judicial specialisation combined with digital innovation can transform the administration of justice in technologically complex areas such as intellectual property, data protection, e-commerce, and internet-use regulation. Some crucial lessons arising from China's experience include:

(i) **Integration of Digital Technology in Judicial Processes:**[33] China's Internet Courts have fully digitised litigation procedures, from case filing and tendering of evidence, to judgment delivery. Litigants can commence and monitor their cases exclusively online through a dedicated litigation platform. Advanced technologies such as blockchain are used to authenticate electronic evidence, while artificial intelligence (AI) assists judges in research and decision-making.

(ii) **Specialisation and Technical Expertise:** Judges in China's Internet Courts are skilled in intellectual property, information and communication technology, and cyber law.[34] This specialisation ensures that cases are decided by judges with both legal and technical proficiency, enhancing the accuracy and consistency of rulings. Nigeria should establish specialised IP divisions or courts staffed by judges and clerks with the relevant IP and ICT expertise. Continuous training programs through the relevant organisations like WIPO, ARIPO and NCC can help to build judicial competence in emerging areas like AI-generated works, digital piracy, and data ownership.

(iii) **Flexibility and Accessibility:** The Chinese Internet Courts are designed with procedural flexibility to promote access to justice, judicial efficiency and speedy justice delivery.[35] Plaintiffs can file cases at any time of the day, submit digital evidence online, and attend hearings virtually. This flexibility particularly benefits small-scale businesses and digital content creators who might otherwise face challenges navigating traditional court systems. Nigeria can encourage greater judicial accessibility by developing a user-friendly electronic litigation platform that allows for 24-hour filing, remote participation, and multilingual support.

(iv) **Alternative Dispute Resolution (ADR) Mechanisms:** China's judicial reform framework actively promotes the integration of mediation, arbitration, and online dispute resolution (ODR) within the formal judicial process. The Internet Courts frequently refer cases to these alternative mechanisms before trial, thereby facilitating faster, cost-effective, and amicable settlements. This approach not only alleviates the burden on the courts but also encourages a collaborative and technology-driven model of dispute resolution that aligns with the evolving dynamics of the digital economy.

[32] Zhou Bo, 'Artificial Intelligence and Copyright Protection: Judicial Practice in Chinese Courts' (Published by WIPO) <https://www.wipo.int/export/sites/www/about-ip/en/artificial_intelligence/conversation_ip_ai/pdf/ms_china_1_en.pdf> accessed June 25 2025.

[33] Hong Xue 'Specialized Intellectual Property Courts in China' A CEIPI-ICTSD publication series, Page 55 <https://www.ceipi.edu/websites/ceipi/Documents/Publications_CEIPI___ICTSD/CEIPI_ICTSD_N__2.pdf> accessed 30 October, 2025

[34] See 'SPC Guiding Opinions on Selection and Appointment of the Judges of the Specialised IP Courts (Trial Implementation)', Arts 3 and 4; J Werra and others (n 24) 51

[35] Changqing Shi and others, 'The Smart Court – A New Pathway to Justice in China? [2021] (12) (1)*International Journal for Court Administration* <https://iacajournal.org/articles/10.36745/ijca.367> accessed 28 October 2025

(v) **Transparency and Public Trust:** China's Internet Courts livestream many proceedings and publish judgments online, reinforcing transparency and public confidence in the judicial system. Nigeria can adopt similar practices through digital judgment repositories and public case dashboards to enhance transparency, encourage consistency in decisions, and strengthen public trust in Nigeria's IP justice system. China's Internet Courts exemplify how judicial innovation and digital transformation can improve IP adjudication efficiency. By adopting a similar approach, that is, incorporating digital infrastructure, judicial specialisation, and legislative reform, Nigeria can create a modern, efficient, and technology-driven IP judicial system that supports innovation, protects creators, and promotes economic growth.

5. Designing a Roadmap for Specialised IP Courts in Nigeria

Designing a roadmap for specialised Intellectual Property (IP) Courts in Nigeria is both timely and strategic, given Nigeria's growing digital economy, creative industry, and ongoing legal reforms. Nigeria's innovation ecosystem is rapidly growing; the rise in creative industries, AI-generated content, digital piracy, technology startups, and digital trade. The challenges posed by this development are manifest in the inefficiency and delay in handling IP disputes due to a lack of specialisation in the judiciary.

Establishing a special court (and Rules) for IP matters will also dispense with some of the challenges of the Federal High Court, such as congested court lists and inexperience of judges and clerks. Our judges often lack specialised IP knowledge, leading to inconsistent rulings and long timelines. Specialised courts reduce backlog and enhance the quality of decisions. The judges, lawyers and clerks who would practice in these courts must compulsorily embark on training to update their knowledge and take up the relevant skills in technology and IP matters. This step will support innovation, restore investor confidence, and enforce IP rights under the national laws and international obligations such as the TRIPS Agreement, WIPO Treaties, among others.

This paper finds that China's model of internet courts would be the most suitable for Nigeria, bearing in mind the geographical spread and other economic considerations. The courts should be physically located in two or three cities with the highest number of digital or technological activities, with Lagos, Abuja and Port Harcourt as the focal points. The Courts should be vested with original jurisdiction over all IP matters and other similar cases emanating from internet usage. Beyond the training of Judges and the Clerks of the court, there is a need to engage the services of technical experts like digital forensic experts and technical assessors.

As with the formation of every new system, establishing a digitalised IP Courts for Nigeria will require extensive preparation and segmented implementation. The process will involve several key procedures and preparatory steps, including:

1. **Training and Capacity Building:** Drafting training and certification modules for judges, lawyers, and registrars on emerging IP issues like AI, digital IP, online piracy and biotechnology is inevitable. The relevant ICT training for all the stakeholders should cover a wide range of issues like internet connectivity, e-filing and stamping, basic download and upload techniques, database usage, virtual hearing, among others.
2. **Digitalisation and E-Courtrooms:** This will involve the development of E-Litigation Platforms that allow for online filing and stamping, evidence upload, and virtual hearings. The system should be robust enough to accommodate and implement case management systems and interact with the relevant regulatory bodies, such as the Nigerian Copyright Commission (NCC), Trademarks, Patents and Designs Registries. The system will

employ the use of AI technologies and other legal research tools, such as AI-assisted legal analytics for precedent tracking.

3. **Legislative and Policy Structure:** The success of China's Internet Courts is built on strong legislative and institutional frameworks, providing clear jurisdiction, procedural rules, and technological standards for handling electronic evidence and online disputes. It will be necessary to (i) amend the chief legislations applicable to IP, such as the Constitution of the Federal Republic of Nigeria 1999 (as amended), Federal High Court Act,[36] Copyright Act,[37] Trademarks Act[38] and the Patent and Designs Act.[39] These legislations confer original jurisdiction over all IP matters in the Federal High Court. Therefore, creating a specialised IP Court would require amending the existing laws to transfer or modify the jurisdiction currently exercised by the Court. (ii) Enact a law creating specialised digital courts, define their jurisdictional and subject matter scope (iii) Empower the Administrative Judge to appoint the IP judges based on set out criteria (iv) Make provisions for the establishment of the Procedural Rules and Practice Directions.

Creating specialised IP courts in Nigeria is not merely a judicial reform. It is an economic and developmental imperative which will involve a series of consultations and policy development. A structured, phased roadmap integrating legislative reform, digitalisation, and capacity building will align Nigeria's IP enforcement system with global standards and strengthen its position as Africa's innovation hub.

6. Challenges of Establishing a Smart IP Court in Nigeria

As previously highlighted in this work, the costs borne by litigants and the lack of expertise among judges and court clerks remain significant concerns. Other major challenges that could hinder the smooth operation of a digitalised IP court in Nigeria include the high cost of establishing and equipping the court with necessary technological infrastructure and skilled personnel, as well as persistent issues with internet connectivity. Understandably, technical issues such as poor internet connectivity and system malfunctions during online hearing sessions can also pose serious challenges, often leading to disruptions or delays in court proceedings.[40] However, concerted efforts by the courts and relevant stakeholders can significantly improve network reliability. For instance, the judiciary can collaborate with service providers to secure upgraded network packages capable of supporting court proceedings and digital operations. Similarly, litigants and their counsel should ensure they subscribe to internet services that meet at least the minimum stability and bandwidth required for seamless participation in virtual hearings. While we await the establishment of the specialised court, which would involve humungous cost and time, the Chief Judge of the Federal High Court has been enjoined to issue Rules or Practice Directions for IP matters, as in the case of 'Fundamental Rights Enforcement', to set clear modalities for ensuring a speedy dispensation of IP cases.[41]

7. Conclusion and Recommendation

[36] FHCA 1973
[37] Copyright Act 2022
[38] Trademarks Act Cap. T13 LFN 2004
[39] Patents and Designs Act Cap. P2 LFN 2004
[40] Changqing Shi and others, (n 36) 5
[41] N Iguh and O Anyanor, 'The Impact of Technology and The Use of the Internet on Copyright Enforcement in Nigeria' [2023] 14 (2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 7

The creation of digitalised special IP courts in Nigeria is not merely an institutional restructuring; it is a strategic necessity to boost innovation, attract foreign investment, and support Nigeria's position in the global knowledge economy. This work recommends:

1. **Establishment of digitalised Special IP Courts:** There should be established for Nigeria digitalised special IP courts in at least three major cities in Nigeria, with the highest level of IP and internet activities, such as online content creation, considering the geopolitical locations and federal character policy. The court should operate in a hybrid mode, allowing for physical hearings and direct human interface for easy resolution of unique challenges.
2. **Legislative Intervention**: The idea of establishing a special court makes it expedient to amend the laws conferring jurisdiction on the Federal High Court in IP matters, such as the Constitution, Federal High Court Act, Copyright Act, Patents and Designs Act, and Trademarks Act. Accordingly, the Legislature should enact a new law creating the Special Court and conferring on it all rights and powers to adjudicate over IP cases and other cases that arise from the creation, use of, or sharing of content online.
3 **Partnership with Technology Experts:** Nigeria should partner with experts in ICT to develop a strong digital platform for e-filings, an electronic case management system, virtual hearings and broadcast of hearing sessions.
4. **Mandatory Training of Judges, Lawyers and Staff of Court:** There should be organised for all the stakeholders a mandatory training on how to use the platform for various purposes and different stages of commencing and adjudication of matters. The training for judges and staff should be continuous and should touch on the emerging technologies, AI, digital rights management and blockchain. The stakeholders must always be kept abreast of any update or upgrade in the technology of the court platform and trained on how to navigate the system.
5. **Building a Strong Internet Network:** The judiciary should liaise with reputable internet service providers to ensure strong and reliable internet connectivity for the effective operation of Smart IP Courts. This collaboration will minimise disruptions during virtual proceedings and enhance the overall efficiency of the court's digital infrastructure.