



Intellectual Property Forecast for 2021: A Better Time?

AUTHORS



About Tech Hive™

Tech Hive Advisory Limited is a technology advisory firm which provides advisory and support services to private and public organisations with regards to the intersection between technology, business, and law. We focus on how emerging and disruptive technologies are altering and influencing the traditional way of doing things while acting as an innovation partner to our clients. These new technologies often birth new challenges requiring regulations to balance the benefit of innovation and the rights and freedoms of users. Our experience and capability extends across startup advisory, privacy and data protection, data ethics, cybersecurity, intellectual property management and emerging technologies. We ensure our advice serves our clients well by having an excellent understanding not only of their business, but of the markets in which they operate.



About IPSERIES™

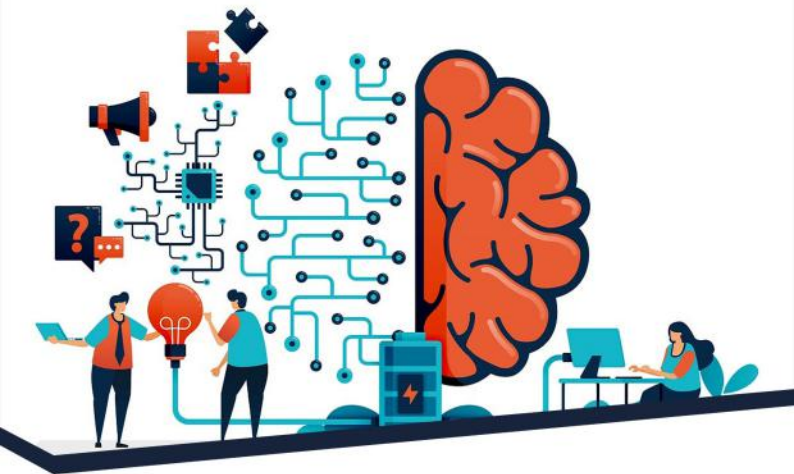
IPSERIES is an amazing podcast that features in-depth conversations on latest intellectual property cases and development globally. Intellectual Property (IP) is an intangible work that involves human creativity and innovation used in commerce. This podcast makes emphasis on how intellectual property(IP) is all around us and the value of these IP assets by turning intangible assets into exclusive property rights even if it's for a limited period of time.



About Garnet Law Practice™

At Garnet Law Practice, we are more than just lawyers. We are strategic business partners and our aim is to help businesses and entrepreneurs grow and their set business objectives and goals. We are Nigeria's premier emerging companies and start-up law firm that provides wholesome legal service to startups, small and medium scale enterprise and companies.

Whether it is a startup, fast growing business, established organization or an entrepreneur with big dreams and bigger goals, Garnet LP is designed to fit your needs. There will always be a place in the world for traditional high cost law firms. We simply believe you prefer working with a law firm that embraces a different set of values.



Introduction

Hopes were high, targets were set, meetings and conferences were scheduled. Indeed, we were cruising; 2020 started on a good note. However, the tide of began to turn in February as Australia struggled to put out the wildfire that colored its skyline. As global leaders poured out their heartfelt sympathies to Australia, we were confronted with rising cases of the novel CoronaVirus (Covid-19). To curb the spread of the virus, we all had to retreat to the safety of our homes as world leaders imposed total lockdowns in their territories. Shops closed, concerts and meetings were cancelled and every trace of the life we had before evaporated in a matter of days.

As we retreated to our homes, locked away from the tentacles of the virus, our thirst for intellectual property – copyright, trademarks, patent and industrial designs – increased exponentially. We consumed Netflix contents, attended concerts online, Zoom became the primary domicile and venue of our business meetings and conferences. Mobile applications and other social media tools sprung up to help alleviate the boredom which ensued from the deprivation of physical interactions. We soon devised new means of creating and consuming IP. For instance, Travis Scott's Fortnite video game e-concert broke the internet with **"27.7 million unique players in game participated live while 45.8 million times across the 5 events"**. Similarly, Wizkid held a virtual concert in collaboration with Youtube original titled **"Wizkid like you have never seen him before"** featuring hits song like Ginger (which is one of our favorites from his recent album), No stress, Longtime etc. Millions of people joined the concert; indeed, it represents the first step towards redefining the future of entertainment.

From all indications, 2021 is going to be a transitional year. Our lives as we knew it prior to 2020 will not magically reappear on the 1st of January 2021. Attaining any form of normalcy will take time. During this adjustment period, these are the trends that are likely to emerge as we navigate these uncharted waters:

With the new normal, what are the trends we hope to see in the coming year?

1. **More Intellectual Property awareness:** With the new directive of maintaining and observing social distancing, we saw a lot of webinars and events been organized used some form of intellectual property to discuss issue exposed by the pandemic and also educate ourselves about these issues.

2. **More social media call outs will be going round:** Infringers and exploiters will be taken to the public court instead of the judicial court or even exploring out of court settlements like mediation, negotiation and arbitration. However, this is not a good strategy. You will not get reprieve from calling out infringers. Get an IP lawyer on a retainer and seek legal redress. The process may be slow, but it is effective.

3. **Distributors and middle men will be removed especially from the creative sector:** Brands with visible presence and users are towing the platform way whereby they get to explore and fuse digital streaming and other services using technology. For instance, Warner Bros will stream all its movies for 2021 on HBO for one month as releasing a movie during this pandemic and lockdown has been a bummer.

4. Musicians and record labels will pay attention to their streaming numbers and royalties from collection societies because they can no longer attend shows and book concerts

5. Increased venture capitalist and private equity presence in film and entertainment sectors.

6. In light of AfCFTA¹, we hope that the protocol on IPR will reflect the special development interests of African countries, and not merely a reiteration of the principles enshrined in the TRIPS² and other TRIPS-plus Agreements.

7. Access to pirated works/content keeps getting easier as the reproduction of content through the help of technology keeps evolving.

8. High rate of illegal streaming and distribution

of contents online.

9. More data theft and dark pattern schemes from mobile apps, domain and website, social media & search engines.

10. More cross-border related disputes.

11. Innovators may seek a longer term of protection for their inventions.

12. Intellectual Property filing fees may increase globally.

13. A legislative push for the amendment of some Intellectual Property laws in Nigeria as well as a specialized Intellectual Property court.

14. Cases going to court to set precedents on the various dispute that emanate from the intersection of Intellectual Property and other sectors.

15. More Intellectual Property related contracts will be breached.

16. More brands will evolve to the platform model of doing business and experiment with blockchain, artificial intelligence and machine learning for ease of documentation of intellectual property and digital assets.

17. We may see more companies employing and investing in IP portfolio managers.

18. Nigerian financial institutions may begin to recognise IP as a viable security for loans and credits extended to Small and Medium Scale Enterprises.

19. Movie production companies may opt to utilize limited use licenses to capture the economic returns from their movies.

20. Increased policing of IP infringement on social media especially twitter and Facebook.

1 African Continental Free Trade Area

2 The Agreement on Trade-Related Aspects of Intellectual Property Rights

Conclusion

As stated before, 2021 is a transitional year. Nonetheless, it offers opportunities and endless possibilities for businesses and IP practitioners. What we have done here is to provide a list of the things practitioners and content creators should look out for as we navigate 2021 together.

We are wishing you a prosperous and profitable 2021.





TECH HIVE ADVISORY

contact@techhiveadvisory.org.ng

www.techhiveadvisory.org.ng

  @HiveAdvisory



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 info@garnetlawpractice.com

 www.garnetlawpractice.com

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