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Decolonising Intellectual Property Law: An Afrocentric Approach

A book review

By Nkem Itanyi

This paper examines *Decolonising Intellectual Property Law: An Afrocentric Approach* as a transformative intervention in global intellectual property (IP) discussions. Drawing on the book's central claim that contemporary IP frameworks were designed for Western priorities and subsequently imposed on Africa through colonial legal transplantation, the paper evaluates how Eurocentric assumptions about creativity, ownership, and individual authorship have displaced African systems of communal knowledge governance.

Cet article examine l'ouvrage Decolonising Intellectual Property Law: An Afrocentric Approach en tant qu'intervention transformatrice dans les débats mondiaux sur la propriété intellectuelle. S'appuyant sur la thèse centrale de cet ouvrage, selon laquelle les régimes contemporains de propriété intellectuelle ont été conçus pour répondre aux priorités occidentales puis imposés à l'Afrique par le biais d'une transplantation juridique coloniale, cet article évalue comment les présupposés eurocentriques concernant la créativité, la propriété et la titularité individuelle ont supplanté les systèmes africains de gouvernance communautaire des savoirs.

Este artículo analiza la obra Descolonizar el Derecho de la Propiedad Intelectual: un enfoque afrocéntrico (Decolonising Intellectual Property Law: An Afrocentric Approach) como una intervención transformadora en los debates mundiales sobre la propiedad intelectual (PI). Partiendo de la tesis central del libro, según la cual los marcos contemporáneos de PI fueron diseñados para responder a prioridades occidentales y posteriormente se impusieron a África mediante procesos de trasplante jurídico colonial, el artículo evalúa cómo los supuestos eurocéntricos sobre la creatividad, la propiedad y la autoría individual han desplazado a los sistemas africanos de gobernanza comunitaria del conocimiento.

本文将《知识产权法的去殖民化：一种以非洲为中心的视角》一书视为全球知识产权（IP）讨论中的一种变革性干预。基于该书的核心论点——即当代知识产权框架是为满足西方优先事项而设计的，随后通过殖民法律移植强加给非洲——本文评估了以欧洲为中心的关于创造力、所有权和个人作者权的假设，是如何取代了非洲的共同体知识治理体系的。

Introduction

Some books refine existing conversations. Others fundamentally rewrite the terms on which those conversations are held. *Decolonising Intellectual Property Law: An Afrocentric Approach*, edited by Dr. Jade Kouletakis (Abertay University) and Dr. Nkem Itanyi (University of East Anglia and University of Nigeria), is in the latter category. Published in September 2025, at a moment where questions concerning knowledge sovereignty, cultural heritage, and the enduring legacies of colonialism become more visible, this volume represents a manifesto for transforming intellectual property (IP) law from the ground up. It is a work of intellectual ambition and scholarly depth, one that speaks not only to lawyers and academics but to everyone who cares about justice, equity, and the future of the Global South.

The premise of the book is both simple and profound: the intellectual property frameworks that currently govern the world were designed in and for the Western world. They embed Eurocentric assumptions about creativity, ownership, individuality, and progress. These frameworks were exported to Africa through colonial imposition and have remained long after independence, quietly continuing to dispossess African communities of control over their knowledge, culture, and creative heritage. The editors and their distinguished team of contributors refuse to accept this as inevitable or permanent. Instead, they compile a collection of essays that systematically question, challenge, and reimagine the entire structure of intellectual property law from an Afrocentric perspective. The result is a volume that is, at once, a rigorous piece of legal scholarship, a bold act of intellectual decolonisation, and a deeply hopeful vision for a fairer global order.

A Work of Scholarly Import

The collection begins with a Foreword by Professor Graham Dutfield, one of the leading experts on global intellectual property law, who introduces the topic with characteristic authority and insight. The Introduction, written by Dr. Nkem Itanyi and titled "Rewriting the History of Intellectual Property Law in Africa", clearly outlines the key issues. Dr. Itanyi explains how the

transplantation of Anglo-Saxon legal systems into African territories during colonisation was never a neutral act. Instead, it was a deliberate erasure: indigenous legal systems, customary practices, and communal knowledge frameworks were overshadowed by Western legal structures focused on individual ownership, commercial interests, and private economic gain. Africa's rich traditions of collective creativity, oral transmission, and communal stewardship of knowledge were ignored within these imported frameworks. The Introduction forcefully explains why this remains important today and why a corrective is not only desirable but morally essential.

The endorsements the book has received from distinguished academics demonstrate its importance. [1]

Chapter by Chapter: The Architecture of Transformation

The book's chapters are pieces of engaged, purposeful scholarship, each one building upon the others to construct a comprehensive and devastating critique of the *status quo* while offering constructive, forward-looking alternatives rooted in African legal traditions and developmental realities.

Decolonising Copyright Theory: Dr. Jade Kouletakis

In the opening chapter, Dr. Jade Kouletakis presents a bold and original thesis: that the dominant justification for exclusive copyright ownership, based on Western capitalist ideas of individual economic reward, should be replaced by a framework rooted in the United

[1] Professor Henning Grosse Ruse-Khan, Fellow and Co-Director of the Centre for Intellectual Property and Information Law (CIPIL) at King's College, University of Cambridge, praises it as providing "a rich account of alternative perspectives and visions for creativity and innovation in Africa." Professor Johanna Gibson, Herchel Smith Professor of Intellectual Property Law at Queen Mary, University of London, and Editor-in-Chief of the Queen Mary Journal of Intellectual Property, describes it as a work that maps "the western understanding of intellectual property and explores the full landscape of rights with new cartography," calling it "invaluable and imperative." Professor Adebambo Adewopo SAN of the Nigerian Institute of Advanced Legal Studies commends the volume for "reinforcing existing Afrocentric scholarship on the geopolitical importance of IP law," praising the editors and authors for presenting "a compelling voice in the redefinition of IP as a more dynamic and inclusive body of knowledge."

Nations (UN) 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). Kouletakis contends that copyright owners should justify their exclusive ownership not only on commercial grounds but also by demonstrating how such ownership supports the socio-economic development goals of developing nations.

The chapter offers a detailed critique of the current copyright paradigm, revealing how the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)'s three-step test for exceptions and limitations has systematically favoured rights-holders in the developed world while structurally disadvantaging developing nations. It reviews and criticises competing alternative theories of copyright justification, including Locke's labour theory, cultural theory, relational theory, and democratic theory, highlighting their common failure to establish a strong normative legal framework rooted in the developmental realities of the Global South.

Crucially, the chapter proposes a paradigm shift: rather than placing the burden of justification on those who seek access to or exceptions from copyrighted works, the burden should fall on copyright owners to demonstrate that their exclusivity serves the SDGs. This change would, among other benefits, allow indigenous communities to seek collective copyright protection for their traditional knowledge, promote multi-level collaboration within IP governance structures, and turn the developmental goals of the TRIPS Agreement into actual operational reality.

From Moonlight Tales to Cinemas: Dr. Nkem Itanyi

Dr. Itanyi's chapter provides a comprehensive and detailed account of the evolution of Nigerian cultural production, from pre-colonial oral storytelling traditions through colonial-era performances in town halls and public squares, to the rise of Nollywood as one of the world's largest film industries. The chapter functions as both a cultural history, a legal analysis, and a case study highlighting the inadequacy of Western copyright frameworks in safeguarding African creative heritage.

Itanyi demonstrates that indigenous Nigerian communities had their own sophisticated systems for governing the ownership and transmission of stories, performances, and cultural knowledge long before colonial copyright law arrived. These systems were rooted in communal authorship, custodianship passed through lineages, and oral agreements enforced through social sanctions. The imposition of British copyright law, which was based on individual authorship, written fixation, and commercial exploitation, was not merely a legal transplant; it was a disruption of existing creative economies and an erasure of legitimate indigenous IP governance.

The chapter traces this disruption through the emergence of travelling theatre troupes, the influence of colonial education, the rise of radio broadcasting, and the eventual explosion of Nollywood. Throughout, Itanyi examines the tensions between traditional copyright practices and formal legal systems, arguing for sui generis protections for cultural expressions and for IP frameworks that recognise collective authorship, communal benefit-sharing, and the ongoing vitality of oral tradition.

Traditional Peoples and Intellectual Property Rights: Professor Ayoyemi Lawal-Arowolo

Professor Lawal-Arowolo's chapter documents the systematic failure of international IP law to protect African traditional communities' jurisprudence and knowledge systems. It demonstrates how colonial IP regimes destabilised existing customary law protections, imposed the repugnancy doctrine as a mechanism to subordinate African legal norms to British standards, and created a structural vacuum in which indigenous knowledge became vulnerable to external appropriation without recourse.

The chapter is particularly insightful in its examination of the incompatibility test and the repugnancy clause, both of which served as colonial tools to control customary law. Lawal-Arowolo contends that these mechanisms should be abolished and that African nations need to develop IP frameworks that genuinely recognise customary law as a legitimate basis for governance. The chapter also highlights the importance of ubuntu as an example of indigenous value systems that can and should shape the development of a more community-based IP jurisprudence.

Technology, Intellectual Property Rights, and Nigerian Development: Dr. Ike Chime

Dr. Ike Chime's chapter places IP law firmly within the development agenda, exploring the link between intellectual property rights and emerging technologies, including artificial intelligence, blockchain, and non-fungible tokens (NFTs), in the Nigerian context. The chapter reviews Nigeria's current IP framework, which includes the Copyright Act, the Trademarks Act, the Patents and Designs Act, and the National Office for Technology Acquisition and Promotion (NOTAP) Act, evaluating how effectively it addresses the technological challenges and opportunities of the twenty-first century.

Chime demonstrates that while Nigeria's tech sector has shown remarkable growth, with a \$1.3 billion investment in startups in 2022 and a historic 20.32% contribution to gross domestic product (GDP) in the third quarter (Q3) of that year, Africa as a whole accounted for only 0.5% of global patent applications in the same period. The chapter calls for urgent legal and policy reforms to leverage IP protection as a driver of national development, in alignment with the UN SDGs and the African Union's Agenda 2063.

The Igba Boyi Apprenticeship System and Technology Transfer in Patent Law: Dr. Nneka Chioma Ezedum

One of the most conceptually original contributions in the volume, Dr. Ezedum's chapter draws a sustained analogy between the Igbo apprenticeship system known as igba boyi and the technology transfer mechanisms embedded in patent law. The igba boyi system is a centuries-old practice in South-East Nigeria where young men serve a master craftsman or trader for several years, acquiring training and skills in exchange for their labour, and are ultimately settled with capital and networks to establish their own enterprises.

Ezedum shows that this system embodies many of the core principles that patent law aims to promote: the transfer of knowledge, the encouragement of innovation, the disclosure of technical know-how, and the generation of economic value through skills transmission. However, the igba boyi system operates outside the formal IP framework, leaving its knowledge unprotected and its practitioners unrecognised by a patent regime that was never designed to include them.

The chapter advocates for a reformed patent law in Nigeria that embraces indigenous knowledge transfer systems, including the compulsory incorporation of the Convention on Biological Diversity's provisions on prior informed consent and benefit-sharing.

An Overview of the Patenting Scheme: The Nigerian Story: Ms. Regina Onwumere

Ms. Onwumere's chapter offers a clear and authoritative overview of the Nigerian patent system, tracing its origins from its colonial roots as a re-registration scheme based on the United Kingdom (UK) Patent Act, through its post-independence development under the Patents and Designs Decree of 1970, to its present administration. The chapter outlines the landscape of patent registration in Nigeria, including the criteria for patentability, the application process, the role of the Patents and Designs Registry, and the regional frameworks of the African Regional Intellectual Property Organization (ARIPO) and *Organisation Africaine de la Propriété Intellectuelle* (OAPI).

Onwumere highlights ongoing structural challenges: the low rate of domestic patent applications, the lack of substantive examination, the under-utilisation of compulsory licensing provisions, and the systemic disadvantages faced by Nigerian inventors and small enterprises in navigating a patent system that remains administratively complex and financially prohibitive. The chapter provides essential empirical grounding for the theoretical arguments presented elsewhere in the volume.

Decolonisation of Methods of Medicine Production and Patents: Professor Lawal-Arowolo and Adesoji Adebayo

This chapter addresses the relationship between traditional medicine and patent law in Nigeria. Nigeria has an extraordinarily rich pharmacopoeia of traditional medicinal knowledge, much of it held by communities and practitioners whose methods were systematically suppressed by colonial legislation, including the Drugs and Poison Ordinance of 1915 and the 1878 Native Customs Regulation Ordinance, and who continue to be marginalised by a patent regime that does not recognise their forms of knowledge production.

Lawal-Arowolo and Adebayo explore the dilemma of colonial mentality: the internalised undervaluing of indigenous medicine that persists among Nigerian policymakers and healthcare administrators, even as traditional medicine remains the primary healthcare resource for most of the population. The chapter highlights the pioneering example of NIPRISAN, a drug for sickle cell anaemia jointly patented by the National Institute for Pharmaceutical Research and Development (NIPRD) and a traditional medicine practitioner, which both the World Health Organization (WHO) and World Intellectual Property Organization (WIPO) recognise as a global model. It advocates regulatory reform that integrates traditional and orthodox medicine into a unified healthcare system, with appropriate patent protections for traditional pharmacopoeia.

A Comparative Study of African and Western Mediation Cultures: Seun Lari-Williams

The final chapter expands the volume's scope to include dispute resolution, examining the profound cultural differences between African and Western mediation traditions and their effects on intellectual property disputes, with particular emphasis on the music industry. Lari-Williams offers a theoretically rich analysis of African mediation practices rooted in communal harmony, elder-led facilitation, spiritual accountability, and the prioritisation of relationship restoration over adversarial outcomes.

The chapter contrasts these traditions with the Western model of neutral, confidential, party-autonomous mediation as established in WIPO's dispute resolution procedures. It illustrates how cross-cultural IP disputes in the music industry can lead to genuine misunderstandings and unfair outcomes when Western mediation norms are applied without cultural understanding. The chapter offers recommendations for mediator training in cultural competence, reform of dispute system design to accommodate cultural diversity, and the innovative use of collecting societies and copyright offices as links between global IP standards and indigenous traditions.

The Verdict of Leading Minds

The scholarly community has reacted to this volume with enthusiasm, indicating it is a truly transformative work.

Professor Enrico Bonadio, Professor of Intellectual Property Law at City St. George's University of London, describes it as offering "an interesting paradigm shift in intellectual property discourse, centring African perspectives and challenging Eurocentric norms" and calls it "essential reading for scholars, policymakers, and practitioners seeking a decolonised understanding of intellectual property rights in Africa and beyond." Professor Yeukai Mupangavanhu of the University of the Western Cape praises it as "timely, invaluable and highly relevant to the current need for a truly African-centred and decolonised intellectual property law" and affirms it as "a must-read for students, IP specialists and policymakers in Africa and beyond."

Dr. Emmanuel Kolawole Oke, a Senior Lecturer in International Intellectual Property Law at Edinburgh Law School, University of Edinburgh, writes that the volume "enriches the global IP discourse with diverse histories, cultural practices, and knowledge systems that have long been marginalised" and praises it for "boldly challenging dominant Eurocentric narratives." Dr. Titilayo Adebola, a Senior Lecturer and Theme Coordinator for International Intellectual Property and Information Law at the University of Aberdeen, supports this praise by celebrating how the book "spotlights often overlooked aspects of intellectual property rights, presenting fresh insights from African scholars."

Why This Book Matters Now

The timing of this volume is remarkably fortunate. We are currently in an era of intense international negotiations focused on protecting traditional knowledge and genetic resources: it was only in May 2024 that the WIPO Diplomatic Conference adopted the landmark Treaty on Intellectual Property, Genetic Resources and Traditional Knowledge, after more than twenty years of discussions. However, even that treaty, significant as it is, addresses only genetic resources and patents, leaving the vast areas of copyright and traditional cultural expressions in urgent need of the systematic reconsideration proposed in this book. Meanwhile, the global music industry continues to generate disputes where African artists and communities lack sufficient legal remedies; Nigerian

and other African filmmakers face copyright frameworks poorly suited to their creative and cultural contexts; traditional healers across the continent see their medicinal knowledge exploited by pharmaceutical companies that have no obligation to share the benefits; and the patent system perpetuates structural disadvantages that prevent African nations from accessing the full economic benefits of their own innovations.

This book explores all of these realities, and more. What makes it special is the coherence of its collective vision. Each chapter, while differing in subject matter and methodology, is driven by the same convictions: that African knowledge systems deserve recognition and protection on their own terms; that the TRIPS Agreement and the broader international IP framework must be interpreted and reformed to meet the developmental needs of the Global South; that African legal scholars, practitioners, and policymakers have both the right and the capacity to reshape the global intellectual property order; and that the Afrocentric approach is not a parochial concern but a contribution of universal significance to the effort of making international law genuinely equitable.

The editors deserve special recognition. By gathering contributors with expertise in copyright theory, patent law, cultural history, traditional medicine, dispute resolution, and business practice from institutions across Nigeria, the United Kingdom, Belgium, and South Africa, Kouletakis and Itanyi have created something truly exceptional: a collection that is interdisciplinary without being incoherent, Afrocentric without being parochial, and critical without being merely negative. The volume carries a constructive, forward-looking spirit that makes it not only a diagnosis of what is wrong but also a blueprint for what is possible.

A Necessary and Enduring Contribution

Decolonising Intellectual Property Law: An Afrocentric Approach adds to a growing body of scholarship that reshapes our understanding of who intellectual property law is for and whom it serves. It does so with deep legal expertise, broad thematic coverage, and a collective scholarly vision that distinguishes it from much of what came before. It provides a key reference for those

working in intellectual property law, development studies, African legal studies, cultural heritage law, and the history of colonialism and its legacies. Its arguments will resonate across classrooms, courtrooms, policy forums, and negotiation chambers for years to come.

For students, the volume offers entirely new perspectives on the foundations and purpose of intellectual property law, demonstrating that what is often presented as universal and neutral is, in fact, historically contingent and deeply politically influenced. For practitioners, it provides practical frameworks for considering the protection of traditional knowledge, the operation of compulsory licences, and the development of culturally sensitive dispute resolution systems. For policymakers, it presents a principled and well-supported case for law reform at national, regional, and international levels. And for the wider academic community, it shows that scholarship at its best is not merely descriptive but transformative, capable of contributing to shaping how societies evolve.

The intellectual property framework of the twenty-first century must be built on truly global, inclusive, and just foundations. *Decolonising Intellectual Property Law: An Afrocentric Approach* is one of the most significant contributions to this vital building project yet made. The work of decolonisation is lengthy, but it begins here, compellingly and with unmistakable authority.

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*** This SouthViews presents a synopsis of *Decolonising Intellectual Property Law: An Afrocentric Approach*, edited by Dr. Jade Kouletakis and Dr. Nkem Itanyi, with a Foreword by Professor Graham Dutfield.**

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