

## The Legal Framework of Cybersquatting in Nigeria

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### Abstract

The paper focuses on the legal framework of cybersquatting in Nigeria. Cybersquatting is borne out of cybercrime which revolves around the cyberspace in the application of information and communication technology (ICT). The transformation of ICT in today's live has become a blood and bone relationship. The people across the globe are technologically transformed to the extent that life depends on technology. The application of ICT covers every facet of human life and that has led to the birth of unanticipated rates of crimes coming in a borderless form. The paper examines the cybersquatting in Nigeria, international organizations approach and other jurisdictional practices with a view to abreast the application of legal framework of cybersquatting both in the Nigerian context and international community. The methodology adopted in the paper is doctrinal research approach wherein relevant data collected was reviewed and the findings brought out. The findings of the paper are that the Nigerian legislations on the subject acknowledge the existing challenges and are on the right track, but need to be strengthened to achieve the desired purpose. It further observed that there is no unanimous definition of the concept in all jurisdictions which add issue to the subject in terms of challenges. The paper recommends that Bills on cyber security agency, cybercrime and others related to cyberspace transactions which are still pending before the National Assembly should as a matter of urgency be pass in to law.

**Keywords:** Cybersquatting, Security, ICT, cybercrime, Nigeria, legal framework

### 1. INTRODUCTION

The paper focuses on the legal framework of cybersquatting in Nigeria with a view to ascertaining the practice in Nigeria and other key jurisdictions. Cybersquatting is borne out of cybercrime which revolves around the cyberspace in the application of information and communication technology (ICT). The transformation of information and communications technology (ICT) has energised and created the existence of various crimes perpetrated through the use of internet. Internet has been the main source of information technology which gives birth to cybercrime. Cybersquatting is borne out of cybercrime and that has been one of the major crimes committed through cyberspace. Cyberspace is a simplification process for users in the technology where computer devices and communication that connect the people around the world <sup>1</sup> and this medium of communication becomes a borderless environment where a consumers-criminal took advantage of the cyberspace in creating haven crimes that have controlled over the lives of people across the globe. This trend of practices in cybercrime defeated the objective of the cyberspace whereby today users are afraid of technology to the extent that people, government and other organization feels unsafe with the level of high rate of cybercrime. The question is this where are the legislations meant to deal with these crimes? Legislations must be able to match with the consistency in the development of law because in the field of cyberspace some of the crimes are not rightly capture from the Cybercrime convention, though legislators' in enacting a law made a reference to any other matter related. Although cyber law is a rapid and growing area that covers both civil and criminal laws applicable to the use of computer and other related

<sup>1</sup>A more official-sounding name is the Global Information Infrastructure ("GII"). See generally The Global Information Infrastructure: Agenda for Cooperation, 60 Fed. Reg. 10,359 (1995) (setting forth the U.S. Government's vision for developing the GII and identifying the policy issues critical to encouraging its use). The United States is committed to developing its portion of the GII, the National Information Infrastructure ("NII"). The NII has an expansive meaning, which includes low- and high-tech hardware, software, network interconnection standards and protocols, information, and the people who make all this possible. See generally The National Information Infrastructure: Agenda for Action, 58 Fed. Reg. 49,025 (1993) [hereinafter Agenda for Action].

activities by conducting transactions over the internet and other networks.<sup>2</sup>

## 2. CYBERSQUATTING

The cyberspace deals with an instant exchange of communication and information across the globe with concern issue of technological communication such as protection of intellectual property rights, freedom of speech and public access to information etc.<sup>3</sup> Cybersquatting is an act in cybercrime of registering domain names, especially those connected with celebrities or recognizable trademarks with the intention of reselling them at an inflated price.<sup>4</sup> Cybersquatting is also known as domain squatting, is a process where the generous of a brand is used in bad faith to make profit out of the same. Still, the procedure is that the domain name carrying the actual name of the recognized brands would intentionally registered so as to be sold again to the trademark owners later at extortionate price.<sup>5</sup>

Domain names in cybersquatting are an identification sequence or cord that defines territory or jurisdiction of an agency or administration within the internet.<sup>6</sup> Domain names are formed by the rules and procedure of the Domain Name System (DNS),<sup>7</sup> any name registered in the DNS is a domain name.<sup>8</sup>

Domain names are used in various networking platform and applications particular naming and addressing purposes. In general a domain name represent an Internet Protocol (IP) resource such as the IPs in a personal computer use in accessing the internet, a hosting website or the website itself and any other services accessible and communicable through the internet. In 2014, the number of active domains reached 271 million.<sup>9</sup> Domain registration is the process by which a company agency, organization or individual can secure a website domain such as www.mysite.com. Once complete the domain registration, it become yours for a period of the contract, usually one year, a user can also review his registration before expiration or the domain go back to the general public.<sup>10</sup>

Trademark cybersquatting is a situation where someone registers, uses or traffics in a domain name in bad faith, which is completely and surprisingly similar to your trademark. Trademark can be your own domain name itself, a trademark protected brand or product of your company name.<sup>11</sup>

## 3. CYBERSQUATTING IN NIGERIA

Cybersquatting in Nigeria is a new forms of crime in Nigeria findings its accommodation in the rates of cybercrime today. Cybersquatters are famous for inexpensively registering thousands of domain names, with the intent to sell some of them for a large profit. They generally depended on the goodwill of someone trademark.<sup>12</sup> Today, the businesses in Nigeria in relation to ICT is almost 70%-80% percent and the laws to protect the cyberspace transaction is not fully in operation and the summersault emergence of new high-rate of cybercrime is dimensionally taking a different stages. The economy of the nation today depends on technology created by the internet and the challenges are enormous in terms of security. The emergence of technology precludes the traditional settings of transactions, the boom in the cyberspace transactions

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<sup>2</sup>Cyberlawandlegaldefinition,USLEGAL,Legaldefinitionavailableatdefinitions.uslegal.com/c/cyber-law/,Accesseson21/2/2015.

<sup>3</sup> Ibid.

<sup>4</sup> 'What is cybersquatter?' WiseGEEK at [www.wisegeek.com/what-is-cybersquatter.htm](http://www.wisegeek.com/what-is-cybersquatter.htm), Accesses on 21/2/2015.

<sup>5</sup> Cybersquatting Has Increased Significantly Says WIPO', TECHNO LEGAL NEWS AND VIEWS JOURNALIST, CJNEWS INDIA, Sunday April 3, 2011. Available at [cjnewsind.blogspot.com/2011/04/cybersquatting-has-increased.html](http://cjnewsind.blogspot.com/2011/04/cybersquatting-has-increased.html), Accesses on 21/2/2015.

<sup>6</sup> 'Domain Name', Wikipedia, available at [en.wikipedia.org/wiki/Domain-Name](http://en.wikipedia.org/wiki/Domain-Name), Accesses on 21/2/2015.

<sup>7</sup> DNS is a hierarchical distributed naming system for computers, services, or any resource connected to the Internet or a private network, available at [http://en.wikipedia.org/wiki/Domain\\_Name\\_System](http://en.wikipedia.org/wiki/Domain_Name_System), Accesses on 21/2/2015.

<sup>8</sup> 'Domain Name', op. cit.

<sup>9</sup> Verisign Domain Name Industry Brief, Volume 11-Issue 1-April 2014.

<sup>10</sup> 'What is Domain Registration?', WiseGEEK at [www.wisegeek.com/what-is-domain-registration.htm](http://www.wisegeek.com/what-is-domain-registration.htm), Accesses on 21/2/2015.

<sup>11</sup> 'Trademark Cybersquatting, Typosquatting and Trademark domain Infringement', Traverselegal at [www.traverselegal.com/cybersquatting-law/trademark-cybersquatting/](http://www.traverselegal.com/cybersquatting-law/trademark-cybersquatting/), Accesses on 21/2/2015.

<sup>12</sup> 'Internet Cybersquatting: Definition and Remedies', FindLaw, available at <http://smallbusiness.findlaw.com/business-operations/internet-cybersquatting-definition-and-remedies.html>. Accesses on 21/2/2015.

requested the need for a regulation in ensuring the protection of investment provided by the technology. The Bills are there before the National House of Assembly for passage and that has been the only major setback in the Nigerian ICTs legislation. The absence of the laws to regulate these menace redefine the challenges facing the development of the nation's economy in the area of cyberspace transactions. One of the most influential internet registration domain names is Nigerian Internet Registration Association (NiRA).

The Nigerian Internet Registration Association (NiRA) is the registry for Nigeria's internet. NiRA registrant for .ng Internet Domain Names and maintain the data base of name registered in the .ng country code Top Level Domain (ccTLD). NiRA is a self-regulatory body and managers of .ng national resource.<sup>13</sup>

Recently, the Nigeria's Broadband Council has called on the country's Internet Registration Association to reduce the cost of acquiring .ng in order to fit it to be globally competitive disclosed this in a meeting chaired by Dr. Omobola Johnson of the Ministry of Communications Technology.<sup>14</sup> Further to this, the President of NiRA said that 1, 542 .ng domain names were registered in the month of January 2015 with a slight increase compared to registered 1, 425 in January 2014.<sup>15</sup> The Nigeria's .ng (like Nigeria's Currency is Naira and +234 for the Country Code) was the official Internet Corporation for Assigned Names and Numbers (ICANN) approved country code Top Level Domain for Nigeria.<sup>16</sup>

The relevance of cyberspace has been abused in the sense that criminals uses internet to still or use brand image and corporate designs for making profit out of the counterfeit products. Counterfeiting of logos, products and trying to register the domain names of a company is a fundamental breach to internet and one amongst the copyright and trademark related offences.<sup>17</sup> Violation of trademark is a global phenomenon; one important factor is that such violations have been reposition to cybersquatting with a variable level of criminalization approach. Although trademark offences have their own reception under the penal laws of any country but cybersquatting is a difference approach altogether.<sup>18</sup>

## **4. INTERNATIONAL ORGANIZATIONS APPROACH**

The endemic practice of cybersquatting borders on the domain names, trademarks and the rights of intellectual property. Our discussion is premise on some of the international organization that deals with the regulations of internet and intellectual property.

### **4.1 World Intellectual Property Organization (Wipo)**

The World Intellectual Property Organization is one of the 17 specialized agencies of the United Nations. WIPO was created in 1967, it aim and objective is 'to encourage creative activity, to promote the protection of intellectual property throughout the world.'<sup>19</sup>

The organization currently has 188 member states,<sup>20</sup> administers 26 international treaties,<sup>21</sup> and

<sup>13</sup>Nigerian Internet Registration Association, homepage at [www.nira.org.ng](http://www.nira.org.ng). Accessed on 21/2/2015.

<sup>14</sup> 'Nigeria Council Task Nira on Price Slash, Body Registers 1, 542.ng Domain Names', The Guardian, available at <http://allafrica.com/stories/201502181489.html>, Accessed on 21/2/2015.

<sup>15</sup> Mrs. Mary Uduma said this in a weekend at Lagos; Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> International Telecommunication Union, 'Understanding Cybercrime: Phenomena, Challenges and Legal Response has been prepared by Prof. Dr. Marco Gercke and is a new edition of a report previously entitled Understanding Cybercrime: A Guide for Developing Countries, 2012, p. 27, available at <https://www.itu.int/ITU-/cyb/cybersecurity/docs/Cybercrime%20legislation%20EV6.pdf>. Retrieved on 3/4/2014.

<sup>18</sup> Prince, Cyber-Criticism and the Federal Trademark Dilution act: Redefining the Noncommercial use Exemption, Virginia Journal of Law and Technology, Vol. 9, 2004, available at: [www.vjolt.net/vol9/issue4/v9i4\\_a12-Prince.pdf](http://www.vjolt.net/vol9/issue4/v9i4_a12-Prince.pdf).

<sup>19</sup> 'Convention Establishing the World Intellectual Property Organization signed at Stockholm on July 14, 1967, Preamble, second paragraph'. Wipo.int.

<sup>20</sup> WIPO. 'List of members states of WIPO', Wipo.int. Retrieved 2014-12-20.

<sup>21</sup> WIPO. 'Treaties administered by WIPO - Consulted June 26, 2013'. Wipo.int. Retrieved 2013-10-18.

is headquartered in Geneva, Switzerland. The current Director-General of WIPO is Francis Gurry, who took office on October 1, 2008<sup>22</sup>. 186 of the UN Members as well as the Holy See and Niue are Members of WIPO. Non-members are the states of Marshall Islands, Federated States of Micronesia, Nauru, Palau, Solomon Islands, South Sudan and Timor-Leste. Palestine has observer status<sup>23</sup>.

## 4.2 Internet Corporation For Assigned Names And Numbers (Icann)

The Internet Corporation for Assigned Names and Numbers is an non-profit organization that is responsible for the coordination of maintenance and methodology of several databases of unique identifiers related to the namespaces of the Internet, and ensuring the network's stable and secure operation.<sup>24</sup>

The ICANN focused on the Internet's global Domain Name System, including policy development for internationalization of the DNS system, introduction of new generic top-level domains (TLDs), and the operation of root name servers. The numbering facilities ICANN manages include the Internet Protocol address spaces for IPv4 and IPv6, and assignment of address blocks to regional Internet registries. ICANN also maintains registries of Internet protocol identifiers. ICANN performs the actual technical maintenance work of the central Internet address pools and DNS Root registries pursuant to the ANA function contract.<sup>25</sup>

ICANN's primary principles of operation have been described as helping preserve the operational stability of the Internet; to promote competition; to achieve broad representation of the global Internet community; and to develop policies appropriate to its mission through bottom-up, consensus-based processes.<sup>26</sup>

ICANN was created on September 18, 1998, and incorporated on September 30, 1998.<sup>27</sup> It is headquartered in the Playa Vista section of Los Angeles, California. On September 29, 2006, ICANN signed a new agreement with the United States Department of Commerce (DOC) that moves the organization further towards a solely multi-stakeholder governance model.<sup>28</sup>

## 4.3 Uniform Domain Name Dispute Resolution Policy (Udrp)

The Uniform Domain-Name Dispute Resolution Policy is a process established by the Internet Corporation for Assigned Names and Numbers (ICANN) for the resolution of disputes regarding the registration of internet domain names. The UDRP currently applies to all generic top level domains (.aero, .asia, .nyc, etc...),<sup>29</sup> some country code top-level domains, and some legacy top level domains (.com, .net, .org, etc...) in specific circumstances.<sup>30</sup> The continuous practice of cybersquatting is troublesome in the cyberspace. The reports of cases today are outrageous involving cybersquatting. Although cybersquatting cases normally treated at the alternative dispute resolution level through arbitration and mediation and in today's arbitration, there is Online Dispute Resolution (ODR) forms used in resolving disputes in cybersquatting. For example WIPO Arbitration and Mediation Centre is one of the leading centres of the world that

<sup>22</sup> 'Francis Gurry is appointed Director General of WIPO - News Archive 2008'. Wipo.int. Retrieved September 27, 2008.

<sup>23</sup> WIPO (2011-11-25). 'Palestine WIPO status', Wipo.int. Retrieved 2013-10-18.

<sup>24</sup> 'ICANN Bylaws', 18 March 2011. Retrieved 30 November 2011.

<sup>25</sup> ICANN, Wikipedia, available at <http://en.wikipedia.org/wiki/ICANN>

<sup>26</sup> "Memorandum of understanding between the U.S. Department of Commerce and Internet Corporation for assigned names and numbers". 25 November 1998. Retrieved 2009-09-30.

<sup>27</sup> California Secretary of State, Internet Corporation for Assigned Names and Numbers. Accessed 2009.09.18.

<sup>28</sup> Joint Project Agreement between The U.S Department of Commerce and the Internet Corporation for Assigned Names and Numbers, ICANN-DOC JPA 09-29-2006.

<sup>29</sup> ICANN – Domain Name Dispute Resolution Policies. Available at <https://www.icann.org/resources/pages/dndr-2012-02-25-en>

<sup>30</sup> Uniform Domain-Name Dispute-Resolution Policy, Wikipedia, available at [http://en.wikipedia.org/wiki/Uniform\\_Domain-Name\\_Dispute-Resolution\\_Policy](http://en.wikipedia.org/wiki/Uniform_Domain-Name_Dispute-Resolution_Policy)



resolve cybersquatting and domain names dispute using ODR mechanism<sup>31</sup>

Recently, WIPO report shows cases of cybersquatting handled with increased of 5 percent to reach a record 2, 884 in 2012. The most prevalent affected area in cybersquatting is fashion banking and finance industries, retails. In 2000, WIPO has been struggling to provide arbitration services to complainants' disputes on the right to domain names so as to avoid huge cost of litigation which is complicated in a situation where the disputing party resides in a different country. WIPO have the legal mandate to use arbitration as a medium to settled parties and to awards complainants a domain names if the accused party is found to be maliciously registered.<sup>32</sup>

## **5. LEGAL FRAMEWORK**

The legal framework of cybersquatting premises on the Cybercrime Convention, Cybercrime Bill 2013 and Cyber Security and Information Protection Agency (Bill) 2008. The latter are Nigerian legislations.

### **5.1 Cybercrime Convention**

Cybercrime Convention is an international treaty enacted by the Council of Europe meant to address the cybercrime across the globe. The Convention was opened for signature in Budapest November 23, 2001. The treaty is intended to create a common cross-border "criminal policy aimed at the protection of society against cybercrime ... by adopting appropriate legislation and fostering international co-operation."<sup>31</sup> The paper proceeds to consider and discussed the most relevant Article covering the realm of this paper.

The Article provides for offences related to infringements of copyright and related rights.<sup>32</sup> It further provides for Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.<sup>33</sup>

That each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.<sup>34</sup>

That a Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party's international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.<sup>35</sup>

### **5.2 Cybercrime Bill 2013<sup>36</sup>**

The objectives of this Bill <sup>37</sup> are to provide an effective and unified legal, regulatory and

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<sup>31</sup> The Convention, Op. cit, preamble.

<sup>32</sup> Article 10, *ibid*.

<sup>33</sup> Article 10 (1), *ibid*.

<sup>34</sup> Article 10 (2), *ibid*.

<sup>35</sup> Article 10 (3), *ibid*.

<sup>36</sup> It is still a Bill before National Assembly, yet to become an Act.

<sup>37</sup> Section 1, *ibid*.

institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes in Nigeria;<sup>38</sup> ensure the protection of critical national information infrastructure;<sup>39</sup> and promote cybersecurity and the protection of computer systems and networks, electronic communications; data and computer programs, intellectual property and privacy rights.<sup>40</sup> The application of this Bill shall apply throughout the Federal Republic of Nigeria.<sup>41</sup>

The Bill provides for Cybersquatting<sup>42</sup> and provides that any person who, intentionally takes or makes use of a name, business name, trademark, domain name or other word or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, State or Local Governments in Nigeria, on the internet or any other computer network, without authority or right, or for the purpose of interfering with their use by the owner, registrant or legitimate prior user, commits an offence under this Bill and is liable on conviction to imprisonment for a term of not less than two years or a fine of not less than N5,000,000.00 or to both fine and imprisonment.<sup>43</sup> And further provides that in awarding any penalty against an offender under this section, a court shall have regard to the following<sup>44</sup> -

(a) a refusal by the offender to relinquish, upon formal request by the rightful owner of the name, business name, trademark, domain name, or other word or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, State or Local Governments in Nigeria; or

(b) an attempt by the offender to obtain compensation in any form for the release to the rightful owner for use in the Internet of the name, business name, trademark, domain name or other word or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, State or Local Government of Nigeria.

Finally it provides that in addition to the penalty specified under this section, the court may make an order directing the offender to relinquish such registered name, mark, trademark, domain name, or other word or phrase to the rightful owner.<sup>45</sup>

### **5.3 Cyber Security And Information Protection Agency (Bill) 2008**

The Cyber Security Agency is an established a body to be known as Cyber Security and Information Protection Agency (The Bill referred to as “the Agency”) which shall have such functions as conferred on it by this Bill.<sup>46</sup> The Agency<sup>47</sup>—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name and may, for the purpose of its functions, acquire, hold or dispose of property;

The Bill provides for cybersquatting that any person who on the internet, intentionally takes or makes use of a name, business name, trademark, domain name or other word or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, state or local government without:<sup>48</sup>

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<sup>38</sup> Section 1 (a), Ibid.

<sup>39</sup> Section 1(b), Ibid.

<sup>40</sup> Section 1(c), Ibid.

<sup>41</sup> Section 2, Ibid.

<sup>42</sup> Section 16, Ibid.

<sup>43</sup> Section 16 (1), Ibid.

<sup>44</sup> Section 16 (2), Ibid.

<sup>45</sup> Section 16 (3), Ibid.

<sup>46</sup> Section 1 (1) of the Cyber Security and Information Protection Agency Bill 2008. That the Bill is still pending before the National House of Assembly for passage.

<sup>47</sup> Section 1 (2), Ibid.

<sup>48</sup> Section 19 (1), Ibid.

(a) authority or right; or

(b) for the purpose of interfering with their use in the internet by the owner; commits an offence under this Bill and shall be liable on conviction to a fine of not less than N100,000 or imprisonment for a term of not less than 1 year or to both such fine and imprisonment.

And further provides that in the determination of the case against an offender, a court shall have regard to:<sup>49</sup>

(a) a refusal by the offender to relinquish, upon formal request by the rightful owner of the name, trademark, words or phrase; or

(b) an attempt by the offender to obtain compensation in any form for the release to the rightful owner for use in the internet, of the name, business name, trade mark, or words or phrase registered, owned or in use by any individual, body corporate or belonging to either the Federal, State or Local Government of Nigeria.

Finally, it provides that in addition to the penalty specified under this section, the court shall make an order directing the offender to relinquish to the rightful owner.<sup>50</sup>

The practice of these laws is quite remarkable giving the fact that the Nigerian government is struggling hard to compete and meet up the challenges of cyberspace transactions in the international community. Dealing with cybersquatting is a different form of crime in the cybercrime and this exemplify the development of the country in taking a step towards enacting this legislation. For the Cyber Security Agency Bill is pending before the National House Assembly awaiting passage and without it the Cybercrime Bill 2013 will not have a proper reception in its application and implementation. The Nigerian society needs legislators that will consistently address the need of its society in a redefine society and an image that always portray the best practices and good governance of its society.

## **6. FINDINGS**

The finding of the paper reveals that cybersquatting is a new form of crime underneath cybercrime coming into space and is now taking a different dimension. The literature in the area is quite illuminating but with the new dimension of the crime act today soon there would be a lot to research and would be a fully engrossed area of regulations to analyse in the area. Most of the countries in the world don't have cybersquatting law in operation but rather treated such issues under the principle of passing off which can be used to enforce trademark rights which is a form of intellectual property. The fundamental aspect of cybersquatting unlawful use of trademark and domain names of a goodwill of another person. Cybersquatting is an offshoot of cybercrime operations which affect the economy of the nation and also grossly affected the Intellectual Property Rights (IPRs). It is a right to enjoy a product invented or manufactured and also a duty from the government to have a regulation in place so as to ensure the protected rights of IPR in a country. By extension the regulation is also protecting the economy of the nation. In addition to this, the paper finds that there is no single definition attribute to cybersquatting by the academics neither the legal profession nor the scholars. And at least we need a universal acceptable definition; though above legal issues discussed explain what a cybersquatting is. Finally the paper finds that the Nigerian Cyber Security Agency Bill has been a progressive tool in underlining cybersquatting as amongst the crimes falling under its purview and moreover the Cybercrime Bill 2013 which provides a sections of the law that diligently deals with cybersquatting will make a tremendous impact in fighting the menace of cybercrime in Nigeria.

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<sup>49</sup> Section 19 (2), Ibid.

<sup>50</sup> Section 19 (3), Ibid.

## 7. CONCLUSION AND RECOMMENDATIONS

Cybersquatting is a new form of crime perpetrated in the cybercrime under the umbrella of cyberspace. Cybersquatting is a use of domain names or trademark by other person or party without permission and sold the brand product to the owner or other person so as to make profit. These practices are growing up today in Nigeria and the perpetrator uses this medium to make profit to deprive the owner of enjoying the economic benefit. It is global practice; the international organizations are working tirelessly like WIPO and UDNDPR to address this menace. The Nigerian government did it best in enacting legislations so as to regulate these act of crimes but the legislations are still a Bills yet to be pass into Law by the National House of Assembly. The reason behind the delay in passing these Bills is unfortunate for the country and this left the country aback in protecting its economy from the internet racketeers and inability to bridge the platform in conformity with the international best practice.

Accordingly, the paper recommends a full fledge implementation and enforcement of the Cybercrime Bill and the passage of Cyber Security Agency Bill in the country. Also to further strengthen the efforts of international organizations in the fight of cybersquatting and cybercrime in general so as to have a unified and harmonize set of protocols and procedure applicable across the globe like the United Nations Commission on International Trade Law (UNCITRAL). There is need for the country's to enhance its corporation in fighting theses menace by collaborating with international organizations like WIPO and ICANN.

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