

17/7/24
11:24am

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

Suit No: FHC/ABJ/CS/---/2024 ⁹⁹⁴

BETWEEN:

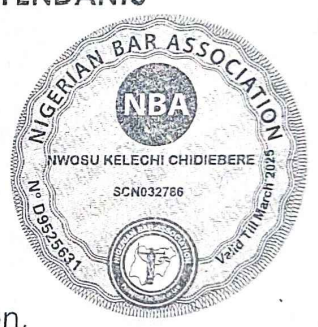
MEFONA LLC

CLAIMANT

AND

- 1. FEDERAL GOVERNMENT OF NIGERIA
- 2. ATTORNEY GENERAL OF THE FEDERATION OF NIGERIA
- 3. NATIONAL ASSEMBLY OF NIGERIA
- 4. CENTRAL BANK OF NIGERIA (CBN)
- 5. TRADEMARK REGISTRY

DEFENDANTS



ORIGINATING SUMMONS

TO: THE 1ST DEFENDANT,

Office of the Secretary to the Government of the Federation,
Shehu Shagari Complex, Three Arms Zone, Abuja, CBD, Abuja

THE 2ND DEFENDANT,

Office of the Honourable Attorney General of the Federation and Minister
of Justice, Federal Ministry of Justice Shehu Shagari Way, CBD, Abuja

THE 3RD DEFENDANT,


The National Assembly, Federal Republic of Nigeria,
Three-Arms Zone, Abuja

THE 4TH DEFENDANT,

Plot 33, Abubakar Tafawa Balewa Way
Central Business District, Cadastral Zone,
Abuja

FEDERAL HIGH COURT
ABUJA

23 JUL 2024

PAID 

Sign:.....

Page 1 of 22

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1.1. Awafula Esf
MEFONA LLC

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FEDERAL HIGH COURT
ABUJA

23/7/2024

THE 5TH DEFENDANT,

Block C, Old Federal Secretariat, Garki Area 1, Abuja

You are hereby commanded that within thirty days after the service of this writ on you, inclusive of the day of such service you do cause an appearance to be entered for you in an action at the suit of **MEFONA LLC** and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence.

Dated thisday of2024.

BY ORDER OF THE COURT

FEDERAL HIGH COURT
ABUJA
DC/JUDICIAL DIVISION
REGISTRAR
Sign. <i>MDB</i>
Date. 22.07.2024

Memorandum to be subscribed on the writ

N.B:

This writ is to be served within twelve calendar months from the date thereof or, if renewed, within six calendar months from the date of the last renewal including the day of such date, and not afterwards. The defendants may enter appearance personally or by legal practitioner either by handing in the appropriate forms duly completed at the Registry of the Federal High Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

Endorsement to be made on the writ before issue thereof

The Claimant pray the Court for the determination of the following questions:

1. Whether the official name of Nigeria's currency is "Naira" or "Nigerian Naira"?



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2. Whether the name "Naira" has its origin from a village in India and is not originally Nigerian?
3. Whether "eNaira" is registrable if it were Nigeria's sovereign asset?
4. Whether the 4th Defendant has lawfully registered the name "eNaira" as a trademark?
5. Whether the 5th Defendant lawfully registered the "eNaira" trademark for the 4th Defendant with the application dated November 1, 2021?
6. Whether there is any law enacted by the 3rd Defendant conferring legislative authorization to the 4th Defendant to launch a digital currency in any form, including the "eNaira"?
7. Whether the Supreme Court's ruling of March 3, 2023, confirmed the legality and constitutional provisions for the 4th Defendant's Central Bank Digital Currency (CBDC) in the form of the cashless policy, including in eNaira form?
8. Whether the adoption of "eNaira" by deposit money banks (DMBs) and fintech companies is legal, constitutional, and not void?
9. Whether the 4th Defendant, by law, has acted lawfully as a retail bank through the eNaira platform, rather than as a financial regulator?
10. Whether 4th Defendant's monetary policy should be equated to making Central Bank Digital Currency (CBDC) law?
11. Whether the 4th Defendant's registration of the "eNaira" trademark is lawful if eNaira were to be sovereign asset by law?
12. Whether the 4th Defendant's operation of eNaira as its CBDC platform and the adoption by deposit money banks (DMBs) and fintech companies is legal, constitutional, and not void?

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ABUJA

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13. Whether the 4th Defendant's enaira.com domain is lawfully obtained and does not violate relevant laws prohibiting government agencies from using domains that are not .gov.ng?

14. Whether the "eNaira" trademark in Class 36 obtained by the 4th Defendant was lawfully obtained?

15. Whether the 1999 Constitution of Nigeria (as amended) exclusively confers lawmaking power to the 3rd Defendant, and not the 4th Defendant?

16. Whether any agency of the 1st Defendant is allowed to make law by any form, including by announcement?

17. Whether the President of Nigeria can make law, including through Executive Orders, and whether Executive Orders by the President must be time-bound?

18. Whether "eNaira" is the digital form of Nigeria's legal tender by law enacted by the 3rd Defendant?

19. Whether there is anywhere in the 4th Defendant's Act of 2007 that mentions "eNaira" or digital currency?

20. Whether 4th Defendant's launching of eNaira on October 25, 2021, can be backdated to earlier associate the 4th Defendant with the name "eNaira"?

21. Whether the 4th Defendant's assertion to the USPTO on January 21, 2022, that eNaira is a sovereign asset of Nigeria, not registrable by anyone including itself, as provided by Section 62(1)(a) of the Trademarks Act CAP T13 LFN 2004 and therefore territoriality doctrine should not apply, was made in good faith and not unlawfully misleading, given that the 4th Defendant had previously applied for and obtained registration of the same eNaira trademark on November 1, 2021?

22. Whether the 4th Defendant's hiring of White and Case LLP, a top US Wall Street law firm, to issue a cease and desist letter costing millions of dollars, was authorized by the 4th Defendant's governing board, within the budget approved by the 3rd Defendant as mandated by the Fiscal Responsibility Act

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and national accountability laws, and disclosed in the 4th-Defendant's audited financial books for the relevant years.

23. Whether the 4th Defendant, by engaging White and Case LLP to oppose the Claimant's WIPO registration, and thereby the 1st Defendant, did not violate the articles of the Madrid Protocols and Paris Convention for the Protection of Industrial Property including the territoriality doctrine of trademarks?

24. Whether Nigerian trademark law, as outlined in the Trade Marks Act (Cap T13, Laws of the Federation of Nigeria 2004), under Section 5, which provides for the protection of trademarks registered in Nigeria, limits their protection to Nigerian jurisdiction and unauthorized use of such trademarks outside Nigeria without proper registration in the respective jurisdiction constitutes misuse of trademark rights?

25. Whether Section 13 of the Trade Marks Act, which prohibits the unauthorized use of trademarks, implies that using a Nigerian-registered trademark in another country without proper authorization or registration should be deemed unauthorized use by the 4th Defendant?

26. Whether Section 20 of the Trade Marks Act, which addresses the infringement of registered trademarks and stipulates that using a Nigerian trademark in the U.S. in a manner that infringes on the rights of a U.S. trademark, was violated by the 4th Defendant under both Nigerian and U.S. laws?

27. Whether, without registering a trademark in jurisdictions where protection is sought, as outlined under Section 67 of the Nigerian Industrial Property Act, which sets out general provisions regarding the rights conferred by registration, the 4th Defendant has acted unlawfully?

28. Whether the 4th Defendant's action on January 21, 2022, in unlawfully misleading and misrepresenting facts to deceive USPTO on the registrability of "eNaira", given that the 4th Defendant had previously applied for and obtained registration of the same eNaira trademark in the same class 36 as the Claimant on November 1, 2021 violates Section 419 Cap C38, Laws of the Federation of Nigeria, 2004?

29. Whether 4th Defendant's eNaira trademark registration should be governed by the doctrine of territoriality?

WHEREOF the Claimant prays the court for the following reliefs:

- 1. A declaration that the official name of Nigeria's currency is "Nigerian Naira," not "Naira."
- 2. A declaration that the name "Naira" has its origin from a village in India and is not originally Nigerian.
- 3. A declaration that "eNaira" is registrable since it is not the sovereign asset of Nigeria.
- 4. A declaration that the 4th Defendant has lawfully registered the name "eNaira" as a trademark.
- 5. A declaration that the 5th Defendant unlawfully registered the "eNaira" trademark for the 4th Defendant with the application dated November 1, 2021.
- 6. A declaration that there is no law enacted by the 3rd Defendant conferring legislative authorization to the 4th Defendant to launch a digital currency in any form, including the "eNaira."
- 7. A declaration that the Supreme Court's ruling of March 3, 2023, confirmed the illegality and lack of constitutional provisions for the 4th Defendant's cashless policy in the form of a CBDC, including in eNaira form.
- 8. A declaration that the adoption of "eNaira" by deposit money banks (DMBs) and fintech companies is illegal, unconstitutional, and null and void.
- 9. A declaration that the 4th Defendant, by law, has unlawfully acted as a retail bank through the eNaira platform, rather than as a financial regulator.
- 10. A declaration that 4th Defendant's monetary policy shall not be equated to making Central Bank Digital Currency (CBDC) law.

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 ABUJA
 23/7/2024

11. A declaration that the 4th Defendant registration of the "eNaira" trademark is unlawful.

12. A declaration that the 4th Defendant's operation of eNaira as its CBDC platform and the adoption by deposit money banks (DMBs) and fintech companies is illegal, unconstitutional, and null and void.

13. A declaration that the 4th Defendant's enaira.com domain is unlawfully obtained and in violation of relevant laws prohibiting government agencies from using domains that are not .gov.ng.

14. A declaration that the "eNaira" trademark in Class 36 obtained by the 4th Defendant was unlawfully obtained.

15. A declaration that the 1999 Constitution of the Federal Republic of Nigeria (as amended) exclusively confers lawmaking power to the 3rd Defendant, and not the 4th Defendant.

16. A declaration that no agency of the 1st Defendant is allowed to make law by any form, including by announcement.

17. A declaration that the President of Nigeria cannot make law, including through Executive orders and that Executive orders by the President must be time-bound.

18. A declaration that "eNaira" is not the digital form of Nigeria's legal tender.

19. A declaration that there's nowhere in the 4th Defendant Act of 2007 that either "eNaira" or digital currency is mentioned.

20. A declaration that 4th Defendant's launching of eNaira on October 25, 2021, cannot be backdated to earlier associate 4th Defendant with the name "eNaira."

21. A declaration that the 4th Defendant's assertion to the USPTO on January 21, 2022, claiming that eNaira is a sovereign asset of Nigeria and not registrable by anyone, including itself, as provided by Section 62(1)(a) of the Trademarks Act

CAP T13 LFN 2004, and that the territoriality doctrine should not apply, was not made in good faith and was unlawfully misleading, given that the 4th Defendant had previously applied for and obtained registration of the same eNaira trademark on November 1, 2021.

22. A declaration that the 4th Defendant's hiring of White and Case LLP, a top US Wall Street law firm, to issue a cease and desist letter costing millions of dollars, was authorized by the 4th Defendant's governing board, within the budget approved by the 3rd Defendant as mandated by the Fiscal Responsibility Act and national accountability laws.

23. A declaration that the 4th Defendant, by engaging White and Case LLP to oppose the Claimant's WIPO registration, and thereby the 1st Defendant, violates the articles of the Madrid Protocols and Paris Convention for the Protection of Industrial Property including the territoriality doctrine of trademarks.

24. A declaration that Nigerian trademark law, as outlined in the Trade Marks Act (Cap T13, Laws of the Federation of Nigeria 2004), under Section 5, which provides for the protection of trademarks registered in Nigeria, limits 4th Defendant's protection to Nigerian jurisdiction and unauthorized use of such trademarks outside Nigeria without proper registration in the respective jurisdiction constitutes misuse of trademark rights.

25. A declaration that Section 13 of the Trade Marks Act, which prohibits the unauthorized use of trademarks, implies that using a Nigerian-registered trademark in another country without proper authorization or registration is deemed unauthorized use by the 4th Defendant.

26. A declaration that Section 20 of the Trade Marks Act, which addresses the infringement of registered trademarks and stipulates that using a Nigerian trademark in the U.S. in a manner that infringes on the rights of a U.S. designated trademark, was violated by the 4th Defendant.

27. A declaration that, without registering a trademark in jurisdictions where protection is sought, as outlined under Section 67 of the Nigerian Industrial Property Act, which sets out general provisions regarding the rights conferred by registration, the 4th Defendant has acted unlawfully.

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28. A declaration that the 4th Defendant's action on January 21, 2022, in unlawfully misleading and misrepresenting facts to deceive USPTO on the registrability of "eNaira", given that the 4th Defendant had previously applied for and obtained registration of the same eNaira trademark in the same class 36 as the Claimants on November 1, 2021 violates Section 419 Cap C38, Laws of the Federation of Nigeria, 2004.

29. A declaration that the 4th Defendant's eNaira trademark registration should be governed by the doctrine of territoriality?

Dated this 16th day of July, 2024

This Writ was issued by **KELECHI C. NWOSU ESQ.** counsel to the Claimant whose address for service is Flat 1 NO: 11 Mungo Park, Crescent, Area 11, Garki, Abuja.

Endorsement to be made on copy of writ forthwith after service

This Writ was served by me on the Defendants (here insert mode of service) on theday of 2024.

Endorsed the _____ day of _____ 2024

Before the writ is issued the following certificate must be indorsed on it.

The Registry, Federal High Court

In the Federal High Court of Nigeria, Abuja Judicial Division
A sufficient affidavit in verification of the endorsement on this writ to authorize the sealing thereof has been produced to me this day of 2024

.....
Registrar

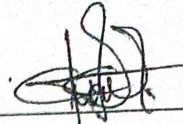
Dated this 16th day of July 2024.



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ABUJA

23/7/2024

0/3 - 2,000.00
 S/C - 100.00
 DSO - 200.00
 2 D/F - 300.00
 14 EXH = 280.00
 Service - 200.00
 # 3080.00



✓ KELECHI C. NWOSU ESQ.
 K. C NWOSU & CO.
 Claimant's Solicitors & counsel
 Whose address for service is:-
 Flat 1 NO: 11 Mongo Park
 Crescent, Area 11, Garki
 Abuja.
 Phone No. 08138910308,
 08037011217
 Email: kcrhoda@gmail.com

**FEDERAL HIGH COURT
 ABUJA**
 17 JUL 2024
PAID
 Sign:.....

FOR SERVICE ON:

35107 9246037

THE 1ST DEFENDANT,

Office of the Secretary to the Government of the Federation,
 Shehu Shagari Complex, Three Arms Zone, Abuja, CBD, Abuja

THE 2ND DEFENDANT,

Office of the Honourable Attorney General of the Federation and Minister
 of Justice, Federal Ministry of Justice Shehu Shagari Way, CBD, Abuja

THE 3RD DEFENDANT,

The National Assembly, Federal Republic of Nigeria,
 Three-Arms Zone, Abuja

THE 4TH DEFENDANT,

Plot 33, Abubakar Tafawa Balewa Way
 Central Business District, Cadastral Zone,
 Abuja

THE 5TH DEFENDANT,

Block C, Old Federal Secretariat, Garki Area 1, Abuja

17/7/24
11:24am

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IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

FEDERAL HIGH COURT
ABUJA
17 JUL 2024
PAID
Sign:.....

Suit No: FHC/ABJ/CS/.../2024

BETWEEN:

MEFONA LLC

CLAIMANT

AND

1. FEDERAL GOVERNMENT OF NIGERIA
2. ATTORNEY GENERAL OF THE FEDERATION OF NIGERIA
3. NATIONAL ASSEMBLY OF NIGERIA
4. CENTRAL BANK OF NIGERIA (CBN)
5. TRADEMARK REGISTRY

DEFENDANTS

351079246037

STATEMENT OF CLAIM

1. The Claimant is a duly registered company in the United States of America that provides financial and technology solutions to individuals, businesses, institutions, and governments. **The certificate of incorporation of the Claimant is annexed as Exhibit 1.**

2. In 2001, the Claimant's CEO coined the term "eNaira," along with "AIT" and "AIF."

3. In 2016, during a discussion on Naira Redesign and Cashless Policy based on the 1st Defendant's request, the Claimant's CEO introduced "eNaira" to the 1st Defendant's Chief of Staff, which was promised to be made available to the 4th Defendant by the 1st Defendant.

4. In July 2021, the 4th Defendant, through its governor, announced the Central Bank Digital Currency (CBDC) initiative and decided to name it "eNaira" without

MEFONA LLC

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FEDERAL HIGH COURT
ABUJA

23/7/2024

the Claimant's consent. **The relevant newspaper publication is annexed as Exhibit 2.**

6. To protect its intellectual property rights, the Claimant applied for the "eNaira" trademark with the United States Patent and Trademark Office (USPTO) and World Intellectual Property Organization (WIPO). **Claimant's eNaira application page with USPTO and WIPO certificate is annexed as Exhibit 3A and 3B**

7. In December 2021, through its Nigerian lawyers, Ikpeazu Chambers, the Claimant warned the 4th Defendant about the unlawful use of its "eNaira," which had International Registration under WIPO in Class 36 based on USPTO certification. **The said letter from Claimant's lawyer is annexed as Exhibit 4**

8. The Claimant's lawyer requested that the 4th Defendant terminate its infringement of the "eNaira" International Registration, enjoying absolute protection and priority in the United States and other member countries of the Paris Convention.

9. On January 21, 2021, the 4th Defendant replied, arguing that "Naira" is a sovereign asset and legal tender of Nigeria, without addressing the infringement issue. **The 4th Defendant's reply to the Claimant's lawyer is annexed as Exhibit 5.**

10. On the same date, the 4th Defendant wrote to the USPTO, objecting to the Claimant's ongoing registration, alleging that "Naira" and "eNaira" are sovereign assets of Nigeria and not registrable by anyone, supporting its assertion with a correspondence from the 3rd Defendant. **The 4th Defendant's letter to the USPTO is annexed as Exhibit 6.**

11. The 4th Defendant subsequently opposed the Claimant's "eNaira" registration with the USPTO, claiming a "False Connection" to its CBDC, allegedly launched on October 25, 2021, and "backed by law."

12. The 4th Defendant remained silent on the fact that the "backing by law" referred to presidential directives/approval rather than an enabling Act. **The newspaper publication of the 1st Defendant's announcement is annexed as Exhibit 7**

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ABUJA

23/7/2024

13. The 4th Defendant did not specify which enabling Act of the 3rd Defendant empowered it to launch "eNaira" as a digital currency in Nigeria.
14. Only the 3rd Defendant, by the 1999 Constitution (as amended), has the exclusive power to make laws for the country, including a digital currency Act.
15. The Claimant, relying on the Nigerian Constitution, demanded from the 3rd Defendant, through its solicitors, if there were extant laws supporting the 4th Defendant's position on the digital currency launch. **The Claimant's solicitor's letter to the clerk of the 3rd Defendant is annexed as Exhibit 8**
16. The 3rd Defendant was reluctant to respond to the Claimant's inquiries.
17. Believing there was no such Act; the Claimant's CEO wrote a memo to the 3rd Defendant demanding the legitimacy of the 4th Defendant's operation of "eNaira" as a legal tender. **The said memo to the 3rd Defendant is annexed as Exhibit 9.**
18. Inquiries to the 5th Defendant revealed that "eNaira" was not a sovereign asset but a trademark issued to the 4th Defendant by the 5th Defendant in Class 36 and others, including Class 34 in November 2021. **The relevant publication page and 4th Defendant eNaira trademark certificate in class 36 are annexed as Exhibit 10A and 10B**
19. To prevent USPTO from discovering its deception, the 4th Defendant hired White & Case, a top law firm, and pressured the Claimant in its cease and desist letters to cancel its "eNaira" trademark registration with WIPO where it stated "File a total cancellation of International Registration No. 1640747 with the World Intellectual Property Organization (WIPO); Abandon any other Madrid Filings;" **The letters from White & Case are annexed as Exhibit 11A and 11B**
20. The Claimant wonders if the 4th Defendant's hiring of White and Case LLP, a top US Wall Street law firm, to issue a cease and desist letter costing millions of dollars, was authorized by the 4th Defendant's governing board, within the budget approved by the 3rd Defendant as mandated by the Fiscal Responsibility Act and national accountability laws given that such inquiry in a freedom of information request was denied in a letter by the 4th defendant? **The said letter by the 4th defendant is annexed as Exhibit 12.**

21. The 4th Defendant, in its deceitful opposition to the Claimant's registration with United Patent and Trademark Office (USPTO), failed to disclose its pending lawsuit in Nigeria, its eNaira registration in Nigeria, and misrepresented facts to the USPTO.

22. The Claimant having discovered that the 4th Defendant has a registered trademark on eNaira in class 36 with a registration date of November 1, 2021 and certificate No: 013103 before its assertion of eNaira as Nigeria's Sovereign asset and its opposition at USPTO on January 21, 2022 wrote the 4th Defendant to seek clarification whether eNaira is still Nigeria's Sovereign assets given that National assets are not registrable, but the 4th Defendant never responded. **The Claimant's letter to the 4th defendant is annexed as Exhibit 13.**

23. The 4th Defendant's deceitful actions have caused the Claimant incalculable damages, including the suspension of its Next-Generation Digital Multicurrency Solutions platform, enaira-online.com.

24. The Claimant seeks that the 4th Defendant cease and desist from further harm and infringement on its "eNaira" trademark but the 4th Defendant has continued its infringement by engaging in commerce in the United States.

25. Before commencing this suit, the Claimant wrote to the Defendants, seeking redress and notifying them of its intention to commence action if appropriate redress was not provided. **Copies of these letters are annexed as Exhibit 14, and the Defendants are given Notice to produce the original copies.**

Dated this 16th day of July, 2024

This Writ was issued by **KELECHI C. NWOSU ESQ.** counsel to the Claimant whose address for service is Flat 1 NO: 11 Mungo Park, Crescent, Area 11, Garki, Abuja.

Endorsement to be made on copy of writ forthwith after service

This Writ was served by me on the Defendants (here insert mode of service) on theday of 2024.

Endorsed the _____ day of _____ 2024



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FEDERAL HIGH COURT
ABUJA

23/7/2024

Before the writ is issued the following certificate must be indorsed on it.

The Registry, Federal High Court

In the Federal High Court of Nigeria, Abuja Judicial Division
A sufficient affidavit in verification of the endorsement on this writ to authorize the sealing thereof has been produced to me this day of 2024

.....
Registrar

Dated this 16th day of July 2024.



✓ KELECHI C. NWOSU ESQ.

K. C NWOSU & CO.

Claimant's Solicitors & counsel

Whose address for service is:-

Flat 1 NO: 11 Mungo Park

Crescent, Area 11, Garki

Abuja.

Phone No. 08138910308,

08037011217

Email: kcrhoda@gmail.com

FOR SERCVICE ON:

THE 1ST DEFENDANT,

Office of the Secretary to the Government of the Federation,
Shehu Shagari Complex, Three Arms Zone, Abuja, CBD, Abuja

THE 2ND DEFENDANT,

Office of the Honourable Attorney General of the Federation and Minister of Justice, Federal Ministry of Justice Shehu Shagari Way, CBD, Abuja

THE 3RD DEFENDANT,

The National Assembly, Federal Republic of Nigeria, Three-Arms Zone, Abuja

THE 4TH DEFENDANT,

Plot 33, Abubakar Tafawa Balewa Way
Central Business District, Cadastral Zone,
Abuja

THE 5TH DEFENDANT,

Block C, Old Federal Secretariat, Garki Area 1, Abuja

 MEFONA LLC

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ABUJA

23/7/2024

17/7/24
11:24am

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FEDERAL HIGH COURT
ABUJA
COMMISSIONER
[Signature]

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

Suit No: FHC/ABJ/CS/.../2024

17/7/24

BETWEEN:

MEFONA LLC

CLAIMANT

AND

- 1. FEDERAL GOVERNMENT OF NIGERIA
- 2. ATTORNEY GENERAL OF THE FEDERATION OF NIGERIA
- 3. NATIONAL ASSEMBLY OF NIGERIA
- 4. CENTRAL BANK OF NIGERIA (CBN)
- 5. TRADEMARK REGISTRY

DEFENDANTS

AFFIDAVIT IN SUPPORT OF THE ORIGINATING SUMMONS

I **Mr. Basil Odilim Enwegbara**, male Christian Nigerian citizen of H2B Emerald Court, David Ejoor Street, Gudu District, Abuja, do hereby make oath and state as follows:

- 1. That I am the CEO of Mefona LLC, the Claimant in this suit by virtue of which position I am conversant with the facts deposed herein.
- 2. The facts to which I shall depose are facts within my personal knowledge except otherwise stated and I have the consent of the Claimant to depose to this Affidavit.
- 3. The Claimant is a duly registered company in the United States of America that provides financial and technology solutions to individuals, businesses, institutions, and governments. **The certificate of incorporation of the Claimant is annexed as Exhibit 1.**

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- 4. In 2001, the Claimant's CEO coined the term "eNaira," along with "AIT" and "AIF."
- 5. In 2016, during a discussion on Naira Redesign and Cashless Policy based on the 1st Defendant's request, the Claimant's CEO introduced "eNaira" to the 1st Defendant's Chief of Staff, which was promised to be made available to the 4th Defendant by the 1st Defendant.
- 6. That in July 2021, the 4th Defendant, through its governor, announced the Central Bank Digital Currency (CBDC) initiative and decided to name it "eNaira" without the Claimant's consent. **The relevant newspaper publication is annexed as Exhibit 2.**
- 7. That To protect its intellectual property rights, the Claimant applied for the "eNaira" trademark with the United States Patent and Trademark Office (USPTO) and World Intellectual Property Organization (WIPO). **Claimant's eNaira application page with USPTO and WIPO certificate are annexed as Exhibit 3A and 3B**
- 8. That In December 2021, through its Nigerian lawyers, Ikpeazu Chambers, the Claimant warned the 4th Defendant about the unlawful use of "eNaira," which had International Registration under WIPO in Class 36 based on USPTO certification. **The said letter from Claimant's lawyer is annexed as Exhibit 4**
- 9. The Claimant's lawyer requested that the 4th Defendant terminate its infringement of the "eNaira" International Registration, enjoying absolute protection and priority in all member countries of the Paris Convention.
- 10. That on January 21, 2021, the 4th Defendant replied, arguing that "Naira" is a sovereign asset and legal tender of Nigeria, without addressing the infringement issue. **The 4th Defendant's reply to the Claimant's lawyer is annexed as Exhibit 5.**
- 11. That on the same date, the 4th Defendant wrote to the USPTO, objecting to the Claimant's ongoing registration, alleging that "Naira" and "eNaira" are sovereign assets of Nigeria and not registrable by anyone, supporting its assertion with a correspondence from the 3rd Defendant. **The 4th Defendant's letter to the USPTO is annexed as Exhibit 6.**

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12. That the 4th Defendant subsequently opposed the Claimant's "eNaira" registration with the USPTO, claiming a "False Connection" to its CBDC, allegedly launched on October 25, 2021, and "backed by law."

13. That the 4th Defendant remained silent on the fact that the "backing by law" referred to presidential directives/approval rather than an enabling Act. **The newspaper publication of the 1st Defendant's announcement is annexed as Exhibit 7**

14. That the 4th Defendant did not specify which enabling Act of the 3rd Defendant empowered it to launch "eNaira" as a digital currency in Nigeria.

15. That only the 3rd Defendant, by the 1999 Constitution (as amended), has the exclusive power to make laws for the country, including a digital currency Act.

16. That the Claimant, relying on the Nigerian Constitution, demanded from the 3rd Defendant, through its solicitors, if there were extant laws supporting the 4th Defendant's position on the digital currency launch. **The Claimant's solicitor's letter to the clerk of the 3rd Defendant is annexed as Exhibit 8**

17. That the 3rd Defendant was reluctant to respond to the Claimant's inquiries.

18. That believing there was no such Act; the Claimant's CEO wrote a memo to the 3rd Defendant demanding the legitimacy of the 4th Defendant's operation of "eNaira" as a legal tender. **The said memo to the 3rd Defendant is annexed as Exhibit 9.**

19. That Inquiries to the 5th Defendant revealed that "eNaira" was not a sovereign asset but a trademark issued to the 4th Defendant by the 5th Defendant in Class 36 and others, including Class 34 in November 2021. **The relevant publication page and 4th Defendant eNaira trademark certificate in class 36 are annexed as Exhibit 10A and 10B**

20. That to prevent USPTO from discovering its deception, the 4th Defendant hired White & Case, a top law firm, and pressured the Claimant in its cease and desist letters to cancel its "eNaira" trademark registration with WIPO where it stated "File a total cancellation of International Registration No. 1640747 with the World

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Intellectual Property Organization (WIPO); Abandon any other Madrid Filings;" **The letters from White & Case are annexed as Exhibit 11A and 11B**

21. The Claimant wonders if the 4th Defendant's hiring of White and Case LLP, a top US Wall Street law firm, to issue a cease and desist letter costing millions of dollars, was authorized by the 4th Defendant's governing board, within the budget approved by the 3rd Defendant as mandated by the Fiscal Responsibility Act and national accountability laws given that such inquiry in a freedom of information request was denied in a letter by the 4th defendant? **The said letter by the 4th defendant is annexed as Exhibit 12.**

22. That the 4th Defendant, in its deceitful opposition to the Claimant's registration with United Patent and Trademark Office (USPTO), failed to disclose its pending lawsuit in Nigeria, its eNaira registration in Nigeria, and misrepresented facts to the USPTO.

23. That the Claimant having discovered that the 4th Defendant has a registered trademark on eNaira in class 36 with a registration date of November 1, 2021 and certificate No: 013103 before its assertion of eNaira as Nigeria's Sovereign asset and its opposition at USPTO on January 21, 2022 wrote the 4th Defendant to seek clarification whether eNaira is still Nigeria's Sovereign assets given that National assets are not registrable, but the 4th Defendant never responded. **The Claimant's letter to the 4th defendant is annexed as Exhibit 13.**

24. That the 4th Defendant's deceitful actions have caused the Claimant incalculable damages, including the suspension of its Next-Generation Digital Multicurrency Solutions platform, enaira-online.com.

25. That the Claimant seeks that the 4th Defendant cease and desist from further harm and infringement on its "eNaira" trademark but the 4th Defendant has continued its infringement by engaging further in commerce in the United States.

26. That before commencing this suit, the Claimant wrote to the Defendants, seeking redress and notifying them of its intention to commence action if appropriate redress was not provided. **Copies of these letters are annexed as Exhibit 14, and the Defendants are given Notice to produce the original copies.**

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Edwin Egbu
DEPONENT

Sworn to at the Registry of Federal High Court, Abuja.

This *17th* day of *July* 2024.

FEDERAL HIGH COURT ABUJA
Commissioner For Oath
Sign *[Signature]* Date *17/7/24*

COMMISSIONER FOR OATHS

FEDERAL HIGH COURT
ABUJA
17 JUL 2024
PAID *[Signature]*
Sign:.....

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