
RESEARCH ARTICLE

Socio-Legal Inquiry of Intellectual Property Law and the Neocolonised Legal Profession in Freetown, Sierra Leone

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ABSTRACT

The social task facing the Freetown, Sierra Leone legal profession requires that such a professional field should be made to metamorphose and expand in line with its growing demands and expectation. This makes Intellectual Property Law an essential relation of the Neocolonised Legal Profession in Freetown, Sierra Leone. An exploration of the socio-legal approach to the relationship between intellectual property law and the Neocolonised legal professional law in Freetown is, in plain terms, highly complex. This complexity is occasioned by the very absence, very weak theoretical construct, limited attention to creativity and novelty of Intellectual Property law as a discipline and Intellectual Property Lawyers as legal practitioners. This paper is based on the main objective of examining the sociological nature of Intellectual Property Law and the operation of the Neocolonised legal profession within the framework of society. In the methodology of this paper, respondents (163) were judgementsally selected, examined the socio-legal inquiry strategically on the linkage between Intellectual Property Law and the Neocolonised legal professional law and assessed its relevance and contributions to Freetown municipal income and social growth. The data analysis draws into focus the sociological inquiry on the linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone and how both of them reinforce each other in the singular sociological mission of serving society and humanity. The findings distinguish Intellectual Property Law as both a distinct and independent field of socio-legal scholarship, filling the socio-legal lacuna in Freetown, Sierra Leone, and augment national economic growth. The paper concludes that there is a very weak linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone; The lack of a deeper understanding of Intellectual Property Law and the fact that very little attention is accorded to it by the national government and other key socio-legal actors. The researcher, therefore, recommends that there is a need for an effort to employ a comprehensive conception of law that will foster a pluralistic framework; legal pluralism should incorporate all shades of law, including Intellectual Property Law.

KEYWORDS

Socio-legal, Intellectual Property Law, Neocolonised, Legal Profession

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1. Introduction

By virtue of its sociological nature, Intellectual Property Law (IPL) can be seen as a special form of sociology of law when one considers its unique subject field and its typical forms of socio-legal regulation. Because Intellectual Property Law (IPL) is a Sociology of Law in itself, like all laws practiced within the realm of the socio-legal system in Freetown, Sierra Leone, discussions on the subject matter and the Neocolonised legal professional law centre on what a sociological inquiry on law means holistically. The analysis is harnessed in a way to demonstrate its particular relevance for the Intellectual Property Law and the Neocolonised Legal Professional Law linkage. In this social connection, this work falls short of the expectation of the reader who searches for typical sociological theories that have been heralding the professionalisation of the socio-legal system in Freetown, Sierra Leone, including those put forward by notable scholars such as Weber and those emerging socio-legal debates focusing on the teleology

of law, all of which are also notably important for the Neocolonised legal professional law in Freetown, Sierra Leone. Unfortunately, they do not provide the required tools for an explanation of the sociological inquiry on the linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone. These new social discourses are largely a repetition of the socio-legal-dogmatic approach used in addressing legal issues which fall outside the borders of this paper. The main thrust of this paper, therefore, concerns basic sociological inquiry relevant as a framework for understanding the social linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone.

Thus, the mission is clearly couched by Professor Jørgen Dalbergs-Larsen (2002-p5) in a curly sociological manner befitting this paper:

Looking at law in a sociological inquiry is - to put it very shortly - tantamount to regarding it as a social phenomenon in interaction with other social phenomena. In particular, this is an alternative inquiry compared to the legal-dogmatic one, which typically concentrates on describing, systematising and interpreting the law as a coherent system of norms (p5).

For most parts of human social experience, it is obvious that the ordering system of society has been utterly glossed over by a greater number of people. In the absence of a turgid civil society, one that is designated as the true custodian of the upholding of civil order, there has emerged a situation of social disorder and chaos. One of the greatest social Philosophers of the 16th century, John Locke (1689), described this situation as a state of human social existence that is 'nasty, brutish and short'. The task of handling the ordering of society was casually dispensed to the legal profession, which managed the affairs of the state through its legal regulations. In the bid to ensure an enviable monopoly of this honourable socio-legal task, the profession refused to admit into its fold the contributions of sociological prescriptions concerning the proper diagnosis and treatment of cases that appeared either banal or most complex in their entirety. Abandoning legal issues solely to legal practitioners alone, in the researcher's view, merely help the process of hastening society's demise rather than sanitising its canonising social structures appropriately.

Surprisingly, it has become obvious that legal practitioners alone cannot address the problem of society in arranging the affairs of men. As more lawyers turn out from Law School in Freetown, Sierra Leone and elsewhere, and as more and more law firms – both private and public – emerge to fill the existing socio-legal gap, so too, cases surmount beyond the capacity of law suits resulting to years of delays in adjudicating them. Hence the proverbial conundrum that 'justice delayed is justice denied' holds true in this socio-legal circumstance.

Perceived long ago in the early 1960s, the frightening scarcity of socio-legal roles in helping out society to get on its foot became obvious. For instance, in 1961, the need for socio-legal education in Africa was echoed by Lord Denning (1961) amidst a conspicuous social scarcity of African professional lawyers at the time (Ross, 1973). Certainly, this was a call for an Africanisation of the legal profession, which was dominated by western foreign legal practitioners, a development which Lord Denning predicted to reach its full realisation in 1980. Frightened by the perceived paucity of lawyers in Africa, Ross (1973) warned that the available "legal manpower" should be used efficiently and that they should be different from what he referred to as "lawyer-technicians". From these insightful contributions to the future state of the legal profession, it became obvious that such an invaluable profession would certainly metamorphose and expand to include diverse branches of socio-legal scholarship. Since the time the call was made, the legal profession has started gaining some momentum. For instance, the Sierra Leone legal profession began to metamorphose into what Professor Joko Smart (1980) described as a "pluralistic legal system" which encapsulated the Neocolonised general law, customary law, and Islamic law. During this period, however, it is obvious that little attention was directed towards the existence and relevance of Intellectual Property Law, which in every regard is pertinent to the pluralistic composition of the Sierra Leone legal system. Arguably, the domain of the Sierra Leone legal profession should be enriched with the invaluable input that Intellectual Property Law (IPL) offers in adjudicating issues relevant to individual creative inventions and abilities, which are not often adequately handled by legal practitioners who have little knowledge of the discipline. However, the insightful work offered by Professor Joko Smart (1980) cleared the air about the changing social state of Sierra Leone's legal system and peeled off the negative views associated with it at the time. Although no mention was made of Intellectual Property Law (IPL), because of the lack of knowledge of the discipline at the time across Africa, it was clearly enshrined in the 1991 Sierra Leone Constitution. This means that Intellectual Property Law (IPL) neatly fits into the pluralistic framework of the legal profession, and its importance was gradually communicated through the demands of social clients for recognition of their creative inventions. From the sociologist's viewpoint, this means that already, there seemed to have been a link between Intellectual Property Law (IPL) and the Neocolonised legal professional law itself and that Intellectual Property Law was destined to become a social change agent in enhancing the relevance of society. The aspects of the legal system clearly form the foundation of the general legal professional law, which is now struggling to reveal itself as the country braces its way to modernity and social progress. This linkage between Intellectual Property Law and the core of the legal profession is essentially evoked in a long anecdotal expression offered by President Kaunda of Zambia (1963), which the researcher endeavoured to reproduce here for both clarity and the sociological basis it emphasised:

"The lawyer in a developing society must be something more than a practising professional man; he must be more than the champion of the fundamental rights of the individual. He must be, in the fullest sense, a part of the society in which he lives, and he must understand that society if he is to be able to participate in its development and the advancement of the economic and social well-being of its members. The lawyer must go out beyond the narrow limits of the law because, as I have said, while the law is the instrument through which society is preserved, in its shape and character, it is the reflection of society"(p5).

Intrinsic in President Kaunda's expression is the fact that the legal profession should not be limited by mere superficial judgement, which makes the profession lean by including only three spheres of law. The task facing the legal profession requires that such a professional field should be made to metamorphose and expand in line with its growing demands and expectation. This makes Intellectual Property Law an essential correlate of the legal profession.

Lord Denning's call, which coincided with the socio-political liberation of Sierra Leone from colonial rule in 1961, became significant for the rebranding, popularisation, institutionalisation and domestication of the legal profession in a number of African countries to look like an African affair. The call sent a strong signal to radical scholars triggering their resolve to throw a spanner into the colonial spine by purging the legal field of foreign presence and social influence. Such reawakening caught the attention of Professor Wyse (deceased), a determinate Sierra Leonean Creole intellectual, late in the mid-80s, who heralded a handful of Creoles for giving radiance to the legal profession at the time of British rule. The Sierra Leone legal profession was scarce of lawyers and was almost an exclusive reserve of the Freetown, Sierra Leone Creoles, especially after the exit of the white men. At the time, however, the call for legal education was still not needed.

A sociological inquiry into the linkage between Intellectual Property Law and Neocolonised Legal Professional Law suggested that the two are independent in themselves. However, in reality, there is no clear social autonomy with regard to the existence of Intellectual Property Law and the decolonised legal profession. While the legal profession forms the general framework for the conduction of legal matters, Intellectual Property Law is a part of such provisions. This arrangement suggests a linkage between Intellectual Property Law and Neocolonised legal professional law, although such linkage can be seen as an "interstitial" one.

However, the need for Intellectual Property Law was recognised though quite recently when it was enacted through the Copy Right Act 2011 (Act no. 8 of 2011) to form part of the Sierra Leone constitution. This led to the endorsement of fragments of Intellectual Property Law as part of the Neocolonised general law of Sierra Leone. Although this step marks the incipient stage of the recognition and use of Intellectual Property Law, the task of the adjudication of intellectual property issues is confined by rule to separate institutions rather than the regular court system. Both the Office of the Registrar and Attorney General and the Ministry of Tourism and Cultural Affairs possess the authority and mandate to handle intellectual property matters. However, lawyers in the regular court system sometimes attempt to deliberate on matters relating to intellectual property, although under the common law of the state, and in a cursory manner that does not merit the social intensity that the issues require.

This paper may hastily be renounced by legal practitioners and their proponents as solid critics of the legal profession, thereby missing the valuable sociological information put forward in plain fashion. The information the reader is about to consume in this paper lays bare the many social fabrications in favour of the sanctuary of the legal profession to which non-legal experts are admitted. It is in an attempt to debunk this conflicting social articulation of legal practitioners in matters of sensitive sociological tasks in society that this entire paper is based. Certainly, lawyers are not much of experts when it comes to society's interactions beyond proceedings that are unleashed in the small courtier that shield them from the wider tier of social state functioning. This side of human experience lies in a field that tries to view human interaction beyond the mask of the individual himself by examining group social interactions in some special way. The tools of Sociology are analytical weapons appropriate for piercing such challenging tasks, as revealed in the next sub-theme of the literature review.

2. Literature Review

As pointed out in the introduction, the next social discourse precedes a survey of the literature on intellectual property law and the Neocolonised legal professional law in Freetown, Sierra Leone. This is done with a focus on the extent to which both concepts are useful in human interaction, socio-legal integration, innovation, mobilisation, social welfare and socio-economic services or development. A social discourse of the legal profession conjures a wide range of social complexities emanating from social choices that the researcher has to make among contesting theories and concepts which have blurred the legal field of social inquiry. This confusion is brought upon such honourable discipline by a newly emerging field of scholarship branded as socio-legal inquiry.

However, the task of unravelling how sociologists view the sociological inquiry on the linkage between Intellectual Property Law and the Neocolonised legal professional law is quite an ambitious one. Yet viewing such an unploughed field of social inquiry means that few scholarly grown-ups are now beginning to delve into areas often demarcated as minefields, requiring special techniques, courage and training as if scholarly social efforts have been militarised. The sociologist, standing at the crossroads of social engineering by being an expert in understanding how human society functions, is well armed with the techniques and mental and social intuition to traverse such "sacred" terrain, surmounting the philosophical, social schisms underlying scholarly social

discourse on the legal profession. This paper tries at best to distant itself from the mud-slinging social debates on the legal profession and society relations, with strong philosophical discussions. It draws from the underlying social discourse of those socio-legal scholars and long-held sociological philosophers to test the linkage that should foster between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone. Obviously, it is important to draw the mind of the reader to one basic fact: the emergence of the discipline of intellectual property law and the sociology of law has been greeted with mixed social theorisations from different scholars, while quite recently, the emergence of the discipline of legal sociology, places the concept of the legal profession at the centre of academic, social discourse.

Aware of the situation at hand, this paper serves dual functional functions to socio-legal scholarship. First, it carefully scans the field of socio-legal inquiries, from early sociological scholars to those brands of scholars under the banner of socio-legal inquiries. The intention is to distil the efficacy of social conceptualisations to decipher their relevance for a clearer understanding of the linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone. Notable scholars considered include Karl Marx (1884) and the Marxist tradition, William Fisher (2007), and George Hegel (1812). This is followed by an examination of key sociological approaches to the subject in question. The effect of this approach is the evolution of a new kind of conceptualisation that places Intellectual Property Law within the framework of the Freetown, Sierra Leone legal profession as a possible approach in deliberating on bridging the sociological gap that exists between the two mutually inclusive domains of legal scholarship.

Typically, however, this paper explores the literature on intellectual property law and the Neocolonised legal professional law from theoretical and empirical viewpoints as the first step in achieving the essence of social research. A sociological approach is a powerful tool that is used in both commenting on and discussing the linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone. A distinction is made between socio-legal academics, those scholars who view the legal profession within the framework of society, and those who view the subject from a pragmatic standpoint.

2.1 An overview of Intellectual Property Law and the Neocolonised Legal Profession

The emergence of intellectual property law as a distinct field of social scholarship has been greeted with wide social concern in academic and professional circles. In fact, it is observed that commencing a discussion of intellectual property law immediately opens the 'proverbial can of worms' (Lindberg, 2008). It is an even worse thing when intellectual property law is discussed in relation to the Neocolonised legal professional law, for both are very hot issues that always trigger stunning reactions.

Since the closure of the last century, the French sociologist Emile Durkheim (1895) was the first to initiate discussion on the capacity of intellectuals and professionals to provide a solution to the chronic social and economic problems that affected societies holistically. Followed by several efforts to take the discussion further from Britain in the persons of Carr-Saunders and Wilson in 1933 to Germany by Manheim (1929) effort to exercise the issue of professionals, especially legal professionals in the Neocolonised legal professional law, continued to expand. In all the discourse that dominated the field, the central message was that intellectuals, by virtue of being highly educated, held a special status independent of social class obligations within society (Cirhinlioglu, 1995).

Throughout history, Intellectual Property Law has been dominated by some contradictory debates about its social essence and value in relation to society. First, there are those groups of scholars who provide a strong argument in defence of intellectual property law, known as Intellectual Property maximalists. For this group of individuals, intellectual property law is considered to be at the foundation of any society, a fundamental building block of a country's economy. Others tie the right to control our creative expression to our rights and identities as creators. Among this crux of scholars, there are those who argue further that intellectual property is intrinsic to who we are. This means that intellectual property law is a part of man's creative social identity. On the opposite side of the social scale are those who tend to argue against intellectual property law. These are the Intellectual Property law minimalists, the critics of intellectual property. For this second group of scholars, intellectual property does not exist; the very concept is a contradiction in terms because "knowledge cannot be owned." Others argue against intellectual property law because it restricts our range of creative expression. Still, others oppose Intellectual Property on more pragmatic grounds, pointing out that the term "intellectual property" puts many separate laws and concepts into a single indefinite box (Lindberg, 2008). Whatever the case, these debates dominating the field of intellectual property law at the time show the relevance of the discipline within the Neocolonised legal professional law.

In Sierra Leone, the link between intellectual property law and Neocolonised legal professional law is not obvious. This is due largely to the fact that, as noted inter alia, people are less aware and lack an understanding of the discipline of intellectual property in particular. The less awareness of intellectual property law and its link with the Neocolonised legal profession, especially in Freetown, Sierra Leone, has a long historical tradition dating back to colonial rule. During the period of foreign rule, the focus of the colonisers was not so much on the immediate development of the colonies. The intent was economic exploitation to service and fuel their own development through the use of Africa as a market where manufactured products from Europe were traded, or raw materials were extorted for use in Europe. At this time, African countries relied solely on the economies of their colonial masters with no focus on serious inventions. With the absence of any serious tradition of inventions in Africa at the time, the idea of

intellectual property rights was virtually absent, a trend that continued on to the period of independence of most African countries in the 1960s. With the advent of the awakening period in the 1980s, things began to change when African countries focused their attention on development in science and technology, leading to the capitalisation of the issues of patent rights protection.

2.1.1 Scanning the link: Reflection on the common agenda

By implication, Intellectual Property Law falls within the domain of the Neocolonised legal profession through the recognition of Intellectual Property Rights in the country's national constitution as early as 1700. The fact that Intellectual Property Lawyers deal with the legal issues of clients, their activities coincide with what other lawyers in the legal profession occupy themselves with. In this sense, they all carry the title of "Lawyers" by their pursuit of a common agenda, using the same kind of tools and approaches to addressing social issues relevant to people's communal and personal interests. The link between Intellectual Property Lawyers and other traditional legal pundits is held by their contact with clients who hire them for services that invoke their professional ingenuity. But they are also people whose social actions and exercise of their profession are based on the decolonised general legal system in a specific socio-legal context. They are therefore bordered by their social world view of the legal system and their interpretation of such instruments in their pursuit of social justice.

Like lawyers in the Neocolonised legal profession, Intellectual Property Lawyers are also professional pundits in the art of defending the creative rights of inventors of some kind. Their profession and underlying skills require them to have their own legal chamber, either in the Law Court and other courts in the provinces or in separate buildings. They and the general Lawyers are seen as two bed-fellows in the legal sphere, working fortuitously to provide the best socio-legal services to the wider clientele by addressing themselves to different spheres of social experiences of clients in the society. However, Intellectual Property Lawyers and general lawyers within the decolonised legal profession in Freetown, Sierra Leone, are held by stronger paradigmatic social relations in their pursuit of social justice.

2.2 Point of departure

Despite the commonality of the Intellectual Property Lawyer and the Common Lawyer, the two professionals do not remain at par at certain points in their profession. The Intellectual Property Lawyer is a genius in a field that focuses on the creative rights of inventors in all aspects of their manifestations. But the common Lawyer is not. He can be best seen as a traditionalist who is an expert in common laws and statutes. Although both professionals fit neatly within the legal profession of Freetown, Sierra Leone, they are nevertheless distinct in their intellectual orientation, focus and training. This distinction was clearly emphasised in a presentation on challenges in the formulation and implementation of national intellectual property policies and strategies in Freetown, Sierra Leone, at the World Intellectual Property Organisation (WIPO) forum in Africa:

In the administration of justice, the modus operandi had been largely based on the customary and usual claims founded on torts, contracts, petitions, admiralty and criminal offences. Enforcement of rights founded on the patent right was and is still not a familiar area in our jurisdiction that really requires substantial effort for meaningful development. Even courses in the study of law in our (Sierra Leone's) universities are largely tailored to the traditional curriculum of criminal law legal systems, laws of tort, contract, land law, mercantile law, and so on, to the exclusion of laws dealing with intellectual property, Arbitration, trade laws, trade negotiations, mediation and a host of other areas that are yet to receive the attention of the university authorities (2016; p7).

While this distinction is not apparent to the layman, it can be greeted with a degree of astonishment when it is observed that the common lawyer, the one whose social ego and professional laurel have earned so much respectability in the eyes of the Freetown, Sierra Leone society, particularly in the past, has no grip over certain equally relevant aspects of legal matters.

The virtue of the speciality and expertise of the Intellectual Property Lawyer distinguishes him from his or her contemporary common Lawyer, who may be seen as a "generalist" in that he addresses himself generally on the traditional legal system defined by the statute law and customary law.

The recognition of Intellectual Property Law in Freetown, Sierra Leone, has a long tradition brought down through disjointed socio-historical accounts. These accounts are found in limited legal and non-legal documents, including the Sierra Leone constitution and a series of gazettes and fragments of writings on Sierra Leone's legal system. However, all laws of Freetown, Sierra Leone, owe their anchorage to the national constitution (1991), which clearly defines the legal system as being highly pluralistic. By this pluralism, the Freetown, Sierra Leone legal system envelopes a number of laws which include the general law, customary law and Islamic law (Smart, 1980). However, since then, the scope of the legal system has even expanded further and now includes other strands of law such as Human Rights Law, Company and Intellectual Property Law. From the sociological point of view, all of these laws have attained their epic moment in functioning as powerful regulatory frameworks of society.

Intellectual Property Law has quite recently been recognised through the enactment of some regulations. The operationalisation of Intellectual Property Law in Freetown, Sierra Leone, has been dictated largely by the schismatic approach accorded to it. The

practice of Intellectual Property Law in the current legal system is bifurcated between the office of the Administrator and Registrar General and the Ministry of Tourism and Cultural Affairs. The office of the Administrator and Registrar General is responsible for the registration of intellectual property in Freetown, Sierra Leone. Among the industrial property, issues addressed include Patent Rights, Trade Marks and Industrial Designs. The Ministry of Tourism and Cultural Affairs has the responsibility to deal with Copy Right and Related Rights. This arrangement of the operation of Intellectual Property Law in Freetown, Sierra Leone, appears somewhat problematic and affects relations between those given the authority to handle intellectual property issues and clients on the one hand and the stability of society. The fact is that irrespective of which institution or professional body, or individual is accorded the opportunity to handle intellectual property issues in Freetown, Sierra Leone, the problem always persists as a result of the levity ascribed to a such honourable aspect of human knowledge. Intellectual Property Law is a broad area of discipline that covers a vast spectrum of issues bordering on human lives and experiences. Only a small aspect of Intellectual Property Law is covered in Freetown, Sierra Leone, even under the current arrangement. Second, the institutions charged with the responsibility to administer intellectual property issues only scratch the surface of the task. For instance, it is noted that only ten percent of the original registration of trademarks is done by the Administrator and Registrar General's Office, with the rest of the job left unattended. An explanation for this is that, like the general laws of Freetown, Sierra Leone, the Intellectual Property Laws are largely dependent and based on the laws of the United Kingdom. According to the dictates of this arrangement, prior to the period 2010 and 2011, Sierra Leone lacked the autonomy to undertake the original registration of patents since the constitution does not make any provision for it. Instead, patents automatically apply to Sierra Leone following their original grant and application in the United Kingdom. In other words, anyone living in Freetown, Sierra Leone and who wished to protect his or her invention would first have to apply in the United Kingdom in order to get protection in Sierra Leone. This gap affected clients immensely as their problems were hardly being addressed.

The immense disturbances caused by the legal system in light of the interactions among Sierra Leoneans forced some piecemeal efforts to address intellectual property issues or at least give them serious attention. The call was provoked by the socio-legal nature and adversity created through the misuse of people's creative enterprises from among the music industry and other powerful arts. The product of this dust-stirring was that attempts were being made to review legal provisions dealing with intellectual property issues. On the 19th of February 2010, a constitutional instrument known as Gazette volume CXLII No. 11 was passed, which established the rules of the Commercial Court. Rule 3 of the Commercial Courts, with particular reference to paragraph (t), included claims based on intellectual property rights and copyright. This was followed by a more comprehensive enactment which focused on protecting copyright under the Copyright Act 2011 (Act No. 8 of 2011).

In order to expand on this development, efforts were stepped up by further reviewing the Trade Marks and Merchandise Marks through Parliament. This review was based on key objectives, which included the following:

- (a) Ensure the incorporation of statutory provisions in the amended legislation for the protection of service marks, collective marks, trademarks and well-known marks.
- (b) Ensure the deletion of preferential treatment relating to marks registered in England in accordance with Sierra Leone's obligations under the Marrakech Agreement establishing the World Trade Organisation.
- (c) Ensure the incorporation of other marks registered in other jurisdictions.
- (d) Ensure that the amended instrument accords protection to Geographical Indications in line with its international obligations under the Trade Related Aspects of Intellectual Property (TRIPS) agreement.
- (e) Ensure the incorporation of provisions for registration of marks coming into Sierra Leone via the Madrid Agreement and Protocol.
- (f) Ensure the incorporation of matters relating to unfair competition and protection of Trade Marks.
- (g) Ensure that it adopts a national system for the classification of Marks that are based on the Nice and/or Vienna Agreements.
- (h) Ensure that it ratifies and incorporates the Banjul Protocol into its laws. Despite this fulminating outburst at the borders of legal writing, a clear gap continues to show in the nested domain of legal scholarship. From the eye view of the sociologist, it is natural that the linkage between Intellectual Property Law and Neocolonised legal professional law is influenced specifically at the micro level of social interaction.

As discussed so far, the position of Intellectual Property Law in the Neocolonised legal professional law has been somewhat latent. However, development in high profile circles of government has shown that Intellectual Property Law is gradually being immersed firmly into the Neocolonised legal profession. The problem most profoundly affecting Intellectual Property Law's full recognition in the Neocolonised legal profession is gradually being resolved, especially in the light of the country's colonial heritage, depending

on the United Kingdom's intellectual property legislations for addressing issues in Freetown, Sierra Leone. The problem that still remains to resolve is a full implementation of the legal provisions made so far that provides grounds for Intellectual Property Law's firm position in the Neocolonised legal professional law and its unequivocal acceptance within the Freetown, Sierra Leone society.

2.3 Gaps in the Literature

It is observed from the literature that most of the studies on the sociological perspective concentrated on establishing the nexus of the social phenomenon with the sociology of law that embraces intellectual property law in a platform of socio-legal outlook. Basically, most studies proved a strong positive affinity between sociology and intellectual property law. Despite the wide latitude of studies linking sociology and law, intellectual property rights, and economic development, very limited studies observed the specific link between intellectual property law and going concern potential of instituting intellectual property identified for national social development. Although the study of Daniel Webster (1824) explored the sociological perspective of intellectual property law based on the right of the inventor in the United States yet, the methodology is different. The counter argument that may be offered may be that ingenuity implies boosting going concern for the development of society. However, the absence of empirical experience in this novel and specific area makes the research vital and crucial to add to the existing body of empirical literature.

Additionally, gaps exist in the literature in terms of establishing the link between intellectual property law strategies with innovations in Sierra Leone. This also includes the limited and fragmented empirical accounts of the relevance of the notion of intellectual property law in Sierra Leone. This research, however, attempts to provide sociological accounts that can be used to compare the successes and challenges of intellectual property law jurisdiction with other intellectual property regimes in the sub-region.

3. Methodology

This paper is presented in the form of a report on the processes and dimensions involved in the collection of primary data. It uses the strategy and technique of border studies and a multi-method mixed methods research strategy which capture the inherent elements of high-level research that is premised on a case study. The paper is, therefore, a synchronisation of the fine social research traditions that create space for a thorough investigation of the relationship between Intellectual Property Law and the Neocolonised legal professional law with a sound sociological twist.

In light of these methodological patches, the paper attempts to forge a reinforcing social platform by capturing the basis of qualitative research strategies padded with a series of sociological techniques, including focus group discussions, field observation and semi-structured interviews.

The paper clearly delineates the research landscape, with Freetown constituting the research location. Within this research location, a series of sites were selected for the research, including Fourah Bay College, Law School and Law Court. According to the researcher, there is a total of 163 respondents drawn using a judgemental technique. The paper further noted two main sources from which data was collected: they included primary and secondary sources. In structuring the research instrument, the research captured the following elements as reflected in the social discourse: demography of respondents, interview protocol, and sections that were in line with the objectives of the research. Gender profile was also included in the data collection stream, with the male population higher than the population of females indicating the long period of dominance of men in the legal profession.

Data analysis was set to ensure using techniques such as reordering items with resulting themes. The paper emphasised a combination of multi-method mixed methods and social research techniques with descriptive analysis, which gives radiance to the entire paper.

4. Findings

Operating at the borders of separate independent knowledge or handling a di-disciplining praxis carries a range of social complexities which become extant at the level of analysis and interpretation. The central focus of the methodology for this paper was contextualised through the words of Hall and Preissle (2005) that the approach involves:

Collecting, surveying, and a variety of analytical examinations of material thus acquired—qualitative, quantitative, and mixed—have...been integral to what fieldworkers and ethnographers do.

Data from the qualitative sources was analysed through sifting and sorting to evolve themes for discussion of the findings. An assessment of the current state of the legal system and the undisputed position of Intellectual Property Law constituted the centrepiece of the analysis. Essentially, this approach helped to demonstrate the banal socio-legal nature of the legal system in the absence and recognition of Intellectual Property Law.

5. Conclusion

In conclusion to this paper, the researcher argues that there is a very weak linkage between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone. This is due to the lack of a deeper understanding of Intellectual Property Law and the fact that very little attention is accorded to it by the national government and other key social actors. The trivialisation of Intellectual Property Law owes largely to the socio-legal nature of the Neocolonised legal professional law itself in Freetown, Sierra Leone, which had been a closed socio-legal institution where only students from Law Schools or abroad are admitted. It is also obvious that the current situation has been further occasioned by the insufficient socio-legal provision failing to cover every aspect of Intellectual Property Law. However, there has been no instance of attention to the linkage between Intellectual Property Law and the Neocolonised legal professional law indicated by the constitution or some other legal provisions. The situation is abated by the conspicuous disregard of the issue by even the finest or most seasoned lawyers in Freetown, Sierra Leone, a situation that is again connected largely to their limited understanding of the scope and dimension of Intellectual Property Law and its working in a local social context. All of these negative happenings have been major socio-legal precipitants to the very lack of linkage between traditional lawyers, known as generalists and those specialist lawyers who are experts in their fields of scholarship.

By default, Intellectual Property Law has come to assume a noticeably tacit and illusionary position in the legal sphere. By merely truncating the application of Intellectual Property Law from the mainstream legal sphere symbolised by the stratified national court system (the Supreme Court, the Court of Appeal and the High Court) and placing it within the purview of two key Ministries, the foundation of a disconnect between the two was laid. Even in this prosaic arrangement, Intellectual Property Law is only treated as an introductory exercise, failing to cover the discipline's socio-legal depth.

Commencing an analysis of the linkage between Intellectual Property Law and the mainstream Neocolonised legal professional law using the tools of Sociology means that an entire gamut of scholarship has merely begun in Freetown, Sierra Leone, where the innovative academic endeavour is almost a novelty. And by attempting cross-border analysis or border work, one rigorously subjects the Neocolonised legal professional law to a kind of deep-seated socio-legal discourse tradition that helps to unwrap the kind of socio-legal mystery in which it is embroiled.

6. Recommendations

6.1 Recommendations to the Law Department and Law School in Freetown

There is a greater need for an effort to employ a comprehensive conception of law that will foster a pluralistic framework capable of capturing as many shades of laws as possible rather than adopting a reductionist approach which gives a false picture of law as a unified social system. In this regard, it is recommended that legal pluralism should incorporate all shades of law, including Intellectual Property Law. It is perhaps a better thing to do by even integrating legal pluralism with the processual theory making it more efficacious as a solution to society's problems.

In order to ensure that there is a formidable relationship between Intellectual Property Law and the Neocolonised legal professional law, the University administration must endeavour to include Intellectual Property Law into the curriculum of law studies at Fourah Bay College, Freetown, right from the first year of university studies. However, considering the socio-legal nature and vastness of the discipline, Intellectual Property Law should be made into a series of modules across the entire course span. This will enable legal students to have a thorough understanding of the discipline in college.

It is also important to note that the discipline is extended to Law School, where students will be given further professional training on Intellectual Property Law. In this way, the problem of the lack of Intellectual Property Lawyers will be reversed in Freetown, Sierra Leone; and more specifically, the increase in the number of Intellectual Property Lawyers will give way to the prevailing ignorance associated with it.

Perhaps the need for intellectual property law to be institutionalised in Freetown, Sierra Leone, will create a unique impact on the struggle to fine-tune the use of intellectual property in addressing legal matters concerning people's creative ingenuity. By so doing, intellectual property issues often glossed over will be addressed adequately.

6.2 Recommendations to the Freetown, Sierra Leone Mayoral Leadership

The social role and position of Intellectual Property Lawyers should be expanded and made concrete beyond the current position in the legal profession in Freetown, Sierra Leone. Since they are also legally minded, their capacity to dispense justice should be enhanced through the provision of key social services and facilities that will improve their socio-legal functions. Government should establish a parallel platform where Intellectual Property Lawyers should have the opportunity of delivering socio-legal services to a wide range of clients in the same way as their lawyer colleagues, the generalists. They should also be made to interface in the course of dispensing their professional tasks. In this way, they would be able to exchange social ideas and tools requisite for breaking the barriers to justice.

Government should also liaise with the legal professional body locally and internationally with the expressed aim of establishing a firm socio-legal tradition that reflects current practices dictated by the international system. A positive step in this regard is to create a scheme whereby lawyers of Intellectual Property and those handling mainstream legal issues, both purists and generalists, should be given the opportunity to experience socio-legal exercise, especially at the international tribunal court and other similar courts. The experience garnered will put them in a positive stand to brave the storm when emotions flare up during court debates.

The current arrangement whereby intellectual property matters are dedicated and addressed under the purview of the Office of the Attorney and Registrar General and the Ministry of Tourism and Cultural Affairs should be reviewed and possibly incorporated in the Neocolonised legal system where lawyers are opportune to handle such matters through the regular court system. However, considering the technicality of intellectual property issues and the fact that lawyers virtually lack the knowledge and expertise demanded by intellectual property scholarship, a scheme should be created whereby the state government can provide a platform for rapid training exercises wherein lawyers are given the opportunity to master the rudiments of Intellectual Property Law both locally and at international platform.

An alternative approach which lies in the continuation of training for lawyers is that the curriculum of legal studies at Fourah Bay College (University of Sierra Leone) and University of Makeni (UNIMAK) should be reconditioned to incorporate intellectual property research. The government of Freetown, Sierra Leone, should pay special attention to this project by providing the requisite resources (human and financial) to ensure that the socio-legal enterprise is meaningfully successful. Clear demarcations should be made between and among the different types of laws found in the 1991 Sierra Leone constitution. This should be made more visible at the level of implementation or interpretation by lawyers at various levels of legal practice.

It is also important to contract expert advice in order to help transform the legal system of Freetown, Sierra Leone, in a way that will incorporate Intellectual Property Lawyers. Such experts should be drawn from abroad and should be made to carry out extensive national service by ensuring that units of Intellectual Property Law are established both at Law Court and other parts in the provinces. Although efforts have been made in the past to kick-start legal sector reforms, especially in the dusty days of post conflict experience in Freetown, Sierra Leone, such attempts were merely test cases and dwarfed in the face of the reform project suggested here. Thus, the President of the day should create a special task force equipped with the necessities of legal reforms to accelerate the process. However, for the success of this move, the government must also consider providing an emergency fund.

6.3 Recommendations for further studies

Considering the lack of social research work on the relationship between Intellectual Property Law and the Neocolonised legal professional law in Freetown, Sierra Leone, an effort should be made to focus on such a stunning field of socio-legal scholarship. More in-depth research is required to further explore the relationship from various sociological inquiries. It is also important to conduct social research on why Intellectual Property Law is still a novelty in Freetown, Sierra Leone and how the situation can be reversed. Such social research should be conducted across the entire country to ascertain where it is gaining attention.

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