



NATIONAL OFFICE FOR TECHNOLOGY ACQUISITION AND PROMOTION (NOTAP)



GUIDELINES FOR THE REGISTRATION OF GAMING TECHNOLOGY TRANSFER AGREEMENTS

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FOREWORD

The Guidelines on the Registration of Gaming Technology Transfer Agreements and licenses in Nigeria contains the procedure and requirements for acquisition and registration of foreign applications deployable in the gaming sector. It also contains the institutional mechanism to enhance local capacity development and indigenous product development in the gaming eco-system to strengthen industrial growth in Nigeria.

The Office in implementing its mandate observed the huge outflow of resources in the gaming sector without local capacity development strategy. The attention of the young minds and technology advancement have shifted to the gaming sector with huge technologies in machine learning and artificial intelligence (AI) as well as various applications being deployed with or without NOTAP registration and technology domestication strategies.

This led to the development of the guidelines for the registration of Gaming Technologies which entails investment in human capital and product development to give room for Nigerian gaming companies and consultants to be involved in the implementation and maintenance of any foreign gaming software applications deployed in the sector.

It maintains that Nigerian owned gaming company should be part of some levels of support to the deployed technology and would earn a minimum of 1-5% in local currency of the cost of the licenses deployed.

Consequently, the implementation of the policy creates an enablement for skills acquisition and provides financial support for the local vendors. It also facilitates the development of indigenous products and provision of support services which can complement the functionalities of the imported software.

It is expected that the efforts in the implementation of the provisions of this guideline by the gaming stakeholders, the Nigerian Gaming Ecosystem would be enabled to facilitate meaningful engagement of the young minds for industrial and economic development of our nation.

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INTRODUCTION

Game technology, or gametech, are dedicated solutions and services that are used for end-to-end game operations and management. They include hardware and software used to develop, operate, and enhance gaming experience. Gaming technology transfer agreements are agreements related to transfer of specific unavailable technology, services, skills, knowledge for the provision of services in the gaming sector of the economy

Types of Gaming Technology Registrable by the Office

NOTAP registers agreements on all the technologies that drive the gaming industry that include:

- **Lottery technology and Services;**
- **Sport Betting technology and Services;**
- **Casino technology and Services; and**
- **Virtual game technology and services**
- **Others**

General Registration Requirements

All applications for the Registration of Gaming Technology Transfer Agreements should be governed by the following rules:

- Technology contracts should include a provision whereby the recipient enterprises in Nigeria acquires explicit rights for the use and exploitation of the technology in question, and the period covering these rights should be clearly specified in the contract.
- Provision for capacity building must be part of all Agreements signed, and details on the Nigerians understudying the experts should be readily available/submitted, to ensure that skill is domesticated.
- All contracts should make provision for deduction of appropriate local taxes, such as withholding tax, VAT etc.
- All agreements should incorporate research activities carried out in-house and also in collaboration with the Nigerian National Innovation System such as Universities, Research Institutes, private laboratories, Polytechnics, etc.
- All agreements must be governed by Nigerian Laws of Arbitration and the seat of arbitration should be in Nigeria. Alternatively, a neutral country's law (other than that of the licensor) is acceptable
- The scope of services in technology transfer agreements should clearly state the services to be rendered by the licensor and the specific functionalities of the modules of the technology.
- The technology content of the agreement should state the methods for the domestication of technology

- Payment of requisite NOTAP's fees such as presentation, registration and penalty (if applicable) for late submission.
- Licensor must partner with a Local Vendor with prerequisite professional expertise for annual maintenance of the software.
- Details and evidence of capacity building/ training of the end – users on the software should be provided.
- Local Vendors must be involved in the Maintenance or Annual Technical Support for Software Agreements or updates and the Local Vendor should be paid a minimum of 40% of the ATS fee in Naira, and evidence of payments to the local vendor must be submitted for non-cloud based software. However, where the software is cloud based, the following shall apply:
 - a) Agreements to be registered by NOTAP must include a local support component to be administered by an accredited company to ensure local transfer of knowledge and adequate support for software services customers in Nigeria.
 - b) Such accredited support companies shall carry out services such as - technical first line support, liaison to providers, periodic training of local staff on software use and periodic reporting to NOTAP on utilisation.

- c) Support companies shall be paid no less than 1% and not more than 5% of invoice value equivalent in Naira for the provision of such support services to the operators.
- There should not be additional fee request in respect of platform and virtual casino services for the duration of the agreement.
- Applicants should provide information about their earnings to assist in determining the applicable fee.

Specific Documentation Requirements:

Companies seeking to register Gaming technology transfer agreement should submit:

- Two copies of technology transfer agreement whose scope clearly spells out in clear terms the services to be rendered by both parties involved in the agreement and their respective obligations.
- Memorandum and Article of Association of the company
- Profile of the foreign company
- CAC Registration Certificate
- CAC status report on company
- TIN and Tax clearance Certificate for the last 3 years
- Audited accounts for the last 3 years

- Evidence of registration with the National Lottery Regulatory Commission or state regulatory agency for the particular gaming technology being registered. (to be submitted by the Nigerian enterprise)
- Special Control Unit Against Money Laundering (SCUML) Certificate
- Result of SCUMUL Audit
- Invoice for payment of technology fee
- Evidence of appointment of a software local IT company as a local vendor for software related technology transfer.
- All agreements submitted to NOTAP are subject to pre-approval and/or post approval monitoring visit to the company. The visits are at the discretion of the Office.

Fee Requirements

In the gaming industry, there are two modes of payments depending on the products and services. They are scaling or sliding model and flat rate or lumpsum model

1. Scaling or sliding model fees

The range of fees approvable is between 0.5-5% of net sales and the services under this model of payments include the following:

(i) Platform

- User Interface
- Sportsbook Module
- Player Account Management
- Bonus Engine

(ii) Virtual and Casino Games

- Virtual Betting Content
- Lottery Module
- Casino Module

Note: Services from the above category may be moved to flat rate model at the discretion of the office without notice and the rule for flat rate would apply. Also, where support is involved, the local vendor policy of the office will apply.

2. Flat or Lumpsum model fees

Services under this model include the following:

- i. Streaming Content
- ii. Odds
- iii. Live Data
- iv. Customer Service Tools
- v. KYC Services

- vi. CRM Tools
- vii. Servers and Emails Pricing

Breakdown of the fee should include:

- License fee;
- Implementation fee;
- Annual Technical Support (ATS) fee;

Payment of the ATS fee should commence after the one (1) year of implementation of the Agreement.

