Name: Onu-Boms Sonia Chioma

Matric no: 16/law01/177

Course: Intellectual Property

Date: 8th May 2020

 Answers

Legal issue-Whether john has copyright to the work. I answer this question in the affirmative.

Section 1 and 2 states the requirements for copyright Protection.

1. Originality: A literary, musical or artistic work shall not be eligible for copyright unless

-Sufficient effort has been expended on making the work to give it an original character (section 1 (2)) C.A

-The work was not copied from another work-originality therefore means that the work should have originated from the author.

University of London press v University tutorial press.

2. Fixation: A literary, musical or artistic work shall not be eligible for copyright unless

-the work has been fixed in any definite medium of expression now known or later to be developed from which it can be perceived, reproduced or otherwise communicated either directly or with aid of any machine or device. Yeni Anikulapo kuti & ors v T.M Iseli& ors

3.Qualification of an author:Before a person can qualigy for copyright protection under Nigerian law,there must be some connection between the author and Nigeria.

Application

Yes.John has Copyright.John has qualification because he is domicile in Nigeria.Section 2(1).John novel which was inspired by Chimanda’s purple hisbiscus qualifies as an original work because he did not copy her work,he only drew inspiration from it.Therefore,John can sue for infringement of Copyright because he passes the Three(3) requirements under copyright protection.Also,the place of first publication also applies under Section 3 which was in Nigeria because his first publication was made in Nigeria by virtue of his sound recording..John can sue Ope for infringining on his work.This is because sound recording is also a work eligible for protection.

In conclusion,Ope has infringed on John’s copyright by publishing his work and john can succeed in an action for infringement against Ope because she copied,published and reproduced john’s work without his consent and he is entitled to remedies like conversion.