NAME: OGHUVWU PEACE

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ANSWER

The Legal issue in this scenario is whether John being a Ghanaian can claim copyright to his work in Nigeria. The Answer to the legal issue is in the affirmative.

The basis for that is that, the general rule as regards copyright relating to foreigners is that by virtue of section 5(1) of the Copyright act, organizations which have various countries as members, like ECOWAS AND OAU, citizens of a member state can claim copyright in another member state. Seeing as both Nigeria and Ghana are member states of ECOWAA, John can choose to pursue copyright for his work. The case of Microsoft Corp v Franike Assoiciates ltd

However, this alone does not guarantee that John’s work is eligible for copyright, there are some other factors which John must prove. They include

Originality; the basis of this requirement is that the work originated from the author’s independent intellect, sufficient time, skill, effort, judgement to give it an original character. On this basis, John’s work is eligible for copyright as he took sufficient time to read Chimaamanda’s book to formulate his own. It took his intellect and effort to coin his own. He did not merely copy Chima Amanda’s work. See the case of Ladroke Football ltd v William Hill football ltd

Next , we have fixation as contained in section 1(2)(b) which basically stipulates that a eork will not be eligible for copyright unless it is put in a fixed medium through which the ideas of the author can be expressed. In this case, John had put his idea of his book on the recording. So John’s work satisfies this requirement for copyright. The case of Anikulapo Kuti v Iseli talks about fixation

Lastly, the issue of a qualifying author comes to play. For a foreigner to qualify for copyright in Nigeria, he or she has to have a connection with Nigeria. This could be either by Domicile of the author, Olace of first publication, Government works, International Agreements .Now, in this scenario, the author, John does not satisfy any of the first three scenarios but his case falls under International Agreements, which makes him eligible for copyright in Nigeria by virtue of section 5(1), as he is a citizen of a member state of ECOWAS, seeking copyright in another member state. see the case of Francis Day v Hunter &Fredman and co.

Conclusively, John’s work satisfies all the requirements to claim copyright, so my advise to John will be that he is well within his rights to claim copyright over his work