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**MATRIC NO: 16/LAW01/135**

**COURSE TITLE: IP LAW**

**TEST ANSWER**

Copyright in the literal sense means the right to copy or reproduce a work done by someone. For one to be able to reproduce a work then such a person must be eligible to copy such work. There are requirements which have been provided which a person has to qualify or fulfill in order to be considered eligible to reproduce a work.

In this scenario, the issue for determination is whether John as a foreigner, that is, not being a citizen of Nigeria, can claim copyright in the work he recorded which was published by his friend Ope in Nigeria? I assert this in the affirmative. However, there is an exception to it and it is provided for in the Copyright Act. By virtue of Section 2 sub 1 of the Copyright Act, copyright shall be conferred by this section on every work eligible for copyright of which the author is at the time when the work is made a qualified person, that is to say a citizen or is domiciled in Nigeria, or if the author is at the time under a body corporate incorporated or under the laws are f Nigeria. John is a citizen of Ghana, a country which is a member state of the Berne Convention just a s Nigeria is.

It is also important to note that copyright is a protection of expression of ideas and not the ideas itself, so therefore that makes John an original owner of his work as he gained his ideas for Purple Hibiscus but expressed in a different form and manner. In the case of Donoghue v Allied Newspaper Ltd, it was held that if the ideas however original is nothing more than am idea and it is not put in any form of words or any form of expression such as a picture, then there is no such thing as copyright at all. In this scenario, it can be seen that John put his expression of ideas into words and recorded so therefore he has copyright to his work. Ope having published his work as hers has infringed on the copyright of John and John can be compensated for Ope's infringement on his work. The remedies available to John include damages, an injunction on Ope to discontinue the publication of John's work, an accounts of profits made by Ope and also the right of conversion.

In conclusion the work of John is his original work and he can claim copyright to it as he satisfies all requirements which have been provided in order for one to claim copyright in Nigeria