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TEST.

The legal quagmire stated is that can a foreigner claim copyright in Nigeria?

The writer answers in the affirmative because he can enforce his right under Nigeria law even though he is not from Nigeria. This is because he schools in Nigeria. The case of Microsoft corporation V Franike associates LTD backs this up.

Also, Has the work been published?

Is the foreigner entitled to copyright protection?

Whether the fact that he copied idea from a previous work would deprive him of his copyright?

To have copyright on a work you must have published it first, recording is a form of publishing and as long as he has put it in a permanent form he has copyright on it. Under common law, his rights are enforceable. As long as you are not copying someone’s work you can get an idea from their work as long as you are not passing of that persons work as yours. Fixation copyright can protect the expression of an idea and not the idea itself and the act does not specify that the act must be by the author.

It is enforceable for john against Ope

That he got the idea is not a problem ideas are not subject to copyright protection

The work has already been published, publication means putting it in a permanent form that can be transferred so audio file is a permanent form so therefore Ope will be liable because Ope had access to the file and will be liable for copyright infringement.

In conclusion, John has right to sue Ope and can claim copyright because it satisfies all requirement because he domiciles in Nigeria because his work was inspired from purple Hibiscus and not copying the exact existing work of Chimamanda. His work will qualify even though it was in a sound recording. His expression of idea must be a result of author’s intellectual creation, labour. The case of university of London press V university tutorial press backs this point up.