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According to Bainbridge, copyright is a property right which subsists in various world such as literary works, artistic works, musical works, sound recordings, films and broadcasts. This case scenario borders on literary works with particular reference to novels which is embedded in section 51 of the Copyright Act.

In advising John, this writer will be discussing the four issues, as well as the rules and applications:

* Whether John’s work satisfy the requirements of originality and fixation- Originality according to the case of Ladbroke (Football) Ltd. v William Hill (Football) Ltd refers to the fact that the work originated from the author. Section 1(2)a of the Copyright Act also states that sufficient effort must be expended on a work before it is regarded as eligible. According to the case scenario, it can be inferred that John has satisfied this requirement as he thought well about the novel he was to write. Fixation is another requirement which according to Section 1(2)b of the Act states that a work must be fixed in a definite medium for copyright to subsist in such work. This has been established in the case scenario as John recorded the novel on his phone as an audio file.
* The second issue is whether John’s nationality will disallow him from acquiring copyright. This issue in answered in the negative because Section 5(1)b of the Act stated that a work is accorded copyright if the first publication is made in a country which is a party to an obligation in a treaty. The treaty in question is the Berne Convention. Art. 3(2) of this convention states that a person who has habitual residence in a country who is a party to this convention can be regarded as a national of the country. In this case scenario, John who is a Ghanaian has right to the work as Ghana is a party signed to the Berne Convention.
* Whether John has a right to the work. Having established that John’s work is eligible for copyright, he has a right to the work. Section 6 of the Act accords him the right to stop other people from reproducing or publishing his work as Ope did.
* Whether Ope has infringed on the copyright of John. Copyright needs not be published before it can be accorded to an author as provided in Art. 5(2) of the Berne Convention. Ope has clearly infringed on the copyright of John by publishing the novel.
* My advise to John simply lies in the fact that he has a right to the work as explained above, his work is eligible for copyright protection and as such he can sue Ope for infringement.