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ANSWER

There are two legal issues to determine in this case

1. Whether John can sue and seek remedy over copyright of his work which Ope has already published (infringement)
2. Whether John as a foreigner can claim copyright protection over his work in Nigeria and whether he has copyright in the work.

In applying the principles to the legal question taking issue two first, one has to determine whether John is the owner of copyright based on originality it does not mean newness or novelty it means the sufficient time, effort, skill, labour and judgement of the author. Here, we can see that John put in reason time, effort, and his own idea into creating the work although belonging to another author which makes him the author of his work as they vary in ideas. It is evident that John owns copyright of the work as he passes the originality test. In answering whether John as a foreigner can claim copyright protection in Nigeria, I affirm in the positive, using Section 2 s a case study it provides that qualification of an author only requires nationality or where one is domiciled. Under the principle of national treatment, using John who is domiciled in Nigeria but comes from Ghana his copyright will be protected as long as both countries are members of an international intellectual property treaty, John who wants the protection will be treated as a Nigerian. Therefore John's work will be protected in Nigeria. As provided for in the case of Microsoft v. Franike Association

Going further to answer the first legal issue as aforesaid, in order to succeed in an infringement action John has to prove the following requirements;

1. That copyright subsist in the work allegedly to be infringed
 2. That the ownership of copyright is vested on John either as the author, assignee, exclusive license
 3. That Ope has done an act exclusive to the plaintiff
 4. That the defendant has no right to do the act complained of
- Section 15 provides for what constitute and infringement, making works available to the public constitutes infringement of authors work and this was done by Ope without seeking permission from John and using the requirements Ope breached the right of John as the copyright owner .

In conclusion and advising John, we can see that he is the owner of the copyright work and can seek protection over his work in Nigeria. It is evident that Ope published John's work without his permission therefore Ope is liable to infringement. In essence John can sue Ope and seek remedy over his copyright work as in Yemittan v. Daily Times & anor where the defendant published the plaintiff's work without his permission.