Name: Kehinde Oluwatosin Mary

Matric no: 16/law01/120

IP continuous assessment

Answer

Question 1

This problem question bothers on the originality of John’s work and also whether as a foreigner he’s protected under the Nigeria Copyright according to section1 (2), a copyright work is sufficient when the work has been made an original character and has given the problem question John has upon inspiration decided to write is own version of Chima Amanda’s purple Hisbicus. It is deduced that the test of originality has been passed has John only created the version of the book upon inspiration and not that he copied it, has regard originality under copyright act, so far a work is a produce of a person’s creativity and not copying the original work. Such work will pass the originality test.

In the case of University of London press v University of Tutorial press; Examiners were hired to create exam scripts for the university of London.in a copyright claim the test of originality which had to be passed was set up by Peterson J who stated that the word original does not mean that the work must be the expression of original and inventive thoughts, copyright is only concerned with the originality of ideas and expression of thoughts. The work must not be copied from another work.

Under the test of whether John is protected under Nigeria copyright as a foreigner, Yes a foreigner can be protected under the Nigeria copyright as given the problem question John is Ghanaian and under section3 of the copyright act it is provided that every work will be protected under the copyright act. It was first published in Nigeria by his friend Ope and it’s also a sound recording which was made in Nigeria. How work will be protected as a foreigner. In the case of Microsoft Corp v Frankie associate limited. The bern convention allows the originality under copyright for the creator of a work who is a citizen of another country.

As regard the author of the work if the author is from a country that is protected under the treaty he will be protected or if he first publish the work in Nigeria. France Day and Hunter v Feldman and co and the Oscar trademark