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MATRIC NO: 16/LAW01/159

COURSE TITLE: INTELLECTUAL PROPERTY

LEVEL: 400

Solution

Legal issues

1. whether the work passes the requirement of originality

The word originality came from the “origin” or “source” of an author. it doesn’t mean newness or novelty or result of an inventive thought. works drawn from or inspired by other existing works or the existing stock of knowledge could still qualify.

Originality has two meanings under common law jurisdiction

1. sufficient effort, expended on the work
2. you must not have copied from someone else

Through fixation copyright can protect the expression of an idea and not the idea in itself, in section 1(2) (b) of the copyright act states that the work has been fixed in any definite medium of expression now known or later perceived, reproduced or otherwise communicated either directly or with aid of any machine or device. The act doesn’t specify that fixation must be by the author.

In this scenario, John the recorded book has copyright, according to Section 51 of the Copyright Act fixation of any kind of sound would qualify. He didn’t put the recording on any platform that could be easily accessed by the public, he putting it on his phone doesn’t constitute publication, and work made available to the public does. Though publication becomes relevant where the work has not been subject to the nationality or domicile of the author Section 3of the Copyright Act. The author of the book is from a country in a treaty with Nigeria which Chimanmanda is then he is protected. Microsoft Corp vFranike Associates explains copyright for a foreigner

In conclusion, John has copyright over the work and can sue Ope for the infringement on his rights .