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**COURSE: INTELLECTUAL PROPERTY II**

**COURSE CODE: LPB 406**

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The legal issue for determination in the scenario in question are as follows;

1. If John’s work qualifies to be protected by copyright
2. If Ope is infringing on his copy right
3. If qualifies as an author in Nigeria according to NCC

In the above scenario john’s work can be protected by copyright because his work (a literary work) his work satisfies the requirements for the copyright protection through expression of an idea, originality, and fixation. John expresses an idea in his audio recording in accordance with Article 9.2 TRIPS copyright protection shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such. Even though his idea is drawn from another work he shows originality in his literary work in accordance with section 1 (2) (a) which states that for a work to be protected by copyright it must show some form of originality. There is fixation of the work when john decided to put his idea in an audio form on his phone in accordance with section 1 (2)(b) the work must be put in any definite medium of expression now known or later to be developed for there to be copyright as seen in the case Yeni Anikulapo Kuti v. Iseli.

John qualifies as an author in Nigeria because of he is a student in Nigeria and therefore domicile and can therefore publish his works as a Nigerian author in accordance with section 2 (1). He also qualifies as an author because his country Ghana is a member state of the Berne convention so he could claim copyright in Nigeria.

Also Ope has infringed on his copyright because John’s work qualifies as copyright in Nigeria and he could sue because she is infringing on his economic right by publishing his audio book which he created and is the original author of.

In conclusion, john can sue Ope for infringing his economic right of the copyright. His work is fixed, original and can be protected by Nigerian copyright law due to the principle of national treatment he can institute an action against Ope.