Issue for Determination:

Whether John has fulfilled requirements for copyright protection

Whether John's storyline is the same idea as Chimamanda

Whether John can successfully sue Ope for copyright infringement of his work

The first legal issue will be answered in the affirmative. The requirements for copyright protection are Originality, Fixation, Qualification of the author. This will be answered seriatim. Section 1(2) (a ) of the Copyright Act defines originality as when sufficient effort has been expended on a work to give it an original character. Therefore, in relating this to the case of John, John had spent sufficient, effort, skill, judgment, labor, time etc. expended on the work. Although it must not have been copied from someone's work. In this case, John had his idea gotten from the book he read by Chimamanda but it was not the same as hers because he had expressed it in his own way although but did not copy her work in verbatim. Case in point is University of London Press v University Tutorial Press. The question to determine here is whether the degree of level or skill, judgement or resources expended on the work is sufficient to confer originality on a work. The answer is Yes because John had put in time, skill, effort to write it down and to also recorded it as an audio file. It does not matter that what the author created existed before, so far his creation is not a result of copying the existing work.

The second requirement which is Fixation, Section 1(2)(b) defined it as when the work has been fixed in any definite medium of expression now known or latter to be developed from which it can be perceived, reproduced or otherwise communicated either directly or with the aid of any machine or device. Relating this to John's case, John recorded his work on his phone as an audio file which qualifies it as a fixation.

The third requirement which is Qualification of an author also suffices because John being from Ghana which is a member state in international agreements with Nigeria makes him qualify. Section 5(1) of CA provides that by virtue of international agreements, works which on the date of first publication are made by authors who are nationals or domiciled in a member state or the work is first published in a member state may be protected by copyright in Nigeria such as OAU, ECOWAS. This is because of the Principle of National Treatment and fulfilling the obligations under international treaty. The Principle of Reciprocal Extension of Protection provided for in Section 41 of CA.

The second legal issue will be answered in the negative. Copyright has the nature of protecting the expression of ideas and not the ideas in themselves. Relating this to John's case, John expressed his own storyline in a different dimension although got the inspiration from Chimamanda's book. It usually requires that copyright can only vest in a work after it has been fixed in a medium of expression from which it can be accessed. For example, there can be different novels (expression of idea) with similar storyline or similar plot. Article 9(2) of the TRIPS Agreement provides same.

The third legal issue will be answered in the affirmative. This is because under moral rights, the right of integrity, the author has a right to object and seek relief in connection with any distortion, mutilation or other modification of any other derogatory action in realtion to his work where such action would be prejudical to his honour or reputation. Case in point is Maurice Ukaoha v Broad Based Mortgage Finance Ltd & Anor.  And also, the Right to paternity where the right to claim authorship of his work must be indicated in any acts that comprises the economic rights.

In Conclusion, John has satified the requirements for copyright protection as an author of his work, His expression of his work was not the same as the idea from Chimamanda's book and he can successfully sue Ope for infringement claiming his moral rights moral rights.