NAME: ADEJIMI-ADU ADEDEPOOLA

MATRIC NO: 16/LAW01/002

LPB 406 TEST

In order to give a sufficient advise or opinion on the matter we must first state and explain the legal issues that the situation has brought up. which are:

1. whether the work fall into the category of protected works
2. Whether john has a right in his work
3. Whether ope infringed on john’s right

In resolving the first issue ‘whether the work falls into the category of protected works’ the answer would be yes, because it is a sound recording and a literary work and sound recordings are protected by the copyright act. Section 51 of the copyright act defines sound recording as the fixation of a sequence of sound capable of being perceived aurally and being reproduced, but does not include a soundtrack associated with a cinematograph film, they include oral recitations.

In resolving the second issue stated above there are three requirements that must be considered which are; originality, fixation and qualification of an author.

Originality is explained by section 1(2)(a) that a literary musical or artistic work shall not be eligible for copyright unless a sufficient effort has been expended on making the work. In Ladbroke v William the court held that there is originality where the plaintiff has exercised commercial judgement and experience.

Fixation is explained by s 1(2)(b) as any definite medium from which the work can be perceived reproduced or otherwise communicated either directly or with the aid of the device. In kuti v iseli the court said the requirement for fixation simply means that work must be in a tangible medium without specifying the form it must take.

Qualification of the author is provided by section 2 of the act which states that the individual must be a citizen or domiciled in Nigeria, it is evident that john schools in abuad and is domiciled in nigeria

It is important to note that ope infringed because from the nature of copyrightcopy right doesn’t protect the idea but the expression of the idea by virtue of article 9(2) trips agreement.

In conclusion, from the above stated isuues and reasons we advise that john work is protected by copyright because it satisfies all the necessary requirement and by ope publishing the work she has infringed, therefore john can successfully sue her at the federal high court.