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The legal issue(s):

* Whether john has copyright in the work
* Whether john’s action against ope would succed

This writer seeks to anser this legal issue in the positive.

Copyright means the right to copy and reproduce a work. According to Bainbridge It can also be defined as a property work which subsist in various works such as literary, artistic ,musical, sound recordings ,broadcasts and cinematography film.

Section 1(1) copyright act provides that for a work to be eligible for copyright it must either be a literary work, artistic work, musical work, cinematographic films, sound recordings and broadcasts.

Section 51 copyright act provides for sound recordings to be the first fixation of a sequence of sound capable of being perceived orally and of being reproduced but does not include a sound track associated with a cinematographic film.

For a work to have copyright protection it must satisfy the requirement for copyright protection which are:

1. Originality
2. Fixation
3. Qualification of the author

Section 1(2) (a) copyright act provides for originality. Originality doesn’t mean newness or novelty in case of patents and industrial designs but rather it means

* Sufficient time,effort,skill has been expended on the work by the author
* The work was not copied from another work

A work that has been copied from another person’s work would not be regarded as original regardless of the time and labour expended into it

Section 1(2)(b) copyright act provides that a literal work, artistic work or musical work shall not be eligible for copyright unless the work has been fixed in any definite medium of expression now known or later to be developed or otherwise communicated either directly or with aid of any machine or device. Fixation protects the expression of an idea and not the idea itself as was the case in **Yeni anikulapo kuti and ors v T.M Iseli.**

Section 2(1) copyright act provides that copyright work can be eligible if the author or one of the authors is a citizen of Nigeria or is domiciled in Nigeria.

According to the factual matrix presented above John is a Ghanaian who is schooling in Nigeria. The sound recording by john can be referred to as having originality because he was inspired by the novel to write his which he recorded on his phone and hasn’t been published yet. Ope’s claim that he can’t succeed in his action against her because he is not Nigerian and he has to be domiciled in Nigerian or be Nigerian for his action to suced. However, Ghana is a member state of the berne convention so his action can succeed against Ope.

In conclusion, this legal writer seeks to advice john that Ope infringed on his copyright by publishing his work to the public without his consent. His work falls under the provision of section 1(1) copyright act as works eligible for copyright and also the requirements for copyright protection.

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