NAME: OYENIYI WURAOLA

MATRIC NO; 16/LAW01/187

ANSWER

**ISSUES**

The legal issues to be determined in this case are itemised below:

1. Whether the degree or level of skill, judgment, labour and resources expended on a work is sufficient to confer originality in Johns work
2. Whether the recording on his phone was enough to constitute fixation
3. Whether JOHN can qualify as an author
4. Whether ope infringed on his right

**RULE**

Originality is regarded as the basis of protection giving by copyright. For copyright to subsist in a literary work sufficient effort must have been expended on making the work to give it an original character. This is stated in section 1(2)(a) of the Copyright Act. Originality does not mean newness or novelty or result of an inventive thought. In Ladbroke Football Ltd v. William Hill Football Ltd, it was held that the word original only requires that work should not be copied but should originate from author . the work concerned must not be a verbatim copy and it must be a product of original and inventive thinking as held by the court in University of London Press v. University Tutorial Press. Originality doesn’t mean originality in ideas but in the execution of those ideas. Most works are drawn from or inspired by other existing works or the existing stock of knowledge, such could still qualify

On the second legal issue, the act requires that the work must have been fixed in any definite medium of expression now known or later to be developed, from which it can be perceived, reproduced or otherwise communicated either directly or with aid of any machine or device as stated in Section 1(2)(b) CA . This was illustrated in the case of Yeni Anikulapo Kuti & Ors v. T.M Iseli & Ors

On the third legal issue, the principle is that before a person can qualify for copyright protection under Nigerian law, there must be some connection between the author and Nigeriasection 2 CA allows for qualification if . If the author or one of the authors is a citizen of or domiciled in Nigeria Domicile refers to a place a person is physically present and regards as home, a person’s true, fixed, principal and permanent home, to which the person intends to return and remain even though currently residing elsewhere according to Blacks Law Dictionary

On the fourth legal issue it is evident that Ope infringed and it is immaterial that he listened to it as that doesn’t qualify as qualification.

**Application**

The work was a result of his intellectual creation, independent skill, labour and judgment of the author, it is evident that johns work sufficiently satisfied the requirement of originality despite the fact that he derived inspiration form a previous work. The work is fixed because it was recoded and he qualifies as an author because he is domiciled in Nigeria.

**Conclusion**

In conclusion it is evident that Johns work satisfies all the conditions for eligibility of copyright and his right has been infringed on by Ope. I advise John to seek redress at the court of law as he is entitled to many remedies