NAME: OTUOKERE MMESOMA ESTHER

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ANSWER

In advising John legally in the given scenario, it is necessary to state the legal issues here which are; whether John can claim copyright in Nigeria, whether or not his recorded audio meets any or all of the requirements for copyright protection, whether or not John can sue Ope for infringement of copyright.

The answer to the first legal issue is yes indeed John is qualified to claim copyright in Nigeria, this is by way of Ghana being a member state of the Berne Convention because Nigeria only extends protection to member states of a treaty, this was similarly seen in Francis, Day & Hunter v Feldman. While John may be a student in Nigeria he is not a Nigerian citizen and is not domiciled in Nigeria.

The second legal quagmire can be answered relates to the requirements of originality and fixation. To satisfy the requirement John must prove that the audio recording was a product of his skills and effort and expression of idea and it does, Section 1(2)(a),Leslie v Young. The issue of fixation relates to whether or not the work has been fixed in any definite medium of expression from which it can be perceived, reproduced or otherwise and according to the provisions of Section 1(2)(b) the sound recording is a fixed medium of expression.

Seeing as John has been able to satisfy all the requirements for copyright protection he is qualified to sue Ope for infringement and is entitled to damages on those grounds.