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ANSWER

The legal issue in the above scenario is that does John has copyright in the work

However the requirements for the copyright protection includes;

Originality

Fixation

Qualification of the author

However, the work the passes the requirement of originality which as provided for in section 1(2)(a) CA a literary, musical or artistic work shall not be eligible for copyright unless sufficient effort has been expended on making the work to give it an original character. Furthermore, originality therefore means that the work should have originated from the author as provided in the case of University of London press v,. University Tutorial Press where Peterson J states that copyright Act are not concerned with the originality of ideas but with the expression of thoughts, because he gained his ideas from her work whereby it is stated that copyright provides for the expression of ideas as seen in the case of Donoghue v. Allied Newspaper ltd, the case concerned a series of articles published in the news of the world newspaper about the then famous joke, Stephen Donghue and his experience was interviewed about his adventures, which were subsequently used by a professional journalist ST Felstead and he wanted to further use the material which was published in these articles by writing a new piece to be published in the newspaper Guides and ideas , which used condensed parts from the older articles, effectively creating a new work. It was held that the plaintiff is neither the author nor co-author because there is no copyright in an idea or in ideas.

In the qualification of an author it applies to all categories of works in respect of the nationality or domicile of the author, place of first publication , government works and vitue of international agreements.

John who is a foreigner can claim copyright in Nigeria because he is a Ghanaian student and Ghana is a member state of the Berne Convention right. This can be seen in the case of Microsoft Corp v. Franike Associates Ltd, the court did not grant it because he didn’t certificate from NCC