NAME: EDAKO ESTHER NJURE

MATRIC NO: 16/LAW01/062

INTELLECTUAL PROPERTY

Issues attained:

Whether he has a right in the work

Qualification of author

Whether ope infringed on his rights.

1. Whether or not john has a right in the work, yes he does. Most people get the ideas about copyright from reading an article before making their work and since john didn’t make use of the same technique his expression of his ideas was different. The fact that he recorded it on his phone meant it was already in a fixed form. Once your work appears in a fixed form you obtain copyright, you do not need any registration and so he can sue.

Originality – the case of Ladbrook V William hill emphasizes that originality means that the work the work should originate from the author.

Fixation – anikulapo kuti V isheli says that if even if a work is not in its permanent form it can be protected.

Protectected eligible works in Nigeria include: literary works, musical works and artistic works.

John’s work falls under literary works S51 CA

1. Qualification of author: whether his nationality is going to deny him copyright, this is in the negative because he is domicile in Nigeria. Publication becomes relevant where the work has not been subject to the nationality or domicile of the author. Section 3CA

For qualification of author he qualifies because by virtue of Section 2(1) he qualifies for being domicile in Nigeria.

The berne convention allows a foreigner to enjoy his copyright protection though in the case of Microsoft V franike, it requires a certificate that the country is a signatory.

1. Whether ope infringed on his right. Yes she did.

In conclusion he can sue because his work is fixed, original and can be protected by the Nigerian copyright law due to the principle of national treatment so his work can be protected so he can institute an action against ope.