**AKINFOLAJIMI OYINDAMOLA**

**16/LAW01/026**

**400L LAW**

**INTELLECTUAL PROPERTY**

**MRS OLUBIYI**

 **TEST**

The legal quagmire in this case is whether john has copyright in Nigeria and also whether the work passes the requirement of originality.

According to Copinger And Skone James, Copyright is one of the main branches of Intellectual Property law which gives the owner the exclusive right to authorize or prohibits certain use of his works by others.

The general rule of copyright is that a foreigner can claim copyright if his country of origin is member state of the Bernie convention 1989, of which Ghana, john’s origin state is a member of, therefore he can claim copyright. Microsoft Corp vs Frank Associates.

For a work to be protected by copyright, the following requirements are essential:

1. Originality: this means that the work should have originated from the author’s resukt of the author’s intellectual creation,independent skill, labour and judgment. University of London press vs University Tutorial press. In considering the originality of the work,whether the degree of skill, judgment, labour and resources used on the work is sufficient to confer originality is a question of fact to be decided in each case.

John’s work qualifies as an original because it was drawn from another existing work, he however did not copy the expressions of idea in the existed work because he took out time to record his own ideas gotten from the work.

Originality is in the skill and labour involved in arranging an already existing work to create a new work.

1. FIXATION: a work that has 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 , S1(2)(a).

Fixation protects expressions of ideas and not ideas itself. John’s work which is a sound recording can be protected here because he recorded his own expressions of the idea gotten from the existing work and also because a fixation must not be by the original author.

1. QUALIFYING AUTHOR: before a person can qualify for copyright protection in Nigeria, there must be some connections between the author and Nigeria and in the case of john, who is a ghanain, he can claim copyright in Nigeria because Ghana is a member state of the Bernie convention 1989. Microsoft Corp vs Frank Associates, there should be a certificate stating that the country is a signatory.

In conclusion John can claim copyright protection in Nigeria as he satisft all the requirements of copyright protection which are: originality,fixation and qualifying author.