**NAME: AKOBUNDU CHIOMA UZOMA**

**LEVEL: 400**

**MATRICULATION NUMBER: 16/LAW01/027**

**COURSE OUTLINE: LPB406**

**COURSE NAME: INTELLECTUAL PROPERTY II**

**TEST ANSWER**

The legal poser borders on copyright and under this the legal issues I will be considering are:

Whether the work satisfies the requirements of copyright

Whether he can qualify as an author of the work despite the fact that his work, was inspired from Chimamanda’s novel.

Copyright can be defined as property right which subsists in various works such as literary works, artistic works, musical works, sound recordings, films and broadcasts.

Section 51 of the copyright act defines copyright as copyright under the act which means there can be no copyright claim outside the provision of the act.

There are different types of work which are eligible for copyright on of which sound recording which the legal poser borders on is among. According to section 51 0f the act, fixation of any kind of sound would qualify and it is not limited to music or human sounds; it can be analogue, digital or any other format. This was noted by lord Templeman in the case of C.B.S songs ltd v. Armstrad consumer electronics. So in the legal poser, John recorded his novel and saved it on his phone as an audio file; the nature in which he put it makes him qualify for copy right.

For a work to have the right which copyright provides, it has to satisfy certain requirements which are: originality, fixation and qualifying author

* Originality does not mean newness, novelty or result of an invention it means the work was not copied and the work should originate from the author and a result of his intellectual creation, skill and judgement. Nevertheless, works drawn from inspiration or existing works could still qualify as far as it is not a result of copying the existing work which is the case of John in our poser. John is qualified to have copyright in his work because his novel was inspired by the purple hibiscus novel. In the case of Ladbroke Football ltd v. William hill football ltd it was held that the test is of quality. The question whether the defendant has copied a susbstantial part depends more on the quality than the quantity of what he has taken.
* Fixation says a work cannot be qualify unless it is fixed in any definite medium which can be perceived, reproduced, etc. section 1(2) (b). John’s work already qualifies because his was fixed in an audio form. The case of Yeni Anikulapo Kuti v. T.M Iseli here, the court was persuaded by evidence that Fela was in the habit of composing his music and recording them on cassettes.
* Qualifying author: there must be a connection between the author and Nigeria before the copyright can be given. The one John falls under is section 2 of the copyright act which grants copyright if the author is domiciled or a citizen of Nigeria. Here John is currently domiciled in ABUAD a university in Nigeria where he will return to after the break to stay even though he resides in Ghana. This is supported by Ifeanyi Okoye v. Prompt and quality services.

In conclusion, having applied all these and seen that John is qualified for copyright, He can further bring an action against his friend Ope for infringing on his copyright. He could seek for damages, injunction or account of profits gotten from the published work.