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MATRIC NO: 16/LAW01/057

COURSE TITLE: INTELLECTUAL PROPERTY LAW II

COURSE CODE: LPB406

LECTURE: DR OLUBIYI

 TEST.

LEGAL ISSUES:

WHETHER JOHN HAS A COPYRIGHT IN THE WORK

WHETHER THE WORK PASSES THE REQUIREMENTS OF ORIGINALITY

1. Yes john has a copyright in the work , because Ghana is a member state

By virtue of the international agreement works which on the date of first publications are made by authors who are nationals or domiciled in a member states or work is work is first published in a member state , UN, or its agencies,OAU, ECOWAS maybe protected by copyright in Nigeria section 5(1) OF THE COPYRIGHT ACT.

Where the question arises as to whether a country is a member to a treaty to which Nigeria is also a party, a certificate from NCC to that effect shall be conclusive proof of that S5(2)CA.

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1. There are three requirements for copy right protection.
2. Originality : originality does not mean newness . it means sufficient time effort and skill S1(2a) . it means the work should originate from the author . it must be the the result of the authors intellectual creation , independent skills, labour and judgment of the author. He passes this requirement
3. Fixation S1(2b) : sound recordings S.51 Fixation of any kind including recitations, reading of a book, sounds of animals, water fall, computer generated sounds andit is not limited to musical instrument. through fixation copyright can protect the expression of ideas and not the idea itself
4. Qualifying author: before a person can qualify for Nigerian copy right protection there must be some connection between the author and Nigeria. Place of first publicationS3 CA . This applies to all types of work except broadcast.

John passed the 3 requirements for copyright protection. His was work has been infringed on by ope.

In conclusion john can claim copyright infringement of his work because ope published his work.