NAME: ADULOJU IBUKUNOLUWA VICTORIA

MATRIC. NUMBER: 16/LAW01/016

COURSEVTITLE:INTELLECTUAL PROPERTY II

COURSE CODE: LPB 406

DATE: MAY 8TH 2020

This question borders on Copyright.

**Section 6 of the Copyright Act** provides that copyright in a work shall be the exclusive right to control the doing in Nigeria of certain acts in relation to the work.

The legal issues for determination are

1. Whether John has Copyright in the work
2. Whether John is qualified to publish the work in Nigeria
3. Whether Ope has infringed on his copyright

In answering the legal issues, I would answer the first question in the affirmative.

 The requirements for granting copyright under Nigerian Law are:

1. Originality: Section 1 (2) (a) of the Copyright Act provides that a literary, musical or artistic work shall not be eligible for copyright unless sufficient effort has been put expended in making the work to give it an original character. Originality does not mean newness, it means that the work originated from the author.

In the case of Ladbroke Football Ltd v. William Hill Football Ltd, the court held that originality simply connotes that the work should not be copied, but should originate from the author.

Also, Section 9 (2) of The TRIPS Agreement provides that copyright extends to expression of ideas.

1. Fixation: Section 1(2) (b) of the Copyright Act provides that a work must be fixed in a medium for it to be eligible for copyright protection.
2. Qualification: John qualifies as an author in Nigeria because he is domicile in Nigeria as provided for in Section 2 (1) of the Copyright Act. Also, since Ghana is a member state of the Berne Convention to which Nigeria is also a treaty, John qualifies as an author, by virtue of Section 5 (1) (a) of the Copyright Act and Section 41 of the Copyright Act

In answering the second legal issue, John qualifies as an author by virtue of Section 2(1) of the Copyright Act because he is domicile in Nigeria

In answering the third question, Ope infringed on John’s copyright because she infringed on his economic right by publishing the work.

In conclusion, John can sue Ope because he is eligible for copyright protection and she infringed on his right