NAME: IFEANYICHUKWU EZINNE MARYANNE

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COURSE; INTELECTUAL PROPERTY

ANSWER

The legal issue is whether john can claim copyright of his work in Nigeria and whether Ope has right over the work and whether the work within the meaning and is original.

This work is based on the qualification of author and originality of the work.

This work is not in line with the originality. the copyright reqirement must be satisfied for copyright to arise. Under section 1(2)a of the CA , a literary, musical or artistic work shall not be legible of copyright unless sufficient effort time and skill has been extened on the work but the author.

In the case scenario above, we can see that john did not put any effort in creating the liteary work. As established in the case of university of London press v. university tutorial press where Peterson james said that copyright is not concerned with the originality of idea but with the expression of idea and he established that a work must not be copied from another work but it should originate from the author. The major part of the work must not come from a major source.

Also, regarding the qualification of the author , the required connection could be in respect of the following; nationality or domicile of the author, place of first publication and government works and by virtue if intl agreement

Section 2(1) provides that if the author, or one of the authors of the work is a citizen of or domiciled in Nigeria, such work will qualify for protection in Nigeria. In the case scenario, john is domiciled in Nigeira, since he is schooling in ABUAD, and because Ghana is a member state of Ecowas, john can claim copyright over the work in Nigeria, however due to the fact that the work does not belong to him abinitio (in the beginning) he cannot sue for copyright over the work

In concusion, ope does not have right over the work.