

NAME: KARMA TSINTOP HAPPINESS  
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#### ANSWER

Copyright in layman's term simply means the right to copy. It is a branch of intellectual property which gives the owner exclusive right to authorize or prohibit certain uses of his work by others.

From the question the issues for determination are:

1. whether John has the right to sue his friend Ope for infringement.
2. Whether he is entitled to copyright protection in Nigerian as a Ghanaian
3. Whether his work encompasses the requirements

And in relation to the question we have to look at the requirements for copyright, there are 3 major requirements for copyright to subsists in a work, they include;

1. Originality
2. Fixation
3. Qualifying author

Section 1(2) provides for this requirements.

Before copyright will subsists in a literary, musical or artistic work, the Act provides that sufficient effort, skill, judgement, time, labor has been expended in making the work to give it an original character. According to Peterson J in *University of London Press v University Tutorial Press* the word original does not mean that the work must be the expression of original but the work should originate from the author. And from the question sufficient effort was expended and the Act is silent on the yardstick for determining sufficiency of the effort required. So works inspired from other existing work could still qualify.

Fixation S1(2)(b) this simply means the work a work will only be eligible if it is fixed in a medium of expression, this is because copyright does not protect ideas but only the expression of those ideas. Ideas are not protected by the law as the deemed to be in public domain. And In relation to the question John had fixed his idea in a medium by recording it on his on phone. *Yeni Anikulapo Kuti v T.M Iseli*.

Qualifying author this is also known as status of the author , this means that there must be some connection between the Author/work and Nigeria.

This could be in respect of Nationality, Domicile of the author, place of first publication of the work, Government works, or by virtue of international treaty/agreements. As seen John is a DOMICILE IN NIGERIA, and the S2(1) provides for individuals who are domiciled in Nigeria, John is a student of ABUAD, which is in Nigeria, which makes him eligible because he is present in Nigeria. And also John is from Ghana which is a member state of some treaties Nigeria also belong to. A good example is Berne Convention S5(2).

The next issue whether John has the right to sue his friend Ope. From the nature of copyright, copyright does not require registration. From the moment the work has been fixed in a medium of expression, no registration or formalities are required before copyright is granted by the law. And as stated earlier he had fulfilled the requirements.

As a legal counsel to John, I advice that he can sue his friend Ope for infringement, because his work was fixed in a medium and he had fulfilled the requirements needed and he can be protected by the Nigerian Copyright and can institute an action against Ope.