**CAESAR ELIKWU**

**16/LAW01/074**

**IP TEST**

**08/05/2020**

The legal issues pertaining this scenario lies in whether a person can be protected by copyright for an unfinished work [unexpressed idea] and whether a foreigner can claim copyright in Nigeria. also whether the work of John meets the requirements for copyright protection.

i would advise John that copyright protection only accrues to an expressed idea, his idea has not been expressed, therefore on the grounds of copyright it is premature; meaning that it is premature or considered so when one files for a copyright when his bears an unfinished work.

a foreigner also bears copyright in nigeria, according to section 3 of the copyrights act, all works first published in nigeria shall be eligible for copyright protection, this section applies to all forms of publication asides broadcasts. This can be seen in Microsoft Corp V Franike Associates Ltd. Furthermore Johns home country Ghana is a member of the Berne Convention therefore he would have been entitled to copyright protection.

As a matter of requiremnts are concerned John must satisfy the requirement of originality and fixation, having already satisfied the issue of being a foreigner if he wishes to gain copyright protection. Originality is not newness or novelty or result of an inventive thought but rather sufficient time and effort, skill, judgement and labour that has been expended on the work by the creator. Meaning that the work must have been originated from the author as seen in UNIVERSITY OF LONDON PRESS V UNIVERSITY TUTORIAL PRESS & LADBROKE FOOTBALL LTD V WILLIAM HILL FOOTBALL LTD.. A work created from scratch without a reference or inspiration is therefore considered as original; nevertheless most works are drawn from existing stock of knowledge and could still qualify.it doesnt matter if what the author created existed before, so far his creation is not a result of copying the existing work.

So far as fixation is concerned, a work shall not be protected  unless the work has been fixed in a definite medium of expression now a later to be developed from which it can be percieved  reproduced or otherwise communicated either directly or with aid of any device according to section 1(2)(B) of the copyrights act.

In conclusion John satisfies all this criterias as listed above,BUT all of these only apply to a finished work, an expression of the idea and not the idea itself, even on the matter on fixation, through fixation copyright can protect the expression of an idea and not the idea as seen in the case of YENI ANIKULAKPO KUTI & ORS V T.M. ISELI & ORS. Therefore there is nothing John can do except use the following facts or points above to discredit Ope during trial.