

Name: PETER Maureen Chinenye

Matric number 16/law01/191

Course: Intellectual property

Answer:

Copyright is the exclusive and assignable legal right, given to the originator for a fixed number of years, to print, film and or record literary, artistic, or musical material. Copyright can also be defined as a property right which confers exclusive rights to authorise or prohibit a wide range of activities relating to a qualified subject matter. Section 51 of the Copyright Act also defines copyright. According to section 1(1) of the Copyright Act the following works shall be eligible for copyright (1) Literary work (2) musical work (3) Artistic work (4) cinematography film (5) sound recording (5) Broadcast and from the scenario John's work would be classified as a sound recording.

The legal issue for determination according to the question given are;

1. Whether a foreigner can claim copyright in Nigeria or whether John can claim copyright in the work.

2. Whether the work passes the requirement for copyright.

The first legal question will be answered in the affirmative, yes he can claim copyright in the work because Ghana is a member state and as such he has right to claim copyright in the work. See the case of *Microsoft Corp v. Franke Associates Limited*.

The requirements for copyright protection should be taken into consideration in order to vividly answer this question and from the scenario given it can be deduced that John's work satisfies the requirement of originality as there was expression of ideas and therefore it should be protected under copyright. The recording can also be said to qualify as fixation and therefore it should be protected under copyright. From the scenario it can also be deduced that John has not publicized the book yet and by publication this simply means he had not made it available to the public. Note that the publication becomes relevant where the work has not been subject to the nationality or domicile of the author section 3 of the Copyright Act. In conclusion John can claim copyright because he satisfies all the requirements.