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TEST

Copyright is a proprietary right which confers exclusive rights to authorize or prohibit a wide range of activities relating to a qualified subject matter, it is a right that gives the owner exclusive rights over his or her own work, thereby allowing him to authorize or prohibit certain uses of his work by others. The requirements for copyright protection include; originality, fixation and qualification of the author

In Johns case I will be advising him under these three issues

1. Whether Johns work will qualify to be protected under copyright as he wrote his own novel based on the inspiration of Chimamandas novel, the purple hibiscus. and whether it was original

I answer this positively, understanding that the nature of copyright protects the expression of ideas and not the idea itself. So therefore it would permit copyright of different novels with a similar story line or plot. This was also emphasized under Art 9.2 TRIPS where it says that copyright protection shall extend to expressions and not to ideas, procedures, and methods of operation or mathematical concepts as such. Also this could be said to be and original work because according to section 1(2)(a) of the Copyright act, sufficient effort has to have been expended on making the work to give it an original character, that is john would have had to put in sufficient time, effort, skill and judgment, labor, which he seemingly did, so it would be safe to say that the work was original.

1. Whether Johns work qualifies as Fixed

Fixation is another requirement for copyright protection, what this means is that the work should be fixed/put in a definite medium of expression that can be communicated directly or indirectly. Fixation is what distinguishes a work which is protectable from an idea, which is not protectable.

Although being a literary work, John did not write or type, but he made a recording of the work, which is also a medium of expression, so again, it would be safe to say the the work was fixed and this is supported with the case of Yeni Anikulapo Kuti &ors v T.M Iseli& ors, where the court held that written lyrics as well as taped recordings of the deceased artist sufficiently qualified as fixation.

1. Whether John is a qualifying author

This is the third requirement. Before a person can qualify for copyright protection under Nigerian Law, there must be some connection between the author and Nigeria,

John is from Ghana, but schools in Nigeria, it is possible that he resides in Nigeria, which would be a connection having Nigeria as his domicile, and with reference to international agreements, by Virtue of the Berne convention which both Ghana and Nigeria are part of John should sufficiently be protected under Nigerian copyright laws. Therefore, he can bring an action against ope.