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The legal issues are

1) Legal issues

- Whether John can claim Copyright in the work
- Whether his Nationality will deny him his Copyright
- Whether he can institute an action for infringement against Ope

What is copyright?

Copyright is a major branch of Intellectual Property law as well as a property right that confers exclusive right on the owner and allows him to prohibit or allow his work to be used by others in certain ways. Copyright is provided for in the SECTION 51 COPYRIGHT ACT 1970.

What are the works that are eligible for copyright?

It should be noted that before a work can be granted copyright, it must be eligible. Also, one must enquire to know whether the alleged work falls within the works that are protected by copyright. **Sec 1(1)** the Act provides for the works protected under copyright namely:

- i. Musical works.
- ii. Literary works.
- iii. Artistic works.
- iv. Cinematograph films.
- v. Sound recordings.
- vi. Broadcasts.

John's work, falls under sec 51 of the CA which states that fixation of any kind would qualify, not limited to music or human sound

In this scenario, John's work is a literary work which can be protected under Nigerian Copyright law. It is a literary work as he is writing as it is expressed in writing or printing as in the case of University of London press v. University Tutorial Press.

John has a right in the work because it falls under the three requirements as stated above, as John has originality and fixation. He possesses originality because his work was not a copy of Chimamanda Adichie's work although the plot was similar, the expression of the idea was completely different, and copyright is not the protection of the work, but the protection of the expression of idea. Originality means:

1. Sufficient time, effort, skill has been expended on the work by the author.
2. The work is not copied from another work.

according to s1(2)(b) of the copy right act , the work has been fixed in any definite medium of expression now known or later to be developed, from which it can be perceived, reproduced or otherwise communicated either directly or with aid of any machine or device. Through Fixation copyright can protect the expression and not the idea itself.

**In the case of** In Yeni Akikulapo-Kuti v. T.M. Iseli the court granted a perpetual injunction under the Copyright Act of Nigeria, Cap C28, Laws of the Federation of Nigeria, 2004

2) The second legal issue is answered in the negative.

This is because he has a link in a to Nigeria(Domicile)

The criteria of the qualification of the author applies here. Before a person can qualify for copyright protection under the Nigerian Law , there must be some sort of connection between the author and Nigeria. This could be in respect of domicile or nationality of the author. According to section 2A of the copyright Acts if the author or one of the authors is a citizen of or domiciled in Nigeria.

He Qualifies for being domicile in Nigeria.

3) The third legal issue is answered in the affirmative

Ope infringed on John's right, Ope Stole John's work.

In conclusion, As a legal counsel to Mr John, I advice that he can sue because his work is fixed( original) and he can be protected by Nigerian Copyright Law due to the principle of National treatment and he can institute an action against Ope.