

NAME: AKPOVI UYOYOU-OGHENE

MATRIC NUMBER: 16/LAW01/029

COURSE CODE:

COURSE TITLE: INTELLECTUAL PROPERTY

ANSWER

The legal issue in question above is

- a). whether John has a copyright in the work
- b) Whether a foreigner can claim copyright in Nigeria.

John can choose to pursue copyright in another country by virtue of **Section 5(1) copyright Act** which states that organizations that have different countries as member state, a citizen of a member state can pursue copyright in another member state. For instance Nigeria and Ghana we are both members of Ecowas, john being a citizen of Ghana can claim copyright to his work in Ghana.

However, that is not the only thing john has to do if he wants to claim copyright over his work , he has to proof originality, fixation and qualifying author

1). ORIGINALITY

It is a literary, musical and artistic work shall not be eligible for copyright unless

- a) Sufficient effort has been expended on making the work to give it an original character
- b) The work was not copied from another work. **Ladbroke Football ltd v.**

William Hill Football

2). FIXATION

Section 1(2)b copyright Act

For a copyright to subsist in a literary musical or artistic works such must have been fixed in a 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 the aid of any machine or device.**Donoghue v. Allied Newspapers**

In conclusion , john can claim copyright because he satisfies all the requirements.