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Legal issues

Whether the work meets the rquirements of a copyright

Whether Johhn who is aforeigner can claim copyright in Nigeria

Whether Ope has right over the work

whether there is copyright infringment on the work

whether the work is eligible for copyright

There are various requirements of a copyright work which are originality,fixation and qualification of the author. Originalty is the first requirement and the Act provides that a literary, musical or artistic work shall not be ekigible for copyright unless sufficient effort has been put in the making of the work to make it original. Oiginality does not necessarily mean the work must be new. in Ladbroke Ltd v William Hill Ltd it was stated that originality means the work should mot be copied but must originate from the author. The second requirement is fixation. in S1(2)(b) the Act says that for copyright to subsist in a literary, musical or artistic work the work must have been fixed in a definite medium and the work must have been fixed in a medium of expression whic can later be developed. Fixation is basically what distinguises a work which is protectale from an idea . In the case Yeni Kuti v TM iseli, it was hekd that the written lyrics as well as the tapes containing the yet to be published songs sufficiently reduced the work into a permanent form from which it could be perceived within S1(2)(b) of the Act. The third requirement applies to all categories of work. To qualify for copyright protection under Nigerian law there must be some connection between the work and Nigeria.

In Law before a person can qualify as an author for copyright protection in Nigeria ther must be a connection between the author and Nigeria which could be nationality or domicile of the author or place of publication . John is a foreigner which means he can sue for copyright infingement because Ghna one of the countries under the copyright protected countries under the Berne convention and is under a treaty with Nigeria. in Section 2(1) (a) if the author of one of the euthors of one of the work is a citixen ordomicile in Nigeria such work will quqlify for copyright protection in Nigeria. John is domicile in Nigeria as he is a student in Abuad and this does not prevent him from getting justice because Ghana is a member of ECOWAS. Section 3 of the Act says that publication becomes relevant where the work has not been subject to the nationality or domicile of the author.

In order for a work to be eligible for copyright protection the work must fall within the scope of subject matter specified under S 1(1) of the Act. there are six categories of works which are literary,musical, artistic, cinematograph, sound recording and broadcast. Under S1(2)(a) of the act a literary, musical or artistic work shall not be eligible for copyright unless the sufficiecnt effort, time or skill, judment, labour has been expended in the work by the author. In the case University of London Press v University of Tutorial Press where Peterson J held that copyright Act is not concerned with originality of ideas but with the expresion of thoughts. It was established in this case that a work must not be copied form another work but must originate from the author.

In Conclusion I will advice John to sue Ope for infringement of copyright. John can claim for copyright because he satisfies all the requirements.