



REPUBLIC OF GHANA
WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 7/12/23 20 23 SUIT NO GA/1022/2023

**IN THE HIGH COURT OF JUSTICE
ACCRA/GREATER ACCRA REGION**

MANTSE ARYEEQUAYE
32, Sakatsuru Street
Accra

PLAINTIFF

VRS

Michael Elliot Kwabena Okyere Darko (AKA OBRAFOUR)
GH POST GPS CODE GA-445-2366
ACCRA

1st DEFENDANT

Edward Nana Poku Osei (HAMMER)
GH POST GPS CODE GA-581-6613
ACCRA

2nd DEFENDANT

PLAINTIFF WILL DIRECT SERVICE

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff **MANTSE ARYEEQUAYE**

YOU ARE HEREBY COMMANDED that within **EIGHT DAYS** after service of this Writ on you inclusive of the day of service you. Do cause an appearance to be entered for you **MICHAEL ELLIOT KWABENA OKYERE DARKO (Aka Obrafour), EDWARD NANA POKU OSEI (Hammer)**

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you. **MICHAEL ELLIOT KWABENA OKYERE DARKO (Aka Obrafour), EDWARD NANA POKU OSEI (Hammer)**

Dated this

7th

day of

July

2023.

G. SAGGET IUNUNNUO (M.A., J.S.C.)

CHIEF JUSTICE OF GHANA

**State the name, place of residence or business address of plaintiff if known (NOT P.O. BOX)*

**State the name, place of residence or business address of defendant if known (NOT P.O. BOX)*

NB: This Writ is to be served within twelve calendar months from the date of issue unless; it is renewed within six calendar months from the date of that renewal.

The Defendant may appear hereto by filing a notice of appearance either personally or by a lawyer with Form 5 at the Registry of the Court of issue of the Writ Court,

A defendant appearing may, if he desires, give notice of appearance by post. THE REGISTRAR, HIGH COURT, ACCRA



SEALED 7/12/23

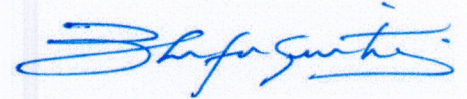
HIGH COURT ACCRA

FORM 1

STATEMENT OF CLAIM

The Plaintiff claims against the Defendants as follows:

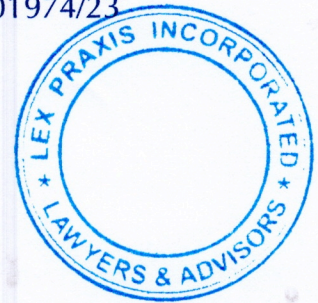
- a. A declaration that the spoken word artistic work titled "**Killer Cut**" is a distinct work of art belonging to the Plaintiff, which 2nd Defendant used with permission on 1st Defendant's song "**Oye Ohene**".
- b. A declaration that both the Moral and Economic Rights over the work belongs to the Plaintiff herein, and was not transferred to 1st Defendant or anyone, simply by their permitted use.
- c. An order directed at 2nd Defendant to relinquish all works by Plaintiff to him, and submit a record of all Plaintiff's works including what 2nd Defendant has used on other works.
- d. An Injunction restraining 1st and 2nd Defendants or anyone else from demanding or receiving any payment for the work '**Killer cut**'.
- e. General Damages against 1st Defendant for misappropriating Plaintiff's work and actively seeking to profit from it whilst evading all calls and efforts to rectify his duplicitous conduct.
- f. Costs including full indemnity for legal costs which could have been avoided.
- g. Any other orders as the Honourable Court may deem fit.



Kofi Bentil esq
Lic. No. eGar.
01974/23

This Writ was issued by **LEX PRAXIS INCORPORATED.**
Whose address for service is
LEX PRAXIS INCORPORATED
No. 89, Koowulu Street, Zoti Laterbiokoshie.

Agent for **PLAINTIFF**
Lawyer for the Plaintiff "**LEX PRAXIS INCORPORATED**"



Indorsement to be within 3 days after service

This Writ was served by me at _____
--

On the Defendant _____

On the _____ day of _____
Indorsed the _____ day of _____

Signed _____

Address _____

IN THE HIGH COURT OF JUSTICE
ACCRA/GREATER ACCRA REGION

Filed on 11/13/23
at 11:50
HIGH COURT
ACCRA

MANTSE ARYEEQUAYE 32, Sakatsuru Street Accra	PLAINTIFF
VRS	
Michael Elliot Kwabena Okyere Darko (AKA OBRAFOUR) GH POST GPS CODE GA-445-2366 ACCRA	1 st DEFENDANT
Edward Nana Poku Osei (HAMMER) GH POST GPS CODE GA-581-6613 ACCRA	2 nd DEFENDANT

PLAINTIFF WILL DIRECT SERVICE

STATEMENT OF CLAIM

1. The Plaintiff is an Artiste and creative professional, founder of **CHALEWOTE** Street Festival, whose works have been used by various artistes locally and internationally, and whose **CHALEWOTE** street Festival is an internationally acclaimed festival held in Accra.
2. 1st Defendant is an Artiste on whose song '**Oye Ohene**', 2nd Defendant used Plaintiff's work as an enhancer to improve the song.
3. 2nd Defendant is a music producer and Sound Engineer at Hush Hush Studios in Accra who produced the song "**Oye Ohene**" for 1st Defendant on which he placed Plaintiff's work as an enhancer for the song.
4. Plaintiff says he has created several works recorded by and 2nd Defendant over the years, some of which have been used on other people's works such as 1st defendant's song '**Oye Ohene**'.
5. Plaintiff says his works remain in the custody of 2nd defendant who has not yielded them up to plaintiff despite several requests to do so.
6. Plaintiff says his artistic work, in the form of a spoken word titled "**Killer Cut**", was used on the song '**Oye Ohene**' by 1st defendant with permission, but without transfer of any rights, nor permission to 1st defendant to register the work as his own, or receive any payments from its subsequent use by anyone in any form.
7. Plaintiff further states that "**Killer Cut**" which was used by the 1st Defendant in his song, is separate and distinct from the song recorded by Defendants. It was recorded separately and subsequently infused into 1st Defendant's song by the 2nd Defendant, mainly to enhance/improve the song.
8. Plaintiff says 1st Defendant received notification from some handlers of Drake, (a foreign musician), requesting the use of Plaintiffs work which they wrongly attributed to 1st Defendant, because they heard it on his song '**Oye Ohene**'. 1st defendant did not inform Drake's handlers that he 1st defendant was not the owner of the work, but who used it on his song, (just as Drake is seeking to use it). 1st Defendant did not inform Plaintiff, the actual owner of the work, knowing very well that the part of the song being sought by Drake is wholly the intellectual property of the Plaintiff.

9. Plaintiff says he got to know of the request from Drake and therefore contacted 1st and 2nd Defendants and they all agreed to meet and figure out how to go about Drake's request. Plaintiff was of the view that despite his outright ownership of the work, it was fair to figure out how all three of them could approach the issue and share the proceeds of his work.
10. Plaintiff says despite his consistent efforts and messages and urging to meet, 1st and 2nd defendants always came up with excuses and therefore for about a year the meeting never materialized.
11. Plaintiff says as 1st and 2nd defendants stalled and avoided the meeting of all three of them to figure out what to do, 1st Defendant surreptitiously engaged lawyers in the USA and proceeded to register Plaintiff's work as his own creation, cutting out plaintiff, robbing him of his intellectual property and seeking to receive payment for plaintiff's work exclusively. This was a calculated malicious act with clear nefarious intent.
12. Plaintiff says that this singular act of the 1st Defendant is fraudulent, and was made with an intent to pass off Plaintiff's work as his own, divert and misappropriate royalties that is due the Plaintiff, to himself.

PARTICULARS OF FRAUD

- a. 1st Defendant, knowing very well that Plaintiff holds intellectual property rights to the artistic work, "**killer Cut**" which was used on his song "**Oye Ohene**", surreptitiously registered the song on the 6th of September, 2022 in the United States Copyright Office, as wholly being his intellectual property work, thereby misappropriating Plaintiff's work.
 - b. 1st Defendant knew also that Drake wanted ONLY the part of the song owned by Plaintiff and no other part, and indeed ultimately Drake lifted that portion only leaving all parts out, which made it clear to 1st defendant that it is only the part belonging to plaintiff which was used and therefore any demand or proceed over that use must accrue to plaintiff because it is the intellectual property of Plaintiff.
 - c. 1st defendant knowing the property was not his, proceeded not only to register it as his sole property, but further proceeded to misrepresent himself as the creator of the work and demanded payment for its use by Drake in a lawsuit he caused to be filed on his behalf.
 - d. 1st defendant deliberately refused and/or failed to mention the truthful fact of plaintiff's ownership, and for a year, actively evaded plaintiff and did everything to exclude plaintiff from any claims regarding the use of the work.
 - e. The acts of the 1st Defendant were calculated to deprive Plaintiff of all proceeds from the use his intellectual property by Drake in his song. At the time of filing this suit, 1st Defendant is actively pursuing payment for the work of Plaintiff from Drake to the exclusion of plaintiff.
13. Plaintiff says upon getting to know 1st defendant's malicious action, he reached out again to 1st and 2nd Defendant to find out if there was a good reason why they were acting in such devious ways, to which they had no response, but rather suggested that Plaintiff should back down and allow 1st defendant to receive payment for the work, after which they would agree on how to resolve the issues. Plaintiff suspecting foul play, again asked for a meeting to resolve it immediately before any payments were made, defendants agreed but again never attended the meeting, in the process plaintiff got to know 1st

Defendant had travelled to pursue payment for the work without informing plaintiff. It became crystal clear to plaintiff that they had every intention to deprive him of his intellectual property and proceeds therefrom.

14. Plaintiff says he is advised that after a year of evading the proper process and proceeding further to register the work etc, if he allowed defendants to go on, he would be negligent and could be found to have acquiesced in defendants appropriation of his intellectual property, thus weakening any future demand for what was rightfully his. Defendants acted maliciously in clear, deliberate and serious ways, which if he allowed to pass would result in a total loss of his intellectual property in a work, he solely conceived and created. Plaintiff therefore had to take action which he did to register the work in his name in Ghana and take action to protect his intellectual property.
15. Plaintiff therefore took steps to have the intellectual property in "Killer Cut" registered in his name, and now proceeds to ensure no one can deprive him of any benefits flowing from his work. Hence this extant lawsuit to protect his rights and property.
16. Plaintiff says that 2nd defendant, who is in custody of many of plaintiff's works and who used it with permission on 1st Defendant's song, is still in custody of several of Plaintiff's works recorded over the years, which he has refused to hand over to plaintiff.
17. Plaintiff avers that the 2nd defendant has clearly evinced from his conduct that he cannot be trusted to protect plaintiff's works, nor is he willing to assist plaintiff to assert his rights over his works when his intellectual property is stolen or at risk of being infringed upon. Indeed, he has shown by joining 1st defendant's effort to deprive plaintiff of his intellectual property that he cannot be trusted to keep plaintiff's works safely without compromising them hence his request to retrieve all his works from 2nd defendant which request has been refused.
18. Plaintiff says apart from having his intellectual property registered in his name, he has issued a public notice to the attention of everyone including Drake of his ownership of the intellectual property in question. Be that as it may, defendants continue to pursue payment for his property, which is why Plaintiff further requires this Honourable Court to make a declaration regarding plaintiff's ownership, to further confirm the fact of plaintiff's exclusive ownership of "Killer Cut".
19. Plaintiff states that unless otherwise compelled by this Honourable Court, the 1st Defendant would continue to dishonestly appropriate to himself, the Intellectual Property of the Plaintiff and take royalties flowing from same. Plaintiff further that unless this court compels him to, 2nd Defendant will not yield up the works of plaintiff retained by him.

WHEREFORE, the Plaintiff claims against the 1st and 2nd Defendants as follows:

- a. A declaration that the spoken word artistic work titled "**Killer Cut**" is a distinct work of art belonging to the Plaintiff, which 2nd Defendant used with permission on 1st Defendant's song "**Oye Ohene**".
- b. A declaration that both the Moral and Economic Rights over the work belongs to the Plaintiff herein, and was not transferred to 1st Defendant or anyone, simply by their permitted use.
- c. An order directed at 2nd Defendant to relinquish all works by Plaintiff to him, and submit a record of all Plaintiff's works including what 2nd Defendant has used on other works.

- d. An Injunction restraining 1st and 2nd Defendants or anyone else from demanding or receiving any payment for the work 'Killer cut'.
- e. General Damages against 1st Defendant for misappropriating Plaintiff's work and actively seeking to profit from it whilst evading all calls and efforts to rectify his duplicitous conduct.
- f. Costs including full indemnity for legal costs which could have been avoided.
- g. Any other orders as the Honourable Court may deem fit.

DATED AT LEX PRAXIS INCORPORATED THIS 8th DAY OF June, 2023.

THE REGISTRAR,
HIGH COURT,
ACCRA


LAWYER FOR THE PLAINTIFF


AND COPY FOR SERVICE ON THE DEFENDANT