



REGISTER  
HIGH COURT  
ACCRA

**WRIT OF SUMMONS**

(Order 2 rule 3(1))

WRIT ISSUED FROM.....

ACCRA 15/04/2025

SUIT No.....

GT/0686/2025

**IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION DIVISION – ACCRA A.D 2025**

**ALABASTER BOX**

BETWEEN F353/1, Karl Quist Street  
Osu Kuku Hill, Accra

.....

Plaintiff \*

AND

**SAMUEL ADU FRIMPONG (AKA “MEDIKAL”)**

To

Accra

Defendant\*

(Plaintiff shall direct service)

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff. **ALABASTER BOX**

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.

**SAMUEL ADU FRIMPONG (AKA “MEDIKAL”)**

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this 15<sup>th</sup> day of

April,

20....

Chief Justice of Ghana

G. SACKY TORKORNOO (MRS.)

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 at Form 5 at the Registry of the Court of issue of the writ at ..... A defendant appearing personally may, if he desire give notice of appearance by post.

\*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

\*\*State name, place of residence or business address of defendant (not P.O. Box number).

FORM 1

## **STATEMENT OF CLAIM**

The Plaintiff's claim is for:

- a. A declaration that Defendant's new song titled "Welcome to Africa" in the extent to the first ten (10) seconds is a derivative work of Plaintiff's copyright song "Akwaaba."
- b. A declaration that Defendant using Plaintiff's copyright work in the composition, production, promotion, distribution, and performance of his new song "Welcome to Africa" without Plaintiff's consent, permission, and or authorization constitutes an infringement of Plaintiff's copyright in the song "Akwaaba."
- c. A declaration that the continuous promotion by Defendant of the version of his song which contained Plaintiff's copyright work on Apple Music, Boomplay, Spotify, Audiomack and air playing on radio stations following the receipt of Plaintiff's demand letter constitutes a continuing infringement of Plaintiff's copyright in the song "Akwaaba".
- d. An order of perpetual injunction prohibiting Defendant from the continuous composition, production, promotion, distribution, and performance of the infringing song and any derivative work of same.
- e. An order directed at Defendant to terminate any subsisting agreement for the production, promotion, distribution, marketing, sale, and performance of the infringing song and the submission of copies of the related contracts and the termination notifications to Plaintiff.
- f. An order directed at Defendant to account for all revenues from the composition, production, promotion, distribution, performance, and sale and marketing of the infringing song on all traditional and digital platforms including YouTube, Audiomack, Spotify, Apple Music and Boomplay and for an order for all such revenues to be paid out to Plaintiff.
- g. An order directed at Defendant to withdraw, destroy and/or delete the infringing song from circulation in traditional and digital media including YouTube, Audiomack, Spotify, Apple Music, and Boomplay.
- h. An award of general damages for Defendant's infringing conduct in the sum of Ten Million Ghana Cedis (GHS10,000,000.00).
- i. An award of exemplary damages in the sum of Five Million Ghana Cedis (GHS5,000,000.00) for Defendant's intentional infringement of the Plaintiff's copyright, brand association with vulgarity and for diminishing the good mileage of the copyright work.
- j. Costs, including legal fees.
- k. Any other order(s) this Honourable Court deems fit.

**RICHARD NUNEKPEKU**  
SUSTINERI ATTORNEYS PRUC  
2ND FLOOR, YELLOW BUILDING  
PASSION HILL STREET  
OGBOJO - ACCRA



Address Number and date of lawyer's current licence. Lic. No: eGAR 00169/25

Lawyer for the plaintiff RICHARD NUNEKPEKU who resides at SUSTINERI ATTORNEYS  
PRUC, 2<sup>ND</sup> FLOOR, YELLOW BUILDING, PASSION HILL STREET, OGBOJO - ACCRA

**Indorsement to be made within 3 days after service**

This writ was served by me at  
on the defendant  
on the

endorsed the \_\_\_\_\_ day of \_\_\_\_\_

Signed.....  
Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2)



IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION  
ACCRA- A.D 2025

SUIT NO:

BETWEEN

**ALABASTER BOX**  
F353/1, Karl Quist Street  
Osu Kuku Hill,  
Accra

] **PLAINTIFF**

AND

**SAMUEL ADU FRIMPONG (aka "Medikal")**  
Accra

] **DEFENDANT**

*(Plaintiff will direct service)*

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**STATEMENT OF CLAIM**

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1. Plaintiff is an all-male gospel a-cappella music quartet and the copyright owner of the hit song "Akwaaba," which literally means "Welcome" in English.
2. Defendant is a popular Ghanaian artiste with a significant local and global fanbase and followers of his craft.
3. Plaintiff avers that among its collection of copyrighted musical works, it composed a song titled "Akwaaba" some two decades ago and had made significant investments into its promotion and performing at local and international events and platforms.
4. Plaintiff repeats paragraph 3 above and says further that it has gained global recognition for the unique composition of the "Akwaaba" song through public performances and commercial activities, including the sale of it as an exclusive copyright owner.
5. Plaintiff avers that it has built a strong brand identity and equity for three decades as a gospel group through invitations and performances at local and international churches, schools and Christian events including the performance at the invitation

of the late Queen Elizabeth at the 2003 Commonwealth Interfaith Observance Ceremony at Westminster Abbey in London.

6. Plaintiff repeats paragraph 5 above and says further that, for international invitations and performances, the lyrics of its songs including "Akwaaba" are always audited and pre-approved for performance by engaging third-parties.
7. Plaintiff avers that to protect its copyright in the song conclusively and notify the public of its lawful ownership, it has registered as copyright owner of the "Akwaaba" song in Ghana and the United Kingdom.
8. Plaintiff avers that, as a group of four and all still alive, their joint ownership of the copyright in the "Akwaaba" song is subsisting and enforceable against any infringing person, entity, or conduct.
9. Plaintiff avers that its copyright ownership of the "Akwaaba" song entitles it in law, among others, to the exclusive economic right to reproduce the music in any manner or form; the translate, adapt, arrange, or undertake any transformative work of the song; undertake public performance, broadcast or communicate the song to the public; distribute the song or copies of it among others.
10. Plaintiff repeats paragraph 9 above and says further that it also has "derivative rights" to the song "Akwaaba," including the right to songs or any work resulting from adaptation, translation, or other transformation of "Akwaaba".
11. Plaintiff repeats paragraphs 9 and 10 above and says further that, despite its exclusive economic rights, it also has the right to transfer same in whole or in part to others by way of assignment or license either orally, in writing, or inferred from conduct.
12. Plaintiff repeats paragraph 11 above and says further that with joint copyright ownership in the song "Akwaaba," any assignment or license of same is subject to the joint authorization of all group members.
13. Plaintiff avers that notwithstanding the notoriety of its copyright ownership of the song "Akwaaba" and its lawful exclusive rights, Defendant, sometime in April 2025, wrote, composed, produced, and commercially commenced the promotion, distribution, marketing, sale, and performance of his new song titled **"Welcome to Africa,"** which song has in great detail sampled, adapted and transformed Plaintiff's copyright song "Akwaaba" without authorization, consent, license, assignment or any permission.

14. Plaintiff contends that Defendant's song "Welcome to Africa" contained expressive profanity, vulgarity and unprintable words and on no terms a gospel song.
15. Plaintiff avers that at the beginning and in the first ten (10) seconds of Defendant's infringing song, the Defendant produced a derivative work of Plaintiff's copyright song "Akwaaba" in exactitude and similarity, infringing Plaintiff's copyright under the law.
16. Plaintiff contends that although ideas are not copyright protectible, original expressive works flowing from ideas and subject matters of copyright are protected under law.
17. Plaintiff repeats paragraph 16 above and says further that Defendant demonstrated strong knowledge and familiarity with Plaintiff's copyright song "Akwaaba" as his concept, ideas, and eventual output (the infringing song) reflected the same idea of "Welcome" but used in an indecent, offensive, and lewd manner desecrating Plaintiff's brand equity associated with its copyright song "Akwaaba".
18. Plaintiff repeats paragraph 17 above and says further that the intentional infringing conduct of Defendant of Plaintiff's copyright work cannot be excused as his choice of title, "**Welcome to Africa**", verses, and composition were deliberately executed to infringe Plaintiff's copyright.
19. Plaintiff avers that in a deliberate and concerted attempt to monetize and unjustly exploit Plaintiff's copyright song, Defendant has and continue to undertake aggressive promotion, marketing, distribution, and performance of the infringing derivative song via traditional and digital media platforms to maximize his intended economic benefits.
20. Plaintiff repeats paragraph 19 above and states further that Defendant uploaded the infringing song to his verified YouTube Channel, "**Medikal**," with over Two Hundred and Ninety-Three Thousand (293,000) subscribers and attracted more than eight thousand eight hundred (8,800) likes, over one thousand (1,000) comments, and more than ninety-five thousand (95,000) views and growing.
21. Plaintiff avers that Defendant on his YouTube Channel encouraged subscribers and viewers to stream the infringing song on all digital stores, including Audiomack, Spotify, Apple Music, and Boomplay, providing related direct links to these sites.

22. Plaintiff repeats paragraph 21 above and states further that Defendant is fully aware of the law and the consequences relating to copyright ownership and infringements in creative expressions and sought to assert his impugned copyright in the infringing song by boldly indicating "**all rights reserved**" with the copyright symbol © on the uploaded infringing song on his YouTube channel.
23. Plaintiff avers that Defendant's infringing song is enjoying massive local and global engagements and airplay on radio and other streaming platforms, increasing the potential for his intended monetization and unjust maximum economic benefits.
24. Plaintiff avers that in the exercise of its lawful right against infringement of its copyright, it caused its lawyers to write to Defendant making demands, among others, for the withdrawal from circulation, promotion, distribution, and marketing of the infringing song, which demands the Defendant has ignored and refused to honor in full.
25. Plaintiff avers that Defendant following the receipt of Plaintiff's demands, and in admission of his infringing conduct, edited the infringing song on his YouTube Channel to remove portions relating to Plaintiff's copyrighted work.
26. Plaintiff repeats paragraph 25 above and says further that Defendant nonetheless maintained and continued to promote the version of the song with Plaintiff's infringing copyright work on other digital platforms such as Apple Music, Spotify, Audiomack, Boomplay and for airplay on radio stations despite Plaintiff's demands.
27. Plaintiff avers that, as of the date of filing of this instant action, Defendant is still engaged in a continuing infringement of its copyright in the song "Akwaaba" by promoting his commercial efforts of said infringing song despite the demand and notice to cease all such efforts.
28. Plaintiff repeats paragraphs 25, 26 and 27 above and says further that Defendant's conduct before and after the release of the infringing song is not only an infringement of Plaintiff's copyright protection guaranteed at law but also unjust economic exploitation of its creative expression without consent, authorization, or permission, intended to deliberately deny Plaintiff due commercial rewards and benefits from its copyright work.
29. Plaintiff repeats paragraph 28 above and says further that, Defendant driven by prurient interests and love for obscenity, used indecorous expressions to produce the derivative infringing work in a morally repugnant manner, diminishing the



brand image of Plaintiff and the good mileage of the "Akwaaba" song - a conduct capable of exemplary compensation.

30. Plaintiff avers that unless compelled by an order of this Honourable Court, Defendant will not compensate Plaintiff for his infringing conduct, continue to infringe on Plaintiff's copyright in the song "Akwaaba" and assert unlawful claim to the derivative work of same.

31. **WHEREFORE** Plaintiff claims against Defendant as follows:

- a. A declaration that Defendant's new song titled "Welcome to Africa" in the extent to the first ten (10) seconds is a derivative work of Plaintiff's copyright song "Akwaaba."
- b. A declaration that Defendant using Plaintiff's copyright work in the composition, production, promotion, distribution, and performance of his new song "Welcome to Africa" without Plaintiff's consent, permission, and or authorization constitutes an infringement of Plaintiff's copyright in the song "Akwaaba."
- c. A declaration that the continuous promotion by Defendant of the version of his song which contained Plaintiff's copyright work on Apple Music, Boomplay, Spotify, Audiomack and air playing on radio stations following the receipt of Plaintiff's demand letter constitutes a continuing infringement of Plaintiff's copyright in the song "Akwaaba".
- d. An order of perpetual injunction prohibiting Defendant from the continuous composition, production, promotion, distribution, and performance of the infringing song and any derivative work of same.
- e. An order directed at Defendant to terminate any subsisting agreement for the production, promotion, distribution, marketing, sale, and performance of the infringing song and the submission of copies of the related contracts and the termination notifications to Plaintiff.
- f. An order directed at Defendant to account for all revenues from the composition, production, promotion, distribution, performance, and sale and marketing of the infringing song on all traditional and digital platforms including YouTube, Audiomack, Spotify, Apple Music and Boomplay and for an order for all such revenues to be paid out to Plaintiff.



- g. An order directed at Defendant to withdraw, destroy and/or delete the infringing song from circulation in traditional and digital media including YouTube, Audiomack, Spotify, Apple Music, and Boomplay.
- h. An award of general damages for Defendant's infringing conduct in the sum of Ten Million Ghana Cedis (GHS10,000,000.00).
- i. An award of exemplary damages in the sum of Five Million Ghana Cedis (GHS5,000,000.00) for Defendant's intentional infringement of the Plaintiff's copyright, brand association with vulgarity and for diminishing the good mileage of the copyright work.
- j. Costs, including legal fees.
- k. Any other order(s) this Honourable Court deems fit.

**DATED AT SUSTINERI ATTORNEYS PRUC, 2<sup>ND</sup> FLOOR, YELLOW BUILDING,  
PASSION HILL STREET, OGBOJO, ACCRA, THIS 14TH DAY OF APRIL 2025.**



**RICHARD NUNEKPEKU  
LAWYER FOR PLAINTIFF  
LICENCE NO.: eGAR00169/25**

**THE REGISTRAR  
HIGH COURT  
GENERAL JURISDICTION  
ACCRA**

**AND FOR SERVICE ON THE DEFENDANT AT THE DIRECTION OF THE  
PLAINTIFF.**