INTELLECTUAL PROPERTY AND ELEARNING AT SAUDI UNIVERSITIES: PROBLEMS AND SOLUTIONS

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Abstract: This study investigates the availability and awareness of intellectual property rights of electronic material and resources at Saudi universities and reports students and instructors' views of the infringements of intellectual property, reasons for infringements, and misconceptions of proper use.

I.   INTRODUCTION

Intellectual property[1] (IP) refers to inventions, artistic and literary works, images, names, symbols, designs, musical compositions, paintings, sculpture, computer programs, films, phonograms, and others. Several acts have been passed in several countries to protect the intellectual property rights (IPR) of authors, designers and developers such as the Digital Millennium Copyright Act (DMCA) issued in 1998, the Technology, Education, and Copyright Harmonization Act (TEACH Act) issued in 2002 and those issued by organizations such as the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), the Internet Organization and others. Like other countries, Saudi Arabia considers IP an important issue. Therefore, it has joined WAIPO in 1982, the Bern, UNESCO, WTO and the Arab League Educational, Scientific and Cultural Organization (ALESCO) IP Treaties. In January, 2011, the Saudi Ministry of Information and Culture issued Electronic Publishing Rules and Regulations[2]. There are also several governmental agencies, bodies and organizations in charge of IP.

Due to latest developments in information and communication technology, the Internet has contributed to the tremendous flow of electronic material, digital media, open source journals, electronic databases and others and has made them available to the public. Some instructors and students copy, reuse and/or reproduce material, software, research articles, ebooks, video clips, podcasts and images in Online Course Management Systems, online discussion forums, blogs, web-conferencing and social networks, sometimes without documentation, without permission from the owner and sometimes without crediting the work to its owner. The range of new technologies and electronic materials and resources used raise several IP concerns by copyright holders, content creators, content users, and policymakers about how IP should operate in the digital age, copying and distribution challenges, copyright law enforcement and how to stop unlawful transactions on the Internet[3].

A review of the literature has shown that IP policies at academic institutions have been investigated by several researchers. For example, Lape (1992) surveyed copyright policies in 70 research universities and found that 84% of them had written copyright policies and guidelines.

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[1] http://www.wipo.int/about-ip/en/
[2] http://www.alriyadh.com/net/article/590848
[3] http://www.internetsociety.org/intellectual-property?gclid=COH80eD5vrICFUJd3godRCUAoA

However, in 60% of the policies, universities claimed ownership of faculty's works when they used university resources. Ten years later, Packard (2001) found that 98.5% of the universities had written copyright policies for protecting faculty's works, for enforcing those policies, for ensuring ownership and control of their works. Based on Lape (1992) and Packard's (2001) policy analysis framework, Kromrey (2005) analyzed IP policies of 42 public and private Carnegie Doctoral Research and found that all of the 42 universities had published their IP rights policy in their websites and most of them were writing IPR policies to delineate the rights of faculty to their works. However, results of a survey of more than 180 faculty and administrators representing 60 colleges and universities in the United States revealed that policies vary widely by institution type and across higher education as a whole (DiRamio and Kops (2004).

By contrast, a study by DiRamio and Kops (2004) indicated that university policies regarding copyright and academic IP of digital material and online courses lag behind. IP policy issues regarding the ownership and control of online courses and how the new TEACH Act affects the concept of fair use of copyrighted materials remain unclear in many universities. Loggie, Barron, Gulitz, Hohlfeld, Kromrey and Sweeney (2007) examined the IP policies of a stratified random sample of public and private Carnegie Doctoral Research-Extensive Universities. Their results showed the need for explicit policies to support online course development and delivery. Starkey, Corbett, Bondy and Davidson (2010) added that technology teachers need to have pedagogical content knowledge of IP if they are to incorporate it into their classrooms to enable students to consider how to respect others' IPR's, how to protect their own ideas and how they can legally make use of others' IP.

Other studies in the literature investigated how IPR's are distributed between faculty and institutions. For example, Kelley, Bonner, McMichael and Pomea (2002) surveyed two and four-year colleges to determine whether separate IP policies were used to clarify copyright ownership for online course content; whether contracts between faculty and institutions were used; and which policies were considered ideal for identifying best practices in protecting IPR. Although 93% of these policies indicated that professors should have control of their scholarly works; 71% listed exemptions to this policy. 95% claimed some faculty's works, especially if the works required substantial use of university resources (Kromrey, 2005). When the university did claim rights to the IP of a faculty member, 95% of the universities share a percentage of the royalties with them. Kromrey (2005) also revealed that although half of the universities gave control of the curriculum, tests and notes to the faculty, only 31% of these universities included materials posted on the Internet and 36% claimed ownership of the course content and distance learning materials. 76% of the institutions claimed IPR for materials that the faculty were requested to produce or were specifically commissioned to produce.

As for faculty and students' awareness of their university's IPR policies, Starkey, Corbett, Bondy and Davidson (2010) surveyed a sample of technology teachers and students to explore their knowledge of IPR and any misconceptions that might exist. Results showed an awareness of relevant IPR concepts on the part of the teachers and students, but they confused the concepts of patent, copyright and registered design.

In Saudi Arabia, universities are currently pushing their instructors to create new online course content. Yet, with the tremendous flow of information on the Internet, protecting new digital forms has become a necessity as violating their copyright has become easy. Some pirates are capable of copying, distributing misusing and illegally using software and video clips or publishing immoral content. The Saudi Legal Training Center indicated that the Kingdom loses about 10 billion Saudi Riyals annually, due to the absence of IP laws and policies. In 2008, there was a rise in IP reclaim lawsuits. 356 copyright claim cases were reported to the General Directorate of Copyright. Those included 95 literary work claims, 220 art work claims, and 41 computer claims[4]. Only recently (February 28, 2012), has the Kingdom penalized a purloiner[5].

Although the Saudi Ministry of Information has issued Electronic Publishing Regulations in January 2011, we do not know whether those are being observed by faculty and students in the elearning environment at Saudi universities, whether university faculty and students have heard of those regulations and whether they abide by them. For those reasons, the present study aims to answer the following questions: (i) How familiar are faculty and students at Saudi universities with IP laws of

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[4] http://arabic.arabianbusiness.com/society/culture-society/2010/jan/6/34383/
[5] http://www.alarabiya.net/articles/2012/02/28/197553.html

electronic resources? (ii) Are they aware of the Electronic Publishing Regulations in the Kingdom? (iii) Do they abide by those rules and regulations? Why? (iv) What misconceptions do they have about the legal and illegal uses of electronic resources? (v) What are the barriers to the enforcement of IPR protection laws related to electronic material as perceived by faculty (vi) Do Saudi universities have policies for protecting the IPR of their faculty? (vii) Are college faculty and students aware of those policies? (viii) How do faculty who have experience IPR infringements perceive the illegal use of their electronic products? (ix) How can electronic material copyright infringements in Saudi Arabia be reduced from the viewpoint of faculty and students?

The study will report some issues related to the protection of the IPR of electronic material at Saudi universities, especially those related to the copying, reusing, reproduction and re-publishing of software, video clips and online digital images, development of online courses, ownership of digital materials, privacy policies, piracy, misuse and immoral content. The study will shed light on IP issues related to electronic resources, electronic publishing, and inadequate IPR protection laws and give recommendations to stakeholders at Saudi universities regarding IPR policy-making and encouragement of electronic publishing and production of digital media. The study will fill a gap in the area of IPR of electronic material and media studies, as a literature review has shown lack of studies conducted in Saudi Arabia about IPR rights related to electronic publishing and electronic educational resources and whether faculty and students at Saudi universities are aware of them.

II.   SUBJECTS

Subjects of the present study were selected from King Saud University (KSU), the largest and oldest Saudi university, as the Saudi higher education system is centralized, with unified rules and regulations set for all higher education institutions by the Saudi Ministry of Higher Education. The subjects consisted of the following: (i) 267 students (36 graduate and 231 undergraduate students) from the Colleges of Languages and Translation, Arts, Education, Business, Medicine, Engineering and Computer Science at KSU. (ii) 93 faculty members (T.A.'s, lecturers with an M.A. degree, and instructors with a Ph.D. degree) from the Colleges of Languages and Translation, Arts, Education and Business at KSU. (iii) 35 undergraduate students who have copied and pasted articles, stories and other material from the Internet and posted them in the online courses that the author taught; and others who have copied and pasted articles, research papers and material from her website to their blogs and forums without asking her for permission and without documentation. (iv) A sample of 5 administrators from the Deanships of eLearning and eTransactions, Main Library, Vice-presidency for Graduate Studies and Scientific Research at KSU, in addition to a former Ministry of Information Deputy Minister was selected to find out whether any written IPR policies related to electronic resources and electronic publishing exist. (v) Rules and Regulations of the Deanships of eLearning and eTransaction, Main Library and Vice-presidency for Graduate Studies and Scientific Research, faculty promotion and university publishing house were also analyzed.

III.   INSTRUMENTS

Data were collected using questionnaire-surveys and interviews. The subjects were asked the following open-ended questions: (i) what is plagiarism? (ii) What is IPR? (iii) Give 5 examples of digital works that can be used, distributed or re-published without violating IPR? (iv) Give 5 examples in which the use and distribution of digital works is considered a violation of IPR? (v) When you copy or reuse digital content/resources from the Internet and republish them on Facebook, in a forum, blog or online course, which kinds of electronic resources do you document and which ones you do not? (vi) Has anybody ever violated your IPR, i.e. copied, reproduced or reused any of your published works on the Internet without documentation or without asking for your permission? Give an example. (vii) How did you feel about that? (viii) What action would take in such a case? (ix) Why do some students or faculty re-use, misuse or reproduce digital works on the Internet without permission or documentation? Give at least 3 reasons. (x) How can the re-use, misuse, illegal reproduction of electronic material without permission or documentation be reduced? (xi) Have you heard of the Electronic Publishing Rules and Regulations issued by the Saudi Ministry of Information in January

2011? (xii) Do you know of any IPR policies at Saudi universities that would give faculty the right to their works and protect their electronic works against plagiarism and illegal appropriation'?

IV. DATA ANALYSIS

Responses to the questionnaire and interview questions were classified and percentages of faculty and students who gave the same response were calculated. The content of the Saudi Higher Education Policies (Statutes) was analyzed to find out whether the Deanships of eLearning and eTransactions, Main Library and University Printing Press have published any IPR policies that delineate the rights of faculty to their scholarly electronic works.

V. RESULTS

Results of the present study have shown that all faculty holding a Ph.D. or M.A. degree and 90% of the T.A.'s, all of the graduate students, and 87% of undergraduate students in the sample have a clear definition of plagiarism and when IPR is violated or wrongfully appropriated. However, undergraduate students in the present study believe that plagiarism is limited to copying research papers, books, and theses without documentation, whereas copying and reusing images, tests, stories, educational websites, video clips, learning materials, worksheets, exercises and lessons plans from the Internet are not.

The subjects gave several reasons for copying electronic material from the Internet without documentation, without citing the source or without taking permission from the owner. These include: The Internet is a free, open space for everybody. Those who copy material from the Internet believe that they may not be discovered, due to the huge amount of Internet content. The Internet has made it easy for people to access, copy and use information, in addition to the availability of portable computers, ipads and smart phones that made information more accessible. Those who copy lack academic competence and are incapable of writing and expressing their own ideas, creating their own websites, material and so on. It is a lot easier to copy and paste, compared to the time and effort required for creativity. They believe that IP laws are absent and are not announced and enforced. Governments and stakeholders overlook cases of plagiarism. Cases of plagiarism and unauthorized use of electronic works go un-penalized. This helps the phenomenon to continue. Many students lack awareness of IPR, as no awareness-raising programs about IPR are available for public schools and college students. Higher education institutions give little attention to IPR of digital works and electronic publishing ethics. Some young students lack awareness of the importance of documenting the electronic resources they use. Some faculty do not demand the documentation of resources that the students include in their assignments.

In addition, findings of the present study have shown that 5% of the faculty have experienced infringements of their copyright, i.e. plagiarism or wrongful appropriation. 37% revealed that their electronic works (such as tests, exercises, worksheets, course material, articles) are being utilized by purloiners without permission or documentation. They feel annoyed, angry and discouraged for their work that has been appropriated when published online. They feel sad for not being credited for their electronic work. They would like to have something unique in their website, blog or wiki that is not widely circulated over the Internet.

Faculty, whose IPR have been infringed, indicated that they do not know where to complain, nor what the formal procedures for regaining the right to their work are. They added that the university does not show much support for the copyright of their electronic works being infringed. Purloiners go un-penalized; in addition to moral and financial losses and lack of control over the copyright of their electronic works. Some delete articles, course material or any electronic material they post in their website, so that others do not copy or republish them without permission or documentation.

Some faculty did complain to the university vice-presidency but the Academic Council and the Law Department did not take any action. Some contacted the website, forum or blog admins that copied and republished their work and asked them to delete the work. Foreign admins did delete it, but Arab admins did not respond, nor cooperated, despite the multiple requests. Some purloiners insist on keeping the material in their blog or forum as they do not feel that they did anything wrong.

Furthermore, the author found that 23% of her students copy articles, stories from the Internet and post them in her online course without any documentation. She always insists that her students document anything that they reuse from the Internet. Instead of copying and pasting material, she advises her students to summarize the material in their own words without having to worry about grammatical and spelling mistakes, and even if their English is poor.

Student purloiner gave several reasons for copying or re-using material from the Internet without documentation or permission. They indicated that they did not know they should cite the source and did not know they should take permission. There is nothing in the resource that indicates that the material is copyrighted and that the users should document. They do not know how to respond to an online assignment. They copy because they found the information useful or interesting and would like to share it with their classmates. To them, copying is much faster than writing. They do no have time to write their own material. Findings also showed some misconceptions among many students and few faculty about IPR, some of those are socio-cultural. They reported that they copy or re-use electronic material for the purpose of *"disseminating knowledge", "publicizing useful information"* and *"educating the public".* Some firmly believe that they have the right to use online resources and that *"it is not necessary to take permission from the owner".*

To combat IPR infringements of electronic material/resources, subjects in the present study recommended the announcement of electronic publishing policies, user agreement and disclaimer in the university, main library, Deanship of eLearning and eTransactions websites, to ensure that faculty and students' are aware of them. An IPR agreement between the university and authors or online course developers should be signed to ensure that any electronic material is copyrighted. Punishments for the unauthorized use of published electronic material should be announced and purloiners should be penalized. Students and young faculty must be educated about plagiarism, unauthorized use of electronic resources by announcing and re-announcing IPR and protection policies.

Some of the actions that some subjects reported they would take are: Notifying the purloiner of the infringement; requesting the deletion of the material, or asking that the purloiner to cite the source. If the purloiner does not respond, they would mention in the forum, blog, or social network that the work is theirs and that the purloiner copied it without their permission. Some would complain and follow legal procedures to regain their IPR.

Faculty, administrators and graduate students who participated in the present study reported that they do not know of any written IPR policies in the kingdom in general, and at Saudi universities, in particular, regarding published electronic material. Only 5% of the faculty have heard of the Electronic Publishing Rules and Regulations issued by the Saudi Ministry of Information in January 2011.

Finally, analysis of the university statutes and searching the websites of the Deanships of eLearning and eTransactions, Main Library and Vice-presidency for Graduate Studies and Scientific Research, showed the availability of marginal IPR policies. About half a page entitled *"Electronic Publishing Policies[6]"* and *"disclaimer[7]"* was found in the KSU Portal, containing brief rules about copyright, inappropriate content and recency of information. The article about copyright states that:

> *All published webpages must conform with copyright laws. These include, but not limited to, research articles published in peer-reviewed journals and conference proceedings, electronic books, any copyrighted electronic material not owned by the webpage publisher.*

In addition, the Deanship of Skill Development at KSU sent instructors some guidelines about plagiarism February 2010.

Although the Saudi Ministry of Information has issued Electronic Publishing Rules in January 2011, those rules and regulations have not been circulated in Saudi universities. No procedures have been set for reinforcing those policies and many purloiners get away with their IPR infringements. In addition, the Saudi ministry of Higher Education does not pay much attention to the IPR issue, in general, and IPR of electronic material, in particular, as it has not included any policies in its Unified Statues for Higher Education Institutions and academic publishing policies.

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[6] http://ksu.edu.sa/Pages/Policy.aspx
[7] http://ksu.edu.sa/Pages/disclaimer.aspx

VI. DISCUSSION AND CONCLUSION

Results of the present study revealed that most faculty and students surveyed have an idea about IPR of electronic material. However their concept of which electronic resources are copyrighted and which ones are not is inadequate. The findings also revealed that Saudi universities do not have detailed written IPR policies for electronic material and that faculty and students are unaware of the IPR in Saudi Arabia and Saudi universities. Results revealed that there is a need for protecting electronic educational resources at Saudi universities, a need for setting clear, written policies by each university that protect the IPR of its faculty's works, and a need to penalize purloiners. Findings of the present study are inconsistent with findings of other studies in the literature such as Starkey, Corbett, Bondy and Davidson's (2010) that reported a higher level of awareness (full awareness) among college faculty and students of IPR. However, present findings are inconsistent with findings of Lape (1992); Packard (2001); Kelley, Bonner, McMichael and Pomea (2002); Kops and DiRamio (2004); Kromrey (2005); Loggie, Barron, Gulitz, Hohlfeld, Kromrey and Sweeney's (2007) studies, especially more recent ones that found that all colleges and universities in the USA have written IPR policies for electronic works (resources), in particular.

Based on the findings of the present study, the author recommends that Saudi universities raise instructors and students' awareness of IPR of electronic material that they like to integrate in eLearning and introduce them to documentation methods of electronic resources. Instructors should not accept assignments in which resources are not documented and hey should penalize purloiners. The study also recommends that the Saudi Ministry of Higher Education adopt, publicize and enforce the Ministry of Information's Electronic Publishing Rules issued in January 2011. Each university must have an IPR office whose employees represent the university Vice-presidency of Graduate Studies and Scientific Research, Deanships of eLearning and eTransactions, Main Library, University Printing Press and Law Department to set written IPR laws concerning the copying, fair use, reproduction and integration of protected digital resource and who benefits from the marketing of electronic products. This IPR office should publicize IPR policies set by the Ministry of Information among university faculty and students, on a regular basis, through brochures, workshops, seminars, IPR conferences, circulars and students' newspaper. The IPR office should be in charge of registering faculty and students' digital works, signing an IPR between the university and faculty, making procedures for registering electronic inventions easy and publicly known. The IPR office should also receive faculty and students' complaints of copyright infringements of electronic content, follow them up and penalize those who wrongfully appropriate their electronic works. This way, IPR protection policies will help electronic content creations and developments at Saudi universities and help encourage faculty and students to contribute to latest developments in technology worldwide.

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