

FACTORS LEAD TO COPYRIGHT INFRINGEMENTS AMONG UNDERGRADUATES: A STUDY BASED ON STATE UNIVERSITIES IN SRI LANKA

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Copyright infringement is known as the use of copyrighted works without the permission of the authors or creators. Copyright infringement is a form of dishonesty and a violation of the authors' economic and exclusive rights. In general, copyright infringement occurs in various ways, such as theft and plagiarism among students pursuing degree programmes in higher education institutions. Against this backdrop, this study aims to identify the factors influencing copyright infringement activities among students pursuing higher education at state universities in Sri Lanka and to give suitable recommendations for minimizing the relevant factors. This qualitative study uses Primary and Secondary data. Primary data are collected by distributing self-administered questionnaires (SAQ) to about 372 selected participants based on the random sampling method. The selected students who continue their education in the academic years from 2016/2017 to 2019/2020 include students who are pursuing general and honours degree programmes. The data were analyzed using statistical tools such as Cronbach's alpha, regression test, and coefficients. According to the R Square value, interest in violating the law, fear of poor marks, higher cost of the book, lack of awareness, and scarcity of material accounts for 92% impact on copyright infringement behaviour of the participants. All hypotheses (H_1 , H_2 , H_3 , H_4 , H_5 , H_6) formulated by researchers are accepted at a significant level of .000, except for overfilled curricula (H_2). Thus, the reasons for copyright infringement among the students of the study area are the high cost of books (B-185), lack of awareness (B-331), fear of poor grades (B-255), and scarcity of materials (B-655). Increasing the number of copies available in universities' libraries, conducting awareness programs for students and library professionals, and increasing the penalties prescribed in copyright law may help eliminate students' behavior. The researchers expect that the results of this study will strengthen the awareness of copyright infringements among students in the future.

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Introduction

The intellectual Property right is the legal recognition given by law to human beings for their academic efforts (Trade, 2020). The World Intellectual Property Organization (WIPO) defines intellectual property as follows. “Intellectual” property refers to legal rights arising from human creative work in industrial, scientific, literary, and artistic endeavours’ (WIPO, 2016). In general, intellectual property is protected worldwide for two main reasons. One of them is to ensure the exclusive and economic rights of the creative holders for their works and to prevent the misuse of those rights by unscrupulous persons in society. The second one is to promote the economic and social development of the country by promoting the creation, dissemination, and implementation of new creations through government policy formulation (Reddys & Aswath, 2016). The World Intellectual Property Organisation categorises intellectual property into five categories: copyrights, patents, trademarks, designs, and Geographical Indications (GI) (WIPO, 2016). Among these, Violations of rights committed to copyright assets are referred to as copyright infringement. This infringement is regarded as a violation of the right to be widely performed by students of schools and universities.

Creative holders have the right to be protected under the law for their artistic or literary work, known as copyright (Trade, 2020). Accordingly, human beings are known in society as teachers, composers, artists, and designers, depending on their creativity and creative skills (Bikram, 2013). As a result, these rights, which human beings have created by allowing the owners of the relevant assets to enjoy and prevent others from using them, and by allowing third parties to exercise the rights as they wish, are protected by law. Furthermore, accordingly, the term “copyright” refers to the exclusive right of a creator to reproduce his or her work, to produce and distribute other works based on that work, to display and sell it publicly, and to provide it free of charge to others (Aboyade, 2015).

According to Zimmerman (2016), if an art and literature work

is to be granted legal protection under copyright law, it must meet three conditions. Those are that property to be protected must be a work of authorship; it must be original and fixed in a tangible medium of expression. According to the Copyright Alliance (CA) requirement in America, if a property is granted copyright protection by law, it must be original and fixation (Kupferschmid, 2023). In this case, originality means that it was created independently by the creator and cannot be copied or distorted from other people's work. Besides defining fixation, the term can also indicate that a work is protected under copyright and that its absolute moral and economic right belongs to its author. Copyright refers to what is attached to a particular work (Kupferschmid, 2023).

The world's first concept of copyright emerged in Britain in the 17th century. There were attempts to protect literary and creative works through legislation, such as the British Statute of Anne in 1710 and the Statute of Monopolies in 1624 (Malkawi, 2013). The British Statute of Anne led to worldwide awareness of "intellectual property protection" in the 19th century. British colonists introduced copyright production statutes during the ancient history of Sri Lanka. After Sri Lanka's liberation from British imperialism, the first copyright law of independent Sri Lanka was enacted and enforced by the Code of Intellectual Property Act No.52 of 1979 (Dinal, 1960). Over time, minor amendments were made to the code, and finally, the Intellectual Property Act No.36 of 2003 was enacted and is being implemented now. In the said Act, Chapter-I, Section-VI has defined property that can be protected. Those are as follows: (a) books, pamphlets, articles, computer programmes, and other writings, (b) speeches, lectures, addresses, sermons, and other oral works, (c) dramatic, dramatic-musical works, pantomimes, choreographic works and other works created for stage productions, (d) stage production of works specified in paragraph (c) and expressions of folklore that are apt for such productions, (e) musical works, with or without accompanying words, (f) audiovisual works, (g) works of architecture, (h) works of drawing, painting, sculpture, engraving, lithography, tapestry and other works of fine art, (j) photographic works, (k) works of applied art, and (l)

illustrations, maps, plans, sketches, and three-dimensional works relative to geography, topography, architecture, or science (Intellectual Property Act, 2003). It is noteworthy that this Act clearly explains fair usage and public use, as in other laws of the world, in which defenses can be obtained from this copyright law.

Research Problem

Various laws have been enacted and protected to promote the art and literature published worldwide every day. Additionally, these laws protect the rights of authors. The theft of intellectual property, thus granted legal protection, is viewed globally as a violation of the author's legal, economic, and moral rights. Copyright infringement has occurred by reproducing copyrighted works, displaying them in a public place, and selling them to other people for money without the copyright owner's prior permission. Despite the solid legal provisions, universities in Sri Lanka still need to be entirely immune from copyright infringements. This is because most copyright violations are challenging to trace.

Additionally, many of the violations are carried out by individual Students, which makes it challenging to take action against them. These grounds motivate students to engage with copyright infringement. Moreover, various factors are leading to this academic dishonesty. This leads to disputes between copyright holders, publishers, distributors, vendors, aggregators, users, or stakeholders of the institution concerned, starting with a simple infringement (Reddys & Aswath, 2016). In light of the above, the purpose of this study is to discredit the factors that have influenced the occurrence of copyright infringement among university students. By understanding the copyright behaviours of university students, the study can provide a better understanding of what drives copyright infringement. This could help to formulate policies and strategies that can be implemented to reduce the occurrence of copyright infringement at the university level.

Objective and Research Questions

This study has been carried out with two primary objectives: to

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identify the factors influencing copyright infringement activities among students pursuing higher education at state universities in Sri Lanka and to give suitable recommendations for minimizing the relevant factors. Researchers posed the following research questions to lead the current study.

1. What factors have influenced undergraduate students' involvement in copyright infringement?
2. What are the measures that can be taken to minimize certain factors?

Literature Review

The literature review section of the study can be divided into three parts. The first part reviews what copyright is and the ways of infringement of copyright in Sri Lanka's copyright law. The second part deals with legal remedies for copyright infringement. The final section seeks to identify the factors that lead to copyright infringement.

Copyright Infringement

Copyright infringement is the improper use of the content of copyrighted works. This also prevents the owner from having a moral claim to the work. Nevertheless, an infringement of copyright affects a country's copyright law and violates the property rights of the owner of the copyrighted work (Hazlina, 2020). Furthermore, this offence is punishable by civil and criminal penalties (Ejeogar & Oyeniran, 2019). Researcher Usman (2010) notes that "copyright infringement is a violation of one of the exclusive rights granted under the law to the owner of the copyrighted work and the use of art and literature in an unauthorized manner without prior permission being obtained" (Osman, 2010).

Sri Lanka's IP Act No. 36 of 2003 identifies as copyright infringement by contacting the following activities without the author's prior permission.

- (1) Reproduction of the work and fixation of the same in a material form

- (2) Publication of the work;
- (3) Communication of the work to the public;
- (4) Performance of the work in public.
- (5) Unauthorized adaptations and translations of the work (Democratic Socialist Republic of Sri Lanka, 2003).

Likewise, Section 51 of the Indian Copyright Act (IPC) identifies the use of copyrighted material without the owner's consent as a violation of copyright law. It also identifies the following as conditions in which copyright is infringed.

- (1) Performing publicly without any consent of the owner
- (2) Using copyrighted work for any kind of business which brings financial benefit
- (3) Distributing for trade or import
- (4) Reproduction of a substantial part of copyrighted work in any material form
- (5) Circulating among the unauthorized persons
- (6) Adoption or translation of copyrighted work without any permission
- (7) Resale or renting copyrighted material to others (Reddys & Aswath, 2016).

Judicial Remedies for the Copyright Infringement

According to Chapter XXXVIII, Section 178 (2) of IP Act No. 36 of 2003, the District Court (Magistrate Court) shall take up a case of copyright infringement and, if the offence is established during the trial, the offender shall be liable to a fine not exceeding Five lakh rupees or imprisonment for a term which may not exceed six months or with both. "Any person knowing or having reason to believe that copies have been made in infringement of the rights protected under Part II of the Act, sells, displays for sale, or has in his possession for sale or rental or for any other purpose of trade any such copies, shall be guilty of an offence and shall be liable on conviction by a Magistrate for a fine not exceeding rupees five

hundred thousand or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and in the case of a second or subsequent conviction, to double the amount of such fine or term of imprisonment or both.” (Intellectual Property Act, 2003). Considering the severity of the Act, the judge has the authority to double the sentence, considering it a criminal offence (Wanigasekera, 2015).

Factors Leading to the Copyright Infringement

The most common types of copyright infringement are plagiarism and piracy (Korletey & Tettey, 2015). As defined by Mitchell Zimmerman (2016), “Copyright infringement is an unauthorized exercise by a third party over the copyright holder’s exclusive right. Piracy is a more appropriate example for this dishonest activity” (Zimmerman, 2016). Consequently, the literature reviewed in the past has been evaluated, and the factors observed as responsible for copyright infringement have been identified and hypothesised.

High cost of books

The high cost of textbooks related to the field of study is one of the factors leading to copyright infringements. Most books that have been properly copyrighted and displayed in libraries for the free excess of undergraduates are so expensive that students need help to purchase them on their own. As a result, books are taken copies for cheap rates without the author’s consent. This type of violation is called “Piracy,” and also it is a form of copyright infringement. Thus, the high cost of books can be identified as contributing to copyright infringement. Moreover, In a study conducted by Sohail et al. (2016), he identified the high cost of books as a factor leading to copyright.

H₁: High cost of books influences copyright infringement of undergraduate.

Overcrowded curriculum

The burden of their subject areas of study makes them dependent on the writings of others. Since projects and assignments are

provided, students are compelled to submit the work of others as their own in order to complete the work within a specific timeframe. Generally, all universities in Sri Lanka have been instructed by the University Grants Commission to revise the syllabus once every five years, and revisions are carried out accordingly. The burden on the curricula thus followed also makes it possible for students to commit copyright infringement. That is why the burden of the curriculum has been identified and presented as one of the scenarios of copyright infringement among students pursuing education in Sri Lankan universities.

H₂: Overcrowded Curriculum has an influence on copyright infringement on undergraduate.

Lack of awareness

There are no specific definitions for “awareness of copyright.” This is because copyright law is a complex area with many different interpretations of the law, and awareness of copyright is determined on a case-by-case basis. Therefore, it is not easy to provide a single, concrete definition of copyright awareness. However, awareness can generally be defined as having knowledge of a particular subject or having sufficient knowledge of it. In short, awareness of copyright is the state in which a person, with his knowledge and consciousness, has gained clarity regarding the work for which copyright is granted (Korletey & Tettey, 2015).

On the contrary, a lack of clarity on copyright law and how copyright infringements occur requires more awareness of copyright. This arises from inadequate knowledge of the Intellectual Property Protection Act. In a study conducted by Anjaneya Reddy & Lalith Aswath (2016), they identified a lack of awareness of copyright law as the reason for copyright infringement (Reddys & Aswath, 2016). Moreover, Priewpet Wongchun & Bruce Weeks (2020) state, “The students believe that it is not a crime to copy from the internet pages and send them to the teachers after completing the tasks and are seen with the impression that it will score more points. Moreover, it is noteworthy here that those who are wrongly associated with the particular copyright are unaware of the existence

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of such a law.” Therefore, lack of awareness of copyright protection law is a factor leading to Copyright infringement.

H₃: lack of awareness of copyright law has an influence on copyright infringement of undergraduate.

Fear of poor marks

It is common for students to be focused on obtaining high grades. This is because such grades’ accomplishments determine students’ career opportunities and qualifications. Thus, students copy the work of others in order to avoid receiving low marks. In this regard, Priewpet Wongchun & Bruce Weeks (2020) identifies why students engage in copyright infringement as the fear of getting low marks and the impression that they may get better marks when they send their ideas from great work to representative teachers.

H₄: Fear of poor marks has an influence on copyright infringement of undergraduate

Scarcity of material

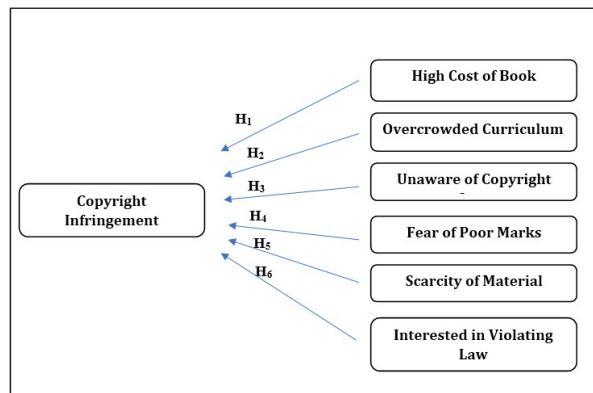
Lack of resources is another factor that leads students to copyright infringement. Although universities in Sri Lanka generally have separate faculty libraries, they need more books related to the field of student studies. As a result, students copy and use pirate books they need without the prior permission of the teacher. Misusing library resources without judicious use is an arbitrary practice under the Law (Reddys & Aswath, 2016). Apart from this, the University Grants Commission (UGC) is also providing funds yearly to the universities’ Libraries to procure a sufficient quantity of books. In this regard, a study conducted by Anjaneya Reddy & Lalith Aswath (2016) has identified the reasons for copyright infringement as lack of resources, unavailability or inadequate copies, out of print/stock. Accordingly, resource scarcity can contribute to the infringement of copyright by university students.

H₅: Scarcity of Material influences copyright infringement of undergraduate

Interested in violating law

In society, some individuals exhibit deviant behaviour without adhering to the law correctly. They are naturally engaged in violating law and order of the country. Several studies have found that such people also commit copyright infringement. A survey by Priewpet Wongchun & Bruce Weeks (2020) identified that one of the reasons for copyright infringement in Thailand is that the copyright protection law needs to be respected and the relevant laws need to be strengthened. Therefore, students' involvement in violating copyright laws has also led to copyright infringements.

H₆: Interested in violating law influences on copyright infringement of undergraduate



Method-Research Design

Primary and secondary data were used in this study. The Primary data were obtained directly from the study samples through questionnaires. In addition, secondary data such as research papers, books, articles, web articles, and journals have also been used.

Population of the Study

Study sample details for this study were obtained from the official web page of the University Grants Commission of Sri Lanka. Accordingly, details of the samples have been presented in the following table.

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No	Stream	Academic Year			
		2016/2017	2017/2018	2018/2019	2019/2020
01	Arts	9,418	9,923	10,400	12,009
02	Commerce	5,793	6,179	6,020	7,807
03	Physical Science	6,023	5,787	5,707	7,874
04	Biological Science	7,032	6,889	7,014	9,805
05	Engineering Technology	1,215	1,309	1,361	2,095
06	Biosystems Technology	857	958	994	1,506
07	Other Streams	324	370	385	545
	Total	30,662	31,415	31,881	41,641
		135,599,			

Data Source: website of the University Grand Commission. Sri Lanka University Statistics 2020.

According to the above table, there are 135,599 total students selected for the universities in the academic years 2016/2017, 2017/2018, 2018/2019, and 2019/2020 in all the streams offered by the University Grant Commission. Among them include students pursuing first, second, third, and honours degrees. The study findings will represent all students following courses at state universities.

Sampling and Sample selection

The 12 universities were selected by random sampling from a total of (15) state universities in Sri Lanka. Students who continued their studies at these universities for both general and special degrees. For this, researchers selected the study samples using the sampling tables of Robert V. Krejcie and Daryle W. Morgan by the Population Sampling Method (PSM). Therefore, out of a total population of 135,559 students, 372 students participated in the study.

Questionnaire

The researchers thoroughly read the past literature, and the questionnaire was constructed and designed so that the research samples could answer independently (Self-Administrative). The questionnaire was divided into two sections. In the first part, Socio-Demographic Details were requested, including gender, age, university, department of study, and course of study. The second

part included 23 questions related to the survey, which identified the factors that lead to copyright infringement. The questionnaire was distributed among a total of 372 study samples. Of these, 361 filled questionnaires that could be used in the study were obtained and analysed.

Findings

Linear Regression

Subsequently, linear regression was used to determine the factors that lead to copyright infringement among undergraduates. As such, the dependent variable is copyright infringement, while the independent variables are the high cost of books, Overcrowded curriculum, lack of awareness, fear of poor marks, scarcity of material, and interest in violating the law.

$$CI = \beta_0 + \beta_1 HCB + \beta_2 OC + \beta_3 LOA + \beta_4 FPM + \beta_5 SM + \beta_6 IVL + \beta_7 CI + \mathcal{E}$$

Where CI is the practice of copyright infringement, HCB refers to the high cost of books, OC reflects Overcrowded curriculum, LOA indicates a lack of awareness, FPM refers to the fear of poor marks, and IVL refers to the interest in violating the law. Finally, \mathcal{E} is the error term.

Table 1: Reliability Test

Cronbach's Alpha	N of Items
.975	7

The table above illustrates the reliability of the internal consistency of the Likert scale questionnaire, which was distributed among study samples. The Cronbach's Alpha value of .975 indicated the excellent internal consistency of the responses.

Table 2: Model Summary

Model	R	R Square	Adjusted R Square	Std. The error in the Estimate	Durbin-Watson
1	.964 ^a	.929	.928	.360	.153

- a. Predictors: (Constant), Interested in Violating the law, Fear of Poor Marks, High Cost of books, Overcrowded Curriculum, Lack of awareness, Scarcity of Material
 b. Dependent variable: Copyright Infringement

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Table 3: ANOVA output

Model	Sum of Squares	df	Mean Square	F	Sig.	
1	Regression	605.060	6	100.843	778.007	.000 ^b
	Residual	46.014	355	.130		
	Total	651.075	361			

Table 3 indicates that the overall model is valid with a significance level of .000. This model included seven explanatory variables, i.e., interest in violating the law, fear of poor marks, high cost of books, overfull curricula, lack of awareness as well as a scarcity of material. All seven variables have a significant effect with .000 on copyright infringement except overcrowded curriculum (.199), as shown in Table 4.

Table 4: Coefficients

Model	Unstandardized Coefficients	Standardized Coefficients	t	Sig.	
B	Std. Error	Beta			
1	(Constant)	-1.034	.146	-7.097	.000
	High Cost of Books	.185	.051	3.601	.000
	Overcrowded Curriculum	.077	.060	1.287	.199
	Lack of awareness	.331	.067	4.944	.000
	Fear of Poor Marks	.255	.070	3.636	.000
	Scarcity of Material	.655	.053	12.377	.000
	Interested in Violating Law	-.276	.050	-5.577	.000

a. Dependent Variable: Copyright Infringement

Discussion and Conclusion

Creating art and literature does not benefit only the person who makes them. Instead, it attempts to increase the nation's income (Arai, 2011). That is why the world's countries are more interested in protecting it. Compared to the rest of the world, in Sri Lanka, copyright infringements are criminalised and prosecuted, and there is minimal opportunity to challenge them. At the same time, copyright infringements are common in universities. We can see it at many levels, including in carrying out curriculum work for students, submitting final dissertations at graduation, and publishing research papers. The universities of a country are the places where multidisciplinary persons are created. In addition to the learning and teaching activities, various personality

development activities are also carried out here. As such, students who graduate from here must be trained to respect and follow the law of the land.

The main goal of copyright law is to encourage the creators of art and literature and the creation of works of art, literature, science, and technology (Aboyade, 2015). Such copyright practices at the university level may result in the possibility of artists and literature writers withdrawing in the future from publishing their works. Studies conducted in various countries have found that copyright infringement has hindered the economic and educational development of the country.

This study has identified the reasons for copyright infringement among university students, such as the High Cost of Books, Lack of Awareness, Fear of Poor Marks, Scarcity of Material, Interested in Violating the Law. These factors are not only applicable to Sri Lankan students. Priewpet Wongchun and Bruce Weeks (2020), a study focused on This students, the reasons for copyright infringement among students were: The students believe that it is not wrong to copy information from the link and send it to the teachers and that this is what will fetch them the highest marks, The fear that they might get lower marks for their works and writings, Thailand's copyright protection law appears to be so loose that people are not interested in knowing them. A study was conducted by Wahab Akanmu Aboyade et al. (2015) among 800 participants in federal universities in South-West Nigeria, including teachers and students. Among them, they found a lack of knowledge of copyright law in Nigeria as the cause of copyright infringement. Moreover, the study conducted on academic library professionals working in universities and colleges in Bangalore, India, found that copyright infringement the reasons for copyright infringement is the cost of the material, unavailability of resources (out of print, out of stock, etc.), Unavailability of sufficient quantity/Copy, Misconception of fair use, Copyright provisions not clearly understood, Apathy towards others intellectual property (Reddys & Aswath, 2016). The reasons for copyright infringement among students can be attributed to a

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lack of knowledge of the law, the desire to score high marks, and the scarcity of available books.

Recommendations

In this sense, researchers have made the following recommendations to reduce such copyright infringements among students in the future.

- (1) All university libraries in Sri Lanka should increase the number of copies of books available to them.
- (2) Conduct awareness seminars for staff and students of libraries regarding copyright infringement and how this can be done.
- (3) Lecturers identify students' reports and work related to the subject with the help of software that complies with copyright infringements and take action against them.
- (4) The libraries will purchase and supply software for the use of the students so that the students can use them.
- (5) To increase and further strengthen the penalties prescribed in copyright law.

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