

The Role of Universities in Developing and Protecting Intellectual Property Rights Legislation

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Intellectual property is of great importance in universities and scientific research institutions, which play very important roles in promoting intellectual property concepts and developing their legislation, whether through the teaching and scientific research functions or through innovation, creativity, inventions, computer programs or designs covered by such protection, in addition, the teaching activities undertaken by universities or public research institutions in intellectual property courses, and scientific theses that discuss topics related to their issues, as well as training courses, workshops and scientific conferences where researchers meet to present their research and scientific papers that contribute in the development of intellectual property concepts, or through the legislation that issues to protect these rights. This study aims to research the subject of intellectual property in universities and scientific research institutions in the light of development of modern technology, and the Internet, and the accompanying ease of access to scientific materials, which necessitates the research in issues that related to the intellectual property and management of teaching materials, and access to the scientific information, and the role of the universities in promoting the intellectual property rights, promote and protect their concepts through the legislation which issued by these universities. The descriptive and the analytical approaches were used in the research, by describing the reality of intellectual property in universities, and analyzing texts and written programs related to the intellectual property in universities in order to derive results and reach useful recommendations in this field.

Keywords: *Intellectual property - Universities – protection.*

Introduction

Intellectual creativity represents an important basis as it is a human product characterized by a distinct civilized character, hence appears the importance of protecting it, and this is what prompted countries to enact the necessary laws and join the international agreements that provide protection for these rights, especially those specialized in this field, and the most important of which is (The World Intellectual Property organization - WIPO), which was established to play a main role in the field of intellectual property protection, and most countries have joined it, in addition to signing international treaties and agreements administered by this organization.

This interest came as a result of the great development in the field of intellectual property rights, which led to a change in the perception of the rights of the author and the innovator, and led to impact the economic development, which was reflected in the high economic value of innovations and inventions, where the idea of intellectual property arises based on intangible things from the product of thought which has many forms to include such as mental and human creativity of all kinds, and the fact that our research is in protecting the innovations of faculty members, therefore, research in this topic occupies a special importance due to the role of universities in promoting and protecting the concepts of intellectual property.

The research importance:

Universities play an important role in society, and they are beacons of knowledge and the advancement of civilization, and their functions are linked to intellectual production, which enjoys protection and the law determine their rights. Accordingly, the research represents the rights related to the functions of the university, whether teaching, scientific research, publishing, innovation, invention, and others, especially since it did not receive the necessary attention, and this confirms the importance of the role of universities in promoting the intellectual property rights concepts and the ways to protect them.

The research objects:

The research aims to:

1. Indicating the fields of intellectual property in universities
2. Clarifying the role of universities in promoting the concepts of intellectual property rights.
3. Determining the university's efforts in protecting intellectual property rights.

The used method:

To research the intellectual property issues, and the provisions of their rights, and the role of the universities in promoting them, as universities are the most important institutions concerned with them; the researchers used the descriptive analytical approach by analyzing the texts of



instructions for intellectual property in universities, with the aim of clarifying the role of universities in this and presenting suggestions that enhance it.

The research Divisions:

The first topic: the intellectual property in universities and scientific research institutions.

The first requirement: the concept of intellectual property in universities.

The second requirement: the fields of intellectual property in universities.

The second topic: the policies and instructions on protecting intellectual property rights in universities and scientific research institutions.

The first requirement: the policies and instructions of intellectual property in the Jordanian universities.

The second requirement: comparing the intellectual property instructions in universities with intellectual property rights protection laws.

The conclusion

The results

The recommendations

The references.

The first topic: The intellectual property in universities and scientific research institutions.

Countries work to protect intellectual property rights due to their great impact on the economy and technology, and on commercial and cultural relations and exchanges, and protection on its narrow sense means not violating the rights of innovators and creators, or preserving those rights, and protecting their intellectual and creative property from any assault.

As for the broad meaning of protection concept, it means supporting and assisting innovators and inventors, providing the requirements for innovation and invention, urging scientific, economic and technological development by providing appropriate conditions for them, and expanding the protection of those rights beyond the geographical borders of countries and their internationalization through the conclusion of international conventions and agreements (Ismail, 2010).

The purpose of protection is to encourage legitimate competition between creators and innovators and to create a healthy competitive atmosphere by protecting these rights and preventing unfair competition, and preventing all acts of forgery, imitation, fraud and illegal appropriation, and the author is the creator of the mental work, whether in the literary, scientific

or artistic field, and the innovative faculty member enjoys all the powers granted to him by copyright (Sultan, 2009).

The Universities play a pivotal role in intellectual production, as they teach, scientific research and encourage innovation and invention, and therefore they had important duties in promoting and protecting the concepts of intellectual property. We will discuss this in two requirements, the first to explain the concept of intellectual property in universities, and the second is the fields of intellectual property in universities, as follows:

The first requirement: the concept of intellectual property in universities.

The idea of intellectual property arises on immaterial things produced by human thought, and some have defined it as property that is perceived by thought because it is a pure mental product, and a person's right over it is his right over the product of his mind, while others defined it as: those rights that come to intangible things from the product of thought, such as the author's right over his ideas, the inventor's right over his inventions, the artist's right over his paintings, and the composer's right to his melodies, and some defined it as: a new term that resulted from the economic and legal developments that the world witnessed in the recent period, and it is a property that responds to non-material things and values that are the product of the mind, creativity and thinking (Al- Rhahla, & Al- Khaldi, 2012).

As for innovation, it is as defined by some jurists as: the author should have a role that highlights his personality, regardless of his literary value and financial importance, so, some of them argued that innovation meant the emergence of the author's personal character in terms of expressing the idea, without highlighting the author personality (Mustafa, 2009).

The prevailing opinion is that innovation is intended for the author to have an intellectual role that highlights his personality, whether in terms of the subject matter of the work, or in terms of expressing the idea and the way he deals with this idea. Others define innovation as: the personal character that the author gives to his work, and it is this character that allows the work to be distinguished from other works of the same type. Others define it as: presenting a new production that has unique features that are not shared by any other production, meaning that it is the birth of a new integrated entity that has its own features and characteristics distinct from other works. Some defined it as a mental process that depends on a set of abilities characterized by a number of characteristics, the most important of which are sensitivity to problems, fluency, originality, uniqueness, and flexibility, and finally, We can define innovation as: Bringing something useful from the fields of knowledge that satisfies people with knowledge in the field of innovation (Jalal, 2005).

These innovations produced by faculty members in universities are mental production, and this is what is required in mental innovations so that it has a distinct character from other mental innovations, and the author's personal fingerprint must appear in it, which allows the public to know his name by simply reading his work if he is famous, or to say that its attribution to an

author who has an innovative ability to express his ideas, and therefore a mental work does not enjoy legal protection unless it involves a degree of innovation (Abdullah, 2008).

In order for the work to enjoy legal protection, its expression must be by one of the tangible means, such as writing, sound, drawing, photography or movement.

As for the idea that has not reached its final stage, this remains just an idea that the law does not protect and everyone has the right to take it in support or implement it, provided that he attribute it to its owner (Mustafa, 2009).

Therefore, intellectual property is viewed through the person of the creator or author and in view of his right to attribute the product of his thought to him, as well as his right to own it or decide the fate of this intellectual production, based on the theory of natural right, and no doubt that the work of a faculty member is an intellectual effort, as he teaches and scientific research, and therefore he may invent, invent and compose, and all of these works are related to the idea of intellectual property.

The order to provide protection for the moral right of the author requires that there be an author within the meaning of the word the author, as is required in the copyright legislation, also, it is required that this author create an innovative work that applies to the description of the work, and in light of this, the scope of protection for the author's moral right is determined by the personal scope (the author) and the subjective scope (the work).

It also requires defining the place of protection (spatial scope), and the time of protection (time scope), and here it must be said that the scope of the moral right does not lag behind the scope of the financial right, where is the terms of personal scope, objective scope, and spatial scope, both rights require the presence of an author and an innovative work to which the description of the work applies, in addition to the extension of protection to a specific place, but the moral right is independent of the financial right in terms of time, because the moral right is an eternal right that is not determined by a specific time period, while the The financial right is determined for a specific period of time during which it enjoys protection, then it reverts to the public domain and protection rises from it (Haroon, 2006).

The second requirement: the fields of intellectual property in universities.

The fields of intellectual property vary in the universities, including authorship and invention, and in order for protection to be granted for the work, it must be innovative. The innovation in the work is what creates a person's right worthy of protection, and innovation: a source of an act of innovation, which means realizing the sermon from the beginning, and it is one of the first, If he realizes its first time, as for idiomatically: most Arab copyright legislation, especially the old ones, is devoid of a definition of the idea of innovation, and the jurisprudence side defines it as "innovative production from which the established ownership emerges in the author's negation of what he has created, and no one has preceded it, the important basis in the process of Innovativeness is originality, as ideas emanate from a person, belong to him, and

express him, Innovation appears as soon as the author's personal fingerprint is available, that is, an expression of the author's personality, or in other words, innovation is achieved by the emergence of the author's personal and individual features, as for the second concept of the innovation criterion, it is objective, and it mainly takes into account the effort and work expended by the author, regardless of whether the work is attached to the person of its author, this concept prevails in the Anglo-Saxon countries, such as England and the United States of America, and in fact, the difference between the two concepts previously presented, is closely related to determining the nature of copyright (Haroon, 2006).

Inventiveness here, according to the provisions of copyright, is a personal criterion, as it is seen as expressing the personality of the creator (the author), as well as distinguishing him from others and his uniqueness, so if a work is published on a subject, and after a while another work dealing with the same subject is published by another author, which indicates that the similarity between the two substantive works does not mean that the second work has been stripped of its originality, or that an author has infringed the rights of the first author, based on the freedom of any author to deal with the idea addressed by a previous author, as long as the new author has made a modification to it in its essence, or in Arranging them, verifying them, or translating them, so that the author highlights what he entered (Abu Alhajja, 2006).

As for an invention, several similar definitions have emerged of it, as some defined it as: a new innovation that can be exploited in the industrial field in various industrial ways, and through the multiple definitions of invention, it becomes clear that it is any innovation or development in the scientific or industrial fields, which is the development of new creative steps or the development of well-known industrial methods (Mahaftha, V 38), and this definition is similar to the definition adopted by the former Supreme Court of Justice (currently the Supreme Administrative Court), where it defined it as an innovative idea that transcends the development of existing industrial art and improvements that lead to increased production or the achievement of technical or economic advantages in industry, which is usually reached by ordinary experience or artistic skill (Supreme court No. 90/2019 & Journal of Jordanian Bar Association, 1991).

The second article of the Jordanian Patent Law defines invention as: (Any creative idea reached by the inventor in any of the fields of technology and related to a product or a method or both that practically leads to solving a specific problem in any of these fields), and the third article of the Jordanian Patent Law determined the general conditions for protecting the invention, which states that; an invention may be protected by a patent if the following conditions are met as follows:

A. If it is new in terms of industrial technology and has not been previously disclosed to the public anywhere in the world by written or oral description or by use or by any other means by which knowledge of the content of the invention is achieved before the date of filing the application for registration of the invention or before the priority date of that application claimed in accordance with the provisions, disclosure of the invention to the public is not

considered valid if it occurred during the twelve months preceding the date of filing the application for its registration or the date of claiming the priority of the application and it was the result of an action taken by the applicant or due to an unjustified act against him.

B. If it involves an inventive activity, the attainment of which is not obvious to the ordinary man of the profession who is familiar with the previous industrial technology state of the subject matter of the invention.

C. If it is industrially applicable so that it can be manufactured or used in any kind of agriculture, fishing, services or industry in its broadest sense, and this includes handicrafts.

The patent is considered a type of intellectual property that is attached to the person of its owner, and is of a temporary nature, because the legislator determines its owner for a period during which protection is determined for him, and at the end of this period the prescribed protection expires. (High Court No. 90/2019 & Journal of the Jordanian Bar Association 1991) In a more precise sense, it is not permissible for anyone other than its owner to exploit it without his consent or permission, or to issue a compulsory license, if one of the cases of the compulsory license is available, the duration of the legally established protective period (Abu alkair, Jamal & Abu alFotoh, Mohammad, 2008).

And the faculty member who is looking into the legal protection of his innovations, inventions and works, and what are his duties, and by researching the legislation, regulations, and instructions related to universities and higher education institutions and regarding the work of the faculty and university employees, we find that these legislations defined faculty member in a way that were limited to a statement of academic ranks only, where article No. (16) of the Jordanian Universities law was stated that the faculty member is: the professor, associate professor, assistant professor, the teacher, assistant teacher, and the article No. (18) of the faculty members system in the Jordanian universities stipulates the duties of a faculty member as follows:

1. Teaching and assessment
2. Conducting theoretical and applied research and studies.
3. 3. Community service and development
4. Supervising and directing university theses, students' research and reports, and their scientific and social activities.
5. Academic advising.
6. Participation in university councils and committees, and in those in which the university participates.
7. Any other matters assigned to him within the field of the university's service.

Intellectual property rights are similar to other property rights, as they allow the creator, owner of the patent, trademark, or author to benefit from the protection prescribed for the moral and material interests resulting from the attribution of scientific, literary or artistic production to its author, which decides to protect him against any infringement by others, and these rights have

a financial value to their owner as they are the product of his mental and intellectual creativity, although they are intangible rights, they prove to their owner rights of financial value, these rights are realized by most of those involved in international trade, whether at the local or global level. Intellectual property includes types of rights, as they are not limited to copyright, but are mainly related to publishing and mental production. Intellectual property rights, although initially appeared to protect authors and artists, but their concept expanded to include besides literary and artistic property, industrial property under which patents and fees fall. Industrial models, mark of origin, trademark, databases, computer technology and others.

It has been divided into two main sections: (industrial property rights) and (literary property rights), and there are many forms of intellectual property and its vocabulary, and the most important elements of all are creativity and innovation, which is the most important element that constitutes the essence of intellectual property (Alraha, & Alkhalid, 2012).

The importance of protecting creations and innovations appears in making competition in the contemporary commercial environment based on knowledge, information and ideas, where creativity, innovation, knowledge and information have turned into valuable economic wealth, which necessitates providing adequate legal protection for these rights, in domestic and international law. In view of this increasing importance of intellectual property rights on the economic level, the lack of protection for intellectual property has become one of the obstacles to national and foreign investment.

In this regard, article (3) of the copyright Law states that:

1. Innovative works of literature, arts and sciences are protected under this law, regardless of the type, importance, or purpose of these works.
2. This protection includes works whose expression is in writing, sound, drawing, photography or movement, and in particular: books, brochures and other written materials, works that are delivered orally, such as lectures, speeches and sermons, illustrative pictures, maps, designs, charts, and stereoscopic works related to geography and surface maps of the earth, computer programs, whether they are in the source language or the machine language.
3. Protection includes the title of the work, unless the title is a current term to denote the subject matter of the work.
4. Also collections of literary or artistic works are enjoying protection such as encyclopedias, anthologies, and collected data, whether they are in a machine-readable form or in any other form, and in terms of the selection or arrangement of their contents, they constitute innovative intellectual works, Also enjoying protection are the collections that include selected excerpts from poetry, prose, music, or others, provided that the source of the excerpts and their authors are mentioned in those collections without prejudice to the authors rights with respect to each work that forms part of these collections, and this was supported by the Jordanian Court of

Cassation (Adalah, 2003), which stipulated the rights of the author identified in article No. (3) of the Copyright Law.

It is worth discussing that the legal nature of the copyright and the innovator, where a jurisprudential controversy erupts about the legal nature of the right of a faculty member in his writings and innovations, as some view it as a financial right, while others see it as a moral right, and the jurisprudential opinion has settled that it is a dual right that includes two aspects, one of which is financial on the basis that it is a means of exploiting the work, and a moral aspect on the basis that it represents the opinion of the author or a faculty member as to whether his work is worthy of his reputation, so he decides to publish it or not, and therefore it is not permissible for anyone else to directly, and this right is granted only after obtaining the permission of the owner of the work, which must include the method, type and duration of the exploitation and the right to allow anyone who wants to publish his work, and here the scope of the financial aspect related to the publication report becomes clear by granting the right of transmission to the public through the right of publication (Al- Sa'di, 2016).

The legal effects of a faculty member's right to his innovation vary, including his right to register his works or obtain a patent and the right to monopolize the exploitation and disposal of his innovations. Thus, the forms of legal protection for intellectual property rights vary into national and international protection.

National protection is usually researched from civil and criminal aspects, while international protection, it is discussed in the international conventions and treaties regarding the protection of intellectual property rights.

In accordance with the text of article No.(4) of the Copyright Law, which specifies who is eligible to describe the author as:

A. The person who publishes the work is considered to be attributed to him, whether by mentioning his name on the work or in any other way as the author, unless there is evidence to the contrary, and it is noted that Article No. (5) of the Copyright Law has expanded on the definition of the author by saying: "Without prejudice to the rights of the author of the original work, he enjoys protection and is considered an author for the purposes of this law:

1. Whoever translates the work into another language, converts it from one type of literature, art, or science to another, summarizes it, alters it, amends it, explains it, comments on it, indexes it, or any other aspect that shows it in a new way.

2. Authors of encyclopedias, anthologies, collected data, and collections covered by protection under the provisions of this law.

Article No. (6) of the Copyright Law states that: A. If the work was created for another person, the copyright belongs to the creator, unless it is agreed in writing, B. Notwithstanding what is stated in Paragraph (A) of this Article and in any other law, if the worker creates a work during

his use related to the activities or works of the employer or uses in order to reach the creation of this work experiences, information, tools, machines or materials of the employer placed at his disposal, the copyright belongs to the employer, taking into account the intellectual effort of the worker, unless otherwise agreed in writing, C. The intellectual property rights of the worker shall be in the event that the right of ownership created by him is not related to the business of the employer and the worker did not use the employer's expertise, information, tools or raw materials in arriving at this innovation unless otherwise agreed in writing.

The second topic: The policies and instructions of protecting intellectual property rights in universities and scientific research institutions.

The origin is that universities, like public moral persons, always seek through their activities to achieve the public interest, and therefore it is logical to say that these people seek the public interest and not for commercial exploitation and making profits, and in this topic, we will discuss intellectual property policies and instructions in universities, in two demands, the first in which we explain these policies and instructions, and the second requirement to compare these policies in the light of protection laws of intellectual property rights, as follows:

The first requirement: intellectual property policies and instructions in the Jordanian universities.

Intellectual property plays an essential role in the teaching and research functions of universities and public research institutions, and this policy is a national scope, and identifies factors of intellectual property rights arising from research and development funded by the national plan, this policy defines the responsibilities of the various stakeholders, clarifying their obligations to generate, manage and harness the resulting intellectual property using funding from the national science, technology and innovation plan, this policy establishes mechanisms for protecting, investing, owning and preserving intellectual property, as well as describing special incentives for researchers with the aim of promoting innovation and invention.

Intellectual property and research Whether research is basic (open-horizons) or applied, universities and public research institutions, through their research and development activities, produce results in the form of inventions. Many of these inventions are patentable, but many are merely a proof of concept or laboratory model, requiring further research and development before potential commercialization. By granting universities and public research institutions rights over their ownership of research funded by the public treasury and enabling them to market their results, governments around the world are trying to accelerate the transformation of inventions into industrial processes and products and to strengthen cooperative links between universities and industry (Amer, 2019).

Universities have been keen to issue instructions for intellectual property, as the instructions for intellectual property rights: patents, authorship, and publication at the University of Jordan, issued by the Deans Council with its resolution No. (24/2000) dated 24/7/2000, which stipulated the aspects of intellectual property associated with the elements of scientific research are: The

university, in dealing with intellectual property rights obtained from scientific research supported by it, seeks to achieve the following:

- A. Encouraging and assisting researchers to benefit from intellectual property legislation.
- B. Facilitating access to innovative research to useful applications for society.
- C. Facilitating the procedures for registering patents, licensing their use, and equitable distribution of their returns, if they lead to that.
- D. Evaluate and assign the equitable relative rights of all parties involved in scientific research.
- E. Obtaining more support for scientific research (Article No. (3) of the intellectual property regulations at the university of Jordan).

Intellectual property instructions were also issued at the University of Science and Technology issued by Deans Council Resolution No. (6/2017) on 6/2/2017, and these instructions defined intellectual property as: "The mind's creations include inventions, technologies, improvements, developments, materials, processes, literary and artistic works, designs, logos, names, pictures, computer programs, scientific research outputs and their tangible results" (Article No. (2) of the University of Science and Technology's intellectual property instructions).

These instructions set their objectives as:

- A. Facilitating the access of technologies and the results of scientific research to society through an efficient and effective process of technology transfer.
- B. Indicating and defining the system for dealing with institutional intellectual property, including the right of ownership and exploitation.
- C. Rewarding the creative efforts of the university community by distributing the proceeds from the exploitation of intellectual property" (Article No. (3) of the Intellectual Property Regulations of the University of Science and Technology).

The two universities have done well in organizing instructions for intellectual property in universities, and the rest of the universities should emulate them, especially those that did not issue these instructions, and the universities that issued such instructions sought to regulate their relationship with innovators and inventors and the industry and investment sector, and therefore we find the instructions issued by the University of Jordan knew the inventor and organized registering a patent and distributing the proceeds from it (Articles 4-12 of the intellectual property instructions at the University of Jordan).

Whereas, the instructions issued by the University of Science and Technology were organized under the title of the Intellectual Property System, where they organized what was related to the Creativity Committee and its tasks, including the registration of intellectual property rights,

as well as the basic work of the technology transfer office (from Article No.(4) of the Intellectual Property Instructions at the University of Science and Technology).

We note above the efforts made to publicize intellectual property rights among faculty members, graduate students and all university employees, and this in turn enhances awareness of such rights and contributes to their protection.

It regulates the university's relationship with the industry sector, as it states: "The university is committed to restricting the process of publishing results and innovations resulting from scientific research supported by the industry sector or any other internal or external party under agreements concluded for this purpose unless agreed otherwise" (Article 13 of the instructions intellectual property at the University of Jordan), and this is similar to what was stated in the instructions of the University of Science and Technology, which stated: (The university is obligated to publish research results or requests to protect intellectual property resulting from research or a joint project or supported by industry or any third party under special agreements amending that purpose) (Article No. (14) of Intellectual Property Instructions at the University of Science and Technology).

It also regulated the patents granted by the university by saying: "The university may grant a license to use the patent, and in this case it must take into account the following:

- A. The nature of the technology subject to licensing.
- B. The stage of development of the invention and its impact on the scientific research associated with it.
- C. How is the invention useful to the university and society.
- D. Commitment to develop the invention (Article 15 of the intellectual property instructions at the University of Jordan).

With regard to research supported outside the university, the instructions stipulated that: "In the event that there is an external support for scientific research in whole or in part, the university and the supporting part shall negotiate their rights resulting from any patents, copyrights or publications, provided that that part expresses its desire in writing to participate, in these rights when providing support, in this case, the supporting part bears a proportion of the expenses of registering and protecting the said rights equal to the proportion of what they are entitled to, and in all cases the share of the university must not be less than 40% of the final proceeds from the granted patent" (Article 18 of Intellectual Instructions at the University of Jordan), which is also similar to what is stated in the instructions of the University of Science and Technology by stipulating that:

In the event that there is full and partial support for the scientific research or the creative project from a third party, the rights of the university and the supporting party in any intellectual property and the duties of each of them in relation to the procedures for depositing, recording

and maintaining intellectual property rights shall be agreed in advance, and investigation is carried out by addressing the case of any party's objection to the pre-deposit and registration support as well (Article 15 of the Intellectual Property Regulations at the University of Science and Technology).

These texts worked to protect intellectual property rights if the research was supported by a party outside the university, but in the case of research owned by external parties, it stipulated that: "The university has the right to contract with any natural or legal person to perform work related to scientific research for its ideas within the university or the university community, and then that person bears fees determined by the presidency of the university or centers in accordance with its instructions and based on the opinion of the creativity committee, and those fees exceed the costs associated with conducting the research, and in that case the intellectual property is owned by the person contracting with them to agree in writing to the other".(Article No.(16) of the intellectual property regulations of the University of Science and Technology).

The next article states that: "The university is committed to maintaining the confidentiality of research results owned by external parties" (Article No.(17) of the intellectual property regulations at the University of Science and Technology).

In the case of joint research, it states: "In cases of institutional cooperation, the shares related to the results of intellectual property exploitation are determined, in general, according to the percentage of support provided by each institution for the purposes of conducting research, in addition to the direct costs related to the management and protection of intellectual property assets, unless otherwise agreed upon. (Article No. (18) of the intellectual property regulations at the University of Science and Technology).

With regard to copyright and publish right, the instructions stipulated that: "The university owns the copyright and the right to publish the product of scientific research as cultural, artistic or aesthetic works that resulted from the full or partial support of the university or its mediation" (Article No. (22) of the Intellectual Property Instructions) which states:

A. The author's share is equal to 25% of the final proceeds of copyright received by the university, and the final proceeds here represent the total revenue received by the university minus all expenses associated with registering, maintaining, protecting and licensing copyrights and any other related rights.

B. The author(s) have the right to obtain (5%) of the number of printed copies from the author, and not to exceed (50) fifty copies of their author.

C . The provisions of Paragraphs (A) and (B) of this Article shall apply to the new edition(s) of the author." (Article No. (23) of the intellectual property regulations at the University of Jordan).

While the intellectual property instructions at the University of Science and Technology stipulated that: “The university owns the copyright and the right to publish the outputs of scientific research from artistic, cultural, social or aesthetic works that resulted from projects that received full or partial support from or through the university” (Article 25 of the intellectual property instructions University of Science and Technology), and as for the university’s employees, it stipulated that:

The university owns the copyright and the right to publish the outputs of scientific research from artistic, cultural, social or aesthetic works resulting from any internal or external party appointed to carry out this function” (Article No.(26) of the ownership instructions, University of Science and Technology)

This includes even students where the instructions stipulate that: “Students shall be treated as employees in relation to these instructions” (Article No. (31) of the intellectual property regulations at the University of Science and Technology).

The second requirement: comparing intellectual property instructions in universities with protection laws of intellectual property rights

There is no doubt that the oral lectures of university professors - especially the official universities over which the state has full intellectual property rights - are one of the forms of those rights used by the administration and do not generate profits (Tajen, 2008).

Recognition of public legal persons - including official universities in particular - the right to acquire intellectual property rights leads to a necessary consequence of this recognition, which is the right of these persons to return all forms of abuse that these acquired rights may be exposed to (Tajen, 2008), and the Protection Law of intellectual property has organized the foundations of protection against all forms of direct or indirect assault.

The legal protection systems for these rights are divided into two systems of protection, one civil and the other criminal, and it is noted that public legal persons benefit from this protection, according to the same conditions and circumstances established for private persons, natural or legal, in other words, there is no specialized protection for public moral persons with regard to intellectual property rights (Tajen, 2008).

When comparing the intellectual property instructions in universities and the laws of property protection, the idea is that we find that these instructions issued in universities focused on issues that help the university in regulating property rights, It is also noted that the definitions and concepts on which the instructions relied are in line with the definitions stipulated in the intellectual property rights legislation, as it was stated in Article No. (2) of the Jordanian patent law that the invention is defined as: any creative idea that the inventor comes up with in any of the fields of technology and related to a product or a method or both that practically leads to solve a specific problem in any of these fields, and the law defines in article No. (3) of the

Jordanian patent law the general conditions for protecting the invention, which states that: “An invention may be protected by a patent if the following conditions are met:

A. If it is new in terms of industrial technology and has not been previously disclosed to the public anywhere in the world by written or oral description or by use or by any other means by which knowledge of the content of the invention is achieved before the date of filing the application for registration of the invention or before the priority date of that application claimed in accordance with the provisions of this law, and the disclosure of the invention to the public is not considered valid if it occurred during the twelve months preceding the date of filing its registration application or the date of claiming the priority of the application and it was the result of an action taken by the applicant for registration or due to an unjustified act of a third party against him.

B. If it involves an inventive activity, the attainment of which is not obvious to the ordinary man of the profession who is familiar with the state of the prior art of the subject matter of the invention.

C. If it is industrially applicable so that it can be manufactured or used in any kind of agriculture, fishing, services or industry in its broadest sense, and this includes handicrafts.

Also, article No. (5) of the Copyright Law has expanded on defining who the author is by saying: “Without prejudice to the rights of the author of the original work, he enjoys the protection and is considered an author for the purposes of this law:

- Whoever translates the work into another language, converts it from one type of literature, art, or science to another, summarizes it, alters it, amends it, explains it, comments on it, indexes it, or any other aspect that shows it in a new way.

- Authors of encyclopedias, anthologies, collected data, and collections covered by protection under the provisions of this law.

Article No. (6) of the Copyright Law states that:

A. If the work was created for someone else, the copyright belongs to the creator, unless otherwise agreed in writing.

B. Despite what is stated in the paragraph (A) of this Article and in any other law, if the worker creates during his use a work related to the activities or works of the employer, or uses, in order to reach the creation of this work, experiences, information, tools, machines or materials of the employer placed at his disposal, the copyright belongs to the employer taking into account the intellectual effort of the worker unless agreed upon in writing otherwise.

C. The intellectual property rights of the worker shall be if the ownership right invented by him is not related to the business of the employer and the worker has not used the employer’s

expertise, information, tools or raw materials in arriving at this innovation unless otherwise agreed in writing.

With regard to the right of the author to exploit his work, article No. (8) of the Copyright Law stipulates that the author:

- A. The right to attribute the work to him and to mention his name on all copies produced whenever the work is presented to the public, unless the work is mentioned casually while presenting news of current events.
- B. The right to decide to publish his work and to specify the method and date of publication.
- C. The right to make any modification to his work, whether by change, revision, deletion or addition.
- D. The right to defend against any attack on his work and to prevent any distortion, distortion or any other modification or any other prejudice to it that would harm his reputation and honor, provided that if any deletion, change, addition or any other modification occurred in the translation of the work, the author shall not have the right to Ban it, unless the translator neglects to refer to the areas of this amendment, or if the translation results in a prejudice to the author's reputation and his cultural or artistic standing, or a breach of the content of the work.
- E. The right to withdraw his work if there are serious and legitimate reasons for that, and in this case the author is obligated to compensate the person to whom the rights of financial exploitation have devolved a fair compensation.

Article No.(9) of the Copyright Law states: "The author has the right to exploit his work in any way he chooses, and it is not permissible for a third party to do any of the actions indicated below without the written permission of the author or his successor:

- A. Reproduction of the work in any way or form, whether temporarily or permanently, including photography, cinematography, or electronic digital recording.
- B. Translating the work into another language, quoting it, distributing it musically, or making any modification to it.
- C. Commercial rental of the original or a copy of the work to the public.
- D. Distribution of the work or its copy by way of sale or any other transfer of ownership.
- E. Importing copies of the work in commercial quantities, even if these copies were prepared with the consent of the right holder.
- F. Transmission of the work to the public through reading, recitation, display, acting, radio, television, cinematography, or any other means.

This is in case that the author is writing it outside the university or in areas not related to his research or professional duties, so that there is no contradiction in the legislative texts.

As for the protection of intellectual property rights, article No. (3) of the copyright law stipulates that:

A. Innovative works of literature, arts and sciences, regardless of the type, importance, or purpose of their production is protected under this law.

B- This protection includes works whose expression is in writing, sound, drawing, photography or movement, and in particular: Books, brochures and other written materials, Works that are delivered orally, such as lectures, speeches and sermons, Illustrative pictures, maps, designs, charts and stereoscopic works related to geography and surface maps of the Earth, and computer programs, whether they are in the source language or the machine language.

C. Protection includes the title of the work, unless the title is a current term denoting the subject matter of the work.

D. Protection is also granted to collections of literary or artistic works such as encyclopedias, anthologies, and collected data, whether they are in a machine-readable form or in any other form, and in terms of the selection or arrangement of their contents, they constitute innovative intellectual works, music, or others, provided that the source of the extracts and their authors are mentioned in those collections, without prejudice to the authors' rights with respect to each work that forms part of these collections.

Conclusion:

Universities play a key role in the scientific development process through their functions related to teaching, scientific research, or other things, and there is no doubt that universities are a source of creativity, innovation and invention, and these innovations and inventions are subject to assault, and in this research, the researchers focus on the role of universities in promoting the concepts of intellectual property and contributing to its protection through procedures that guarantee their owners such protection, whether those related to registering patents of inventions, scientific works, research or other aspects of intellectual property for faculty members, students or workers in general, and whether it was a private university works or in partnership with other universities. Through this study, the researchers reached a number of conclusions and made a number of recommendations and suggestions, the most important of which are:

- Universities are the first incubator for scientific creativity and innovation, and these deserve legal protection.

-- Some universities issued instructions related to intellectual property in them, with the aim of strengthening the protection of intellectual property rights in them.

- Intellectual property instructions issued in universities organized concepts related to intellectual property aspects, whether for faculty members or students.
- The intellectual property instructions in universities regulate everything related to the university's work or joint with other universities, or those that it undertakes for the benefit of another party based on a special agreement for that.
- The intellectual property instructions in universities are in accordance with the legislation issued in Jordan regarding the provisions and rules of copyright protection and other fields of intellectual property.

Recommendations:

- The researchers recommend universities and institutions concerned with scientific research, innovation and creativity to quickly issue their own instructions to promote and protect intellectual property concepts in line with legislation.
- The researchers recommend that universities that have issued intellectual property instructions organize workshops and meetings to raise awareness for faculty members, students and all employees of intellectual property rights.
- It is necessary to publish the instructions issued in universities regarding intellectual property and publish them on the university's website on the Internet by all means so that everyone can identify them and benefit from them.
- Unifying legal terms and definitions in all intellectual property instructions in universities, and their coverage of all aspects of scientific, literary and artistic intellectual property.
- Establishing sufficient legal guarantees to protect the innovations and works of faculty members, in a way that guarantees them the right to all rights arising therefrom.
- Creating a legal unit in universities concerned with the protection of intellectual property for faculty members, students and all university affiliates, to raise awareness and provides advisory services and technical support to them in order to achieve the strengthening of intellectual property rights protection for all.

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