



Copyright Awareness and Management in Flexible Learning: Challenges and Initiatives in the New Normal

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Abstract. This study aims to determine the level of awareness of the Bicol State College of Applied Sciences and Technology teaching personnel in terms of Copyright ranging from basic and advanced knowledge, Open Educational Resources (OERs) to Creative Commons (CCs). The survey, case study, and action research are the research method used in the study. The questionnaire was divided into three sections: Fundamentals of Copyright, Limitations of Copyright and Fair Use, and Creative Commons. With the indicators from areas of the questionnaire, 5 out of 7 for the first section, 7 of 7 for the second section, and 7 out of 8 for the last section have a description of “Aware,” therefore the Copyright awareness of the BISCASST teaching personnel is considered above average. Moreover, the initiatives that can be conducted are capacity or capability building focusing on advanced concepts of Copyright, especially creative commons in the context of the new normal.

Keywords: Copyright Awareness · Copyright Infringement COVID-19 · Creative Commons · Fair Use · Flexible Learning · New Normal

1 Introduction

The COVID-19 pandemic has led the educational system worldwide to shift from residential or face-to-face learning to flexible learning that includes blended and online distance learning [1]. This caused a notable change in teaching strategies among teaching personnel from all levels of knowledge. The learners adapted several learning styles to cope with the challenges imposed by this pandemic [2]. This setup among teachers and learners led to a “New Normal.” This is not just a new normal in the educational system but also in the industries [3].

In the Philippine higher education landscape, the Commission on Higher Education (CHED) released CHED Memorandum Order No. 04, Series of 2020 (CMO No. 04, S.2020), also known as the Guidelines on the Implementation of Flexible Learning [4]. The said CMO promotes flexible learning as a primordial approach that serves as a solution to exploring innovative learning modalities during the COVID-19 pandemic. Flexible learning only partially relies on technology, as it allows time, place, and audience flexibility. It focuses on the variability of the technology levels, internet

connectivity, digital literacy, and availability of devices for both the teaching personnel and the learners.

CMO No. 04, S. 2020 orders higher education institutions (HEIs) to craft a Learning Continuity Plan that gives mechanisms to orient and informs learners on the learning systems to be instigated. A faculty member may implement provisions of their HEI's Learning Continuity Plan by releasing course packages that include course syllabi, learning activities, study guides, recorded videos of lectures, lecture notes, and guidelines. It also consists of the mechanics of submitting requirements and similar academic documents needed to achieve the program learning outcomes and course learning outcomes. Moreover, the CMO No. 04, S. 2020 specifies the mandatory availability of Policies on Intellectual Property Rights, Open Educational Resources (OER), Open Access (OA), and plagiarism [5]. While it is imperative to have policy guidelines regarding intellectual property rights, the call to revise them in terms of intellectual property rights is tantamount to ensuring academic integrity within the HEIs, especially in times of unprecedented situations like the emergence of COVID-19.

Copyright is considered one of the most important intellectual properties, especially to all levels of private and public education institutions, since most of their works and output fall under this type of intellectual property. The teaching personnel develops and implements various course syllabi, study guides or learning modules, teaching-learning activities, video recordings of lectures, lecture notes, and the like are fully covered by copyright provisions and governing concepts [6]. This is also true for the outputs of the learners, like assignments, term papers, research papers, choreography, compilations of problem sets, and similar academic requirements submitted to their teachers. This study aims to determine the level of awareness of the teaching personnel of the Bicol State College of Applied Sciences and Technology (BISCAST) in terms of basic and advanced concepts of Copyrights, Copyright infringements, Limitations of Copyrights, Fair Use, OERs, OA and Creative Commons in the new normal. The awareness level serves as an input to the revised and enhanced policy guidelines on copyrights focusing on the development of online course development and the outputs of the teaching personnel as a response to CMO No. 04, S.2020. This will spark the BISCAST administration to have initiatives that will foster academic integrity through Copyright Awareness Seminars and Workshops.

1.1 Copyright Awareness and Its Impact

This section discusses copyright awareness and its impact as experienced by teaching personnel, song creators, digital content users, and students in a tertiary education institution.

A study presented three areas that cause discomfort when faced with Copyright: rapid and consistent digital transformation, generational divides, and cultural differences. With these reasons for distress, the study proposed three strategies to foster and establish institutional awareness at California State University (CSU), namely: establishing profound arguments for copyright awareness, leading the people to act per the institution's existent mission and initiatives that implement knowledge development among faculty member and non-teaching personnel. These strategies lead the institution to proactively confront copyright issues that cause the CSU's value at risk [7].

Conducted a study that seeks the copyright awareness and perception of teaching faculty covering the universities in Canada. The study showed that most of the teaching faculty were aware of Copyright, but they were unaware that their respective institution provided training regarding copyrights [8]. Furthermore, the study's comments focused on the intricacies of Copyright, including the tediousness of obtaining permission from the authors or creators that can be used in teaching and learning. They concluded that respondents are at ease if they use freely available materials on the internet, like YouTube videos and images.

Initiated a study determining the Plagiarism Awareness of the engineering faculty at Moi University [9]. While plagiarism and copyright infringement are different concepts, the two are highly related. The study showed that the engineering faculty exhibited a lower understanding of the essential elements of scientific writing, resulting in plagiarism. Also, it showed that no mechanism at the institutional level deals with plagiarism and its prevention and punishment. It ensures genuine intellectual offerings to scholarship excellence by increasing the concepts of Intellectual property, especially copyright and copyright law, in return for lessening the activities of plagiarism.

Aside from plagiarism, another compelling topic related to Copyright in the education sector is Open Education Resources [10]. The research emphasizes Public Higher Education practices in Portugal relating to Open Education Resources [11]. It was noted that half of the respondents need more knowledge in the ownership of their advanced materials in teaching produced in their respective institutions and the copyright policies when dealing with open access to scientific production. This lack of knowledge is not just evident in research of Cardoso. This is also true of other similar studies concluding that there needs to be more clarity regarding copyright authorship and ownership [12].

Awareness of Copyright is not just proper for educators or teaching personnel but also valid for song creators. In Indonesia, regional pop song creators are aware of the importance of recording Copyright since it adheres to the mandate of Act No. 28 of 2014 relating to Copyright [13]. Nevertheless, song creators need to register their outputs. The song creators argue that song registration does not merit attention since they are bound not to profit or lose personally. In the lack of other provisions of copyrights for song creators, especially in the case of Collective Management Institute, the song creators decide to sell the copyrighted work rather than registering to the Ministry of Law and Human Rights in the circle of Intellectual Property and Intellectual Property Rights.

Focused on the awareness of Intellectual Property Rights in the Creative Industry in South Korea, specifically copyrights [14]. The research assesses the gap in the copyright policy situation in South Korea that links to an unfair problem that the creative industry is facing. The results show that the existing gap in the copyright policy is due to the low copyright policy education. Members of the creative sector enjoy a fair share right under copyrights. The research gives three suggestions for the improvement of Copyright for the creative industry, namely: raising the awareness of copyright policies through public education and targeted promotion, accessing the existing legal sources for Copyright freely, and updating the current policies that create innovative solutions among concerned individuals or groups like the creative industries.

The development of digital libraries has led to the development of appropriate technologies that are strongly related to storage and distribution. Researched the copyright

awareness of digital content users in Malaysia and the factors contributing to Copyright awareness [15]. The research exhibits three vital characteristics that influence the understanding of Copyright and digital content users: policy guidance, promotional programs, and training. It reported that the three factors had caused the high awareness of digital content users regarding copyrights. A moderate level was noted in respecting intellectual property rights, especially copyrights. This finding will be used to raise the awareness level in the institutions that leads to the protection and easy access to educational materials in Malaysia.

Learners are considered to be the significant clientele of higher education institutions. The study reported the awareness of tertiary students in Malaysia concerning the legal understanding of Copyright [16]. There are two findings of the study such as 1) most of the respondents are deemed to be aware of the terms of legal protection for Copyright. In contrast, most respondents are unaware that it is not permitted to distribute unauthorized copies to another person, like their friends, and 2) there is no significant difference between law students and non-law students regarding copyright awareness. This is attributed to the university not offering ethics and business laws that do not focus on copyright law. The study recommends including ethics or law courses' syllabi on Copyright and copy infringement concepts and strengthening the copyright awareness campaign among higher education institutions.

Turkey presented a study that reveals the level of awareness of academicians and postgraduate students concerning copyright issues of digital products [17]. The findings show a moderate awareness level of the respondents' knowledge regarding copyrights, fair use, and license agreement. In contrast, low awareness about free, copyleft, and open-source software is noted. The age range 20–25 is observed to commit copyright infringement. These results were attributed to the need for more information dissemination about enforcement, and an insufficient policy prevents breaking [18].

While in Nigeria conducted a study that examined the awareness level of Copyright laws and infringement of learners of tertiary institutions [19]. There is a considerably high awareness of Copyright's extent, like using printed/literary resources. The study also reveals that they continue to infringe copyright laws despite heightened awareness. In addition, only 5% of the students can buy printed textbooks that are being used for studies and research, thus a significant increase in the distribution of electronic books that causes infringement. The study suggests a mechanism for adequately affecting copyright laws through the Nigeria Copyright Commission. Increasing the funding of the said commission will lead to the enlightenment and enhancement of the awareness of the tertiary learners in Nigeria.

Several studies showed the level of awareness of different people in society, such as teachers, musicians, people who use digital content, and students from all over the world. Even though most people in society have a high level of awareness, respondents still ignore the laws on Copyright in one way or another and either knowingly or unknowingly break copyright laws. The main thing that all of the above studies agree on is that Copyright needs to be made more known through an awareness campaign and the enforcement and improvement of policy guidelines. This will help keep academic integrity [20–23].

2 Method

This section presents the research method, the research instrument, the statistical tool, and the tables for interpretation for the achievement of the objectives of the study.

2.1 Research Methods

The research methodologies used in the study are a combination of surveys, case studies, and action research. Since the study's data collection utilizes questionnaires or scales, it is considered survey research. The research focuses on a bounded entity and examines the in-depth phenomenon. The study can be regarded as a case study. With the results from the case study, the research outputs can be a basis for the ingenuities that the BISCASST's administration crafts to advance the knowledge of the Teaching and Non-teaching personnel of the said state college.

2.2 Research Instrument

The research instrument implored in the study is a survey questionnaire. The questions used in the study are appropriately selected and analyzed from various concepts relating to Copyright and its impact on Flexible learning. The survey questionnaire has three main topics: Fundamental Concepts of Copyright, Limitations of Copyright and Fair Use, and Creative Commons and Practices.

The Fundamental Concepts of Copyright section focused on the prevailing and applicable ideas and concepts of Copyright in the Philippines' Intellectual Property Landscape.

The section on Limitations of Copyright and Fair Use emphasized the factors that constitute fair use with a highlight on the impact on scholarly works of the Teaching personnel.

The section on Creative Commons underscored some valuable topics and tips on how Creative Commons can be maximized to develop learning materials that the students use in the teaching and learning endeavor.

The survey questionnaire was made in Google Forms and was disseminated digitally.

The said questionnaire was sent to the official email addresses of the Teaching personnel of BISCASST. The link for the survey questionnaire was also floated to the official BISCASST Facebook messenger group chat. The Google Form was open for one month for interested study participants to answer the questionnaire. The survey utilized a Likert scale. The formula for weighted mean guided the computation. As reflected in formula (1), this serves as its statistical tool.

$$\bar{x} = \frac{\sum xs}{n}$$

where: x = data values (responses), n = number of respondents, s = Score (weight) of Response, (5 = HA, 4 = A, 3 = PA, 2 = LA, 1 = NA).

3 Result and Discussion

This section presents the survey results and discusses Copyright: awareness and its impact on Flexible learning.

3.1 Profile of the Respondents

Figures 1 and 2 showcases the respondents' academic ranks and college affiliation. The instructor has the highest percentage, 60%, while the professor has the lowest rate, 2%. The associate professor and assistant professor have an equal rate of 19%.

The instructor has the highest percentage, 60%, while the professor has the lowest rate, 2%. The associate professor and assistant professor have an equal rate of 19%. In terms of the college affiliation of the respondents, the most significant number of participants came from the College of Engineering and Architecture (27%), next is the Graduate School (25%), followed by the College of Arts and Sciences, then the College

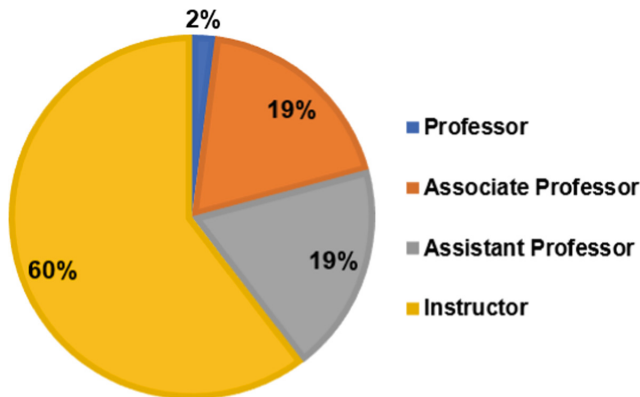


Fig. 1. Academic Ranks of the Respondents

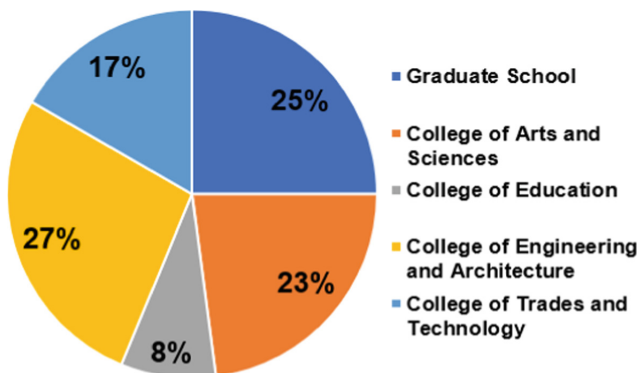


Fig. 2. College Affiliation of the Respondents

of Trades and Technology (17%) while the lowest number of participants came from the College of Education (8%).

3.2 Fundamental Concepts on Copyright

Table 1 summarizes the survey results on the topic: of fundamental concepts of Copyright. Statement No.4 has an adjectival interpretation of Highly Aware. Statement No. 6, on the other hand, has an adjectival description of less aware. The rest of the statements under the first significant topics have garnered an adjectival interpretation of consciousness.

Statement No. 4 under Table 2 states the basic definition of Copyright. This is a good indication that the teaching personnel of BISCASST is highly aware of the essential purpose in its primary sense since most of the outputs of teaching personnel are instructional materials, class records, reports, and other papers works. These are subsumed under the protection of Copyright that can be conferred to the teaching personnel.

However, statement no. 6 states that the copyrighted works do not need to be registered or deposited to the Intellectual Property Office of the Philippines or the National Library, for these are not mandatory to the IP creator since, by statement no. 5, the copyrightable materials are already protected from the moment of creation.

This means that the IP creators, i.e., the teaching personnel, can already enforce their rights over their copyrightable materials. The certificate of copyright registration will serve as prima facie evidence to whoever contests the ownership and authorship of the works.

Table 1. Fundamental Concepts on Copyright

No.	Statements	Weighted Mean	Adjectival Interpretation
1	Promoting creativity and innovation through incentives to IP creators is one of the objectives of the Intellectual Property System.	3.875	Aware
2	The idea-expression dichotomy exists in Copyright; therefore, the expression of ideas or facts is protected through Copyright.	3.625	Aware
3	There is no such thing as worldwide protection of Intellectual Property. Protection of Intellectual Property is territorial.	3.250	Aware
4	Copyright allows the creators to decide what to do with their literary or artistic work and how said other individuals can utilize work.	4.042	Highly Aware
5	Copyright protects literary or artistic works from the moment of creation.	3.667	Aware
6	It is not required to register copyrighted works.	2.792	Less Aware
7	Copyright does not protect works under the public domain.	3.438	Aware

Table 2. Limitations of Copyright and Fair Use

No	Statements	Weighted Mean	Adjectival Interpretation
1	It is not copyright infringement as long as fair use is observed in comments, news reporting, criticism, and teaching. It includes several copies for teaching and learning use, research, scholarship, and other similar purposes.	3.479	Aware
2	The purpose and character of the use are factors under fair use. Copyright must be non-commercial and transformative, e.g., education, scholarship, research, and parody.	3.354	Aware
3	The nature of copyrighted work is one of the factors under fair use. The results must be published and factual, e.g., biographies.	3.229	Aware
4	The amount and substantiality of the portion used are factors under fair use. The work must only contain a minimal amount and does not capture the so-called “heart of the work.”	3.146	Aware
5	The effect of the use on the potential market for or value of copyrighted work is one of the factors under fair use. The work must be suitable for commercial value, especially on the projected income of the copyright owner.	3.271	Aware
6	Purchasing books or e-books of students must be a priority over distributing copyrighted materials.	3.438	Aware
7	It is subjected to fair use quotations from published work, e.g., an academic journal or a textbook.	3.729	Aware

The initiative that can be done is a proposal of advanced courses or seminars on Copyright focusing on copyright enforcement. With these, it is essential to emphasize that the proposed advanced courses or seminars on Copyright are the standing rights of the copyright holders.

3.3 Limitations of Copyright and Fair Use

All seven indicators under this section have an adjectival interpretation of aware.

With the highest weighted mean of 3.729 under this section, Statement No. 7 states the allowance for quotations from published works observing fair use. As teaching personnel, they must be abreast of the latest field updates. Usually, these updates are found in academic articles from trusted and reliable journal indexing by SCOPUS, Clarivate Analytics, and other indexing bodies. Therefore, another initiative that can be proposed to the BISCASST administration is a seminar or workshop on choosing a good journal and suggesting having journal subscriptions relevant to the field of the College. The journal subscription can be perpetual, either paid or free [5].

Statement No. 4 under this section garnered the lowest weighted mean of 3.146. Statement No. 4 pertains to one of the conditions or factors for fair use, i.e., amount and

Table 3. Creative Commons and Practices

No	Statements	Weighted Mean	Adjectival Interpretation
1	The public licenses crafted by Creative Commons permit anyone to utilize copyrighted materials without asking permission, as long as the user follows the permissions set by the copyright owner.	3.146	Aware
2	Attribution (BY), Share Alike (SA), Non-Commercial (NC), and No Derivatives (ND) are modes that the creators can apply under CC licenses.	2.792	Less Aware
3	Assuming that the third-party contents do not infringe the Copyright of others, online materials (e.g., website pages and YouTube videos) may be included in the faculty member's online course curriculum.	3.146	Aware
4	Under the terms of use of a third-party site, check if it allows linking or embedding.	3.021	Aware
5	It is advisable to utilize self-made videos, music, images, and works from the public domain or those where permission was obtained explicitly; either job is available online.	3.521	Aware
7	It is free to use a large majority of images coming from Wikipedia.	3.354	Aware
8	Copyright protection also extends to social media content; therefore, unauthorized "grabbing" of a video or a photo is not advisable.	3.646	Aware
9	It is advisable to craft your slides and use works under Creative Commons.	3.729	Aware

substantial portion with the condition that the teaching personnel must not copy the "heart of the work." Photocopying materials, handouts, books, and other instructional materials, either in part or in full, is considered a rampant and recurring sickness in the academic community. The teaching personnel may not be liable for copyright infringement since the purpose is to advance knowledge or instruction.

3.4 Creative Commons

Table 3 summarizes the survey results under the topic: of creative commons. Seven of the eight indicators under this section have an adjectival description of aware, while one has an adjectival explanation of less familiar.

With the highest weighted mean of 3.729, the last statement under this section talks about creating personalized slides and not just copying slides on the internet. Creative Commons, or CC, as seen in most documents or creative works on the internet, is an international network and non-profit organization dedicated to accessing and expanding

creative works for educational purposes [24–27]. It can be licensed under creative commons. Therefore, it is imperative to say that the materials found on the internet are not, by default, belong to the public domain. It is safe to make their slide to be used in the teaching and learning experience.

Statement No.2 under this section enumerates the different kinds of CCs the teaching personnel can use to protect and possibly share their academic materials like instructional materials, handouts, educational articles, and the like. While the study notes that the indicators garnered an adjectival description of awareness, it is surprising that the kinds of CC were unfamiliar among the BISCASST teaching personnel.

Statement No.2 is a good indicator that will serve as input to the proposed initiatives. It would be feasible to have a separate seminar or workshop on CC. The enterprise can discuss the more profound concepts of the different types of CC. Moreover, the discussion can extend to the proper CC type suitable to the IP creator's needs and decision on their copyrightable works. This initiative can extend to developing policy guidelines on the appropriate CC to be applied to copyrightable works since they have different appreciation and value, especially if it is viable for financial exploitation.

3.5 Challenges

It is known that Copyright has notable benefits on behalf of IP creators. However, challenges to the religiously following the statutes and guidelines provided nationally by Republic Act No. A8293 or the Intellectual Property Code of the Philippines and locally by the BISCASST IP Policy (Policy-Guidelines Governing Intellectual Property Rights and Technology Transfer Arrangements of The Bicol State College of Applied Sciences and Technology) is a common predicament. The teaching personnel must consider several things, e.g., suggestions of readings or supplemental materials found on the internet, sharing the developed materials by the teaching personnel, and differentiation of copyright infringement and plagiarism among works of students that must observe properly, thus hindering or delaying the teaching and learning process.

In the paradigm of the BISCASST administration overseen by the Intellectual Property Management Unit (IPMU) of the Research, Extension, Production, and Enterprise Development (REPED) Office, it is a challenge to monitor every action of the teaching personnel about Copyright since this may affect the name of the institution and may cause distrust in the public once a copyright infringement has been by teaching personnel.

3.6 Proposed Initiatives

With the results of the survey questionnaire, several initiatives may be proposed to the BISCASST administration to strengthen the knowledge of the BISCASST teaching personnel regarding copyrights in the form of capacity or capability building, summarized as follows: 1) seminar-workshop on advanced topics on copyrights focusing enforcement of rights, 2) training on choosing competitive journals preferably open access, 3) symposium on creative commons and its practical applications to flexible learning in the new normal, and 4) Open forum on the advances and updates of Copyright affecting the teaching and learning process.

This is not just limited to the capacity or capability of building on copyright awareness of BISCASST teaching personnel and serves as an input to the possible development of policy guidelines, namely: 1) policy guidelines on the development of online academic resources like online instructional materials, 2) policy-guidelines on CC,

3) policy guidelines on plagiarism for students and teaching personnel, and 4) possible extensive amendment of the BISCASST IP Policy focusing on Copyright. In extension, if BISCASST decides to pursue offering Open and Distance e-Learning (ODEL) courses, these policies and guidelines will be part of the administering functions of the academic arm of BISCASST.

4 Conclusion

Copyright as one of the intellectual properties is considered the most well-known type of IP among all IPs in the appreciation of the BISCASST teaching personnel and the worldwide teachers and educators, next to industrial properties like patents and utility models. The copyright awareness level aided in determining possible initiatives intended for BISCASST teaching personnel and inputs to several policies and guidelines that will strongly reinforce and absorb the intricacies of Copyright, especially in difficult times like the COVID-19 pandemic.

The extensiveness of the indicators presented in this study covers the fundamentals and some advanced topics and concepts on Copyright, including CC. However, the study did not touch on the enforcement of Copyright rights to the IP creators and the rightful owners of the copyrightable works and the difference between copyright infringement and plagiarism. It is also suggested to conduct bench learning activities that focus on learning the best practices of the academic institution regarding Copyright ranging from existing standing policies, incentives for copyrighted works, case studies if available, and enforcement of rights to the IP creators. Upon completion of the bench learning activities, it must be summarized and analyzed what collected best practices apply to the situation of the BISCASST teaching personnel.

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