



Intellectual Property Rights Usage for Academic Entrepreneurship Among Business Educators in Universities Within Rivers State, Nigeria

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Abstract

The study investigated the utilization of intellectual property rights for academic entrepreneurship among Business Educators in Universities in Rivers State. The study made use of two specific objectives, two research questions and two hypotheses. A survey design was adopted for the study. A total of 48 Business Educators in the three public Universities in Rivers State made up the population. No sampling technique was used since the population of the study is of manageable size. A self-structured instrument validated by three experts in the relevant areas was used for data collection; however, only 46 questionnaires were retrieved and used for the study. Mean and standard deviation were used to analyze the data, and Analysis of Variance was used to test the hypotheses formulated for the study at a 0.05 level of significance. The findings of the study revealed that Business Educators' extent of utilization of intellectual property rights for academic entrepreneurship is generally low. Therefore, it recommends amongst others that University management should provide resources and comprehensive training on intellectual property rights to raise awareness and encourage academic researchers to utilize these rights. The government should provide incentives such as tax credits or advanced market commitments to encourage academic researchers to obtain and utilize intellectual property rights.

Keywords: Intellectual property rights, Academic entrepreneurship, Business Educators, Utilization

Introduction

Intellectual property right is a concept that defines different legal provisions to grant ownership protection for creative and innovative work. According to Grzegorzczuk and Glowinski (2019), intellectual property rights are a strategic criterion for the emergence of intellectual assets in markets. Leonard (2022) and Intellectual Property Office (2023) opined that the protection of intellectual property rights is a necessity for any economy that desires to encourage a culture of innovativeness and entrepreneurship. Thus, intellectual property rights stimulate the dissemination of new knowledge by reassuring inventors or authors to position their inventions or creations on the market and recover their costs among other benefits. In defence of intellectual property rights, Mendis et al. (2015) are of the view that if the inventions or innovations are not protected, the original inventors or authors would suffer great loss from infringement, while those who infringe their works may enjoy the benefit of their creation. In corroborating this view, Aldosari (2016) stated that inferior products will overtake a market that is not protected by intellectual property rights. In essence, Faculty members who understand the significance of the utilization approach to subject delivery can effectively apply the same to maximize intellectual property rights for ultimate benefit.

There are many types of intellectual property rights such as patent rights, copyright, industrial design rights, trade secrets, trademark rights, plant variety rights, geographical indications and trade dress (World Intellectual Property Organization, 2015; Aspan et al., 2022). However, Amesi (2021) and Akpomi (2021) identified copyrights, trademarks, patents, trade secrets and industrial designs as the most well-known types of intellectual property rights in Nigeria. Thus, this study will focus on two distinct types of intellectual property rights in Nigeria. Namely: copyrights and trademark rights. Copyright is a kind of intellectual property right given to writers of original works of authorship. The right extends to creative works like paintings, drawings, photographs, sculpture, architecture, advertisements, maps and technical drawings, as well as literary works like books, poems, plays, reference works, newspapers, computer programmes, databases, films, musical composition and, choreography (World Intellectual

Property Organization, 2016). In addition to literary and artistic works, Amesi (2021) posited that the sole right to duplicate and alter the work (that is, to produce "derivative work") is granted to the right holder under copyright. A derivative work is extensively characterized as a work given at least one prior work, such as a translation, dramatization, fictionalized film picture version, encapsulation buildup or some other form in which a work perhaps recast, changed, or adjusted. Thus, copyrights also protect derivative works, i.e., works derived from existing sources. The operations of the copyright system also include related rights, which are rights granted to performers, audiovisual producers, broadcasters, publishers, and so on.

As regards related rights, the China National Intellectual Property Administration (2019) explained that it is rights enjoyed by those who have a close relationship with the works of authors or creators. Works that are copyrighted are a source of related rights. While copyright protects the works of the actual authors, related rights permit certain classes of individuals or businesses that play a significant role in performing, conveying or disseminating works to the public that could be protected by copyrights. Thus, copyrights are essential intellectual property rights granted by law to inventors or authors to protect their creative works and related rights holders to their work. These rights offered the owners of copyright the authority to duplicate the work and to play out the work in public. In Nigeria, copyrights are statutorily administrated and regulated by the Nigerian Copyright Act of 2022. The Act established the Nigerian Copyright Commission to oversee the administration of copyright in the nation. The period or extent of the subsistence of copyright protection is determined by the nature of the work. For literary, musical, and artistic works, copyright (excluding photographs) subsists from when the work is made to seventy (70) years after the demise of the creator or the last surviving author in the case of joint authorship (Onyeyan, 2018). As for cinematograph films and photographs protected by copyright, it subsists from when the work was made to fifty (50) years after the work was first published. Lastly, copyright protection for broadcasts and sound recordings lasts for fifty years after the year's end in which the transmission or the recording previously occurred (Osundolire & Chuks-Okeke, 2021). In principle, anyone wanting to use such work protected by copyright requires the author's consent, unless the copyright has expired. Unauthorized use of copyrighted material violates the exclusive rights of the creator, which is known as copyright infringement (Aboyade et al., 2015; World Intellectual Property Organization, 2021). However, under fair dealing, an author's work can be used by the public without infringing it (Padil et al., 2020). Onyeyan (2018) opined that fair dealing is done for research, personal use, critique, or review/assessment of current events reporting.

The protection accorded to copyright holders rests fundamentally on the theory that intellectual work creators ought to be entitled to the reward of their work. Therefore, an owner of a copyright may assign his rights or license some acts to be accomplished to the work for financial or other benefits (Khair & Hashim, 2020). Any assignment of copyright or exclusive license to do an act must be in writing for it to be substantial. A non-exclusive license could be oral or surmised from the conduct of the parties. Another, well-known type of intellectual property right in Nigeria is trademark right. A trademark right is an essential intellectual property right which serves as a unique identifier of goods or services as those produced provided by a particular individual or enterprise, thereby distinguishing it from those of another. Aminu (2016) posited that a trademark serves as a means for customers to identify and familiarize themselves with a particular product, leading to recurring purchases. Thus, trademarks are logos, letters, designs, drawings, symbols, numbers, three-dimensional signs, sounds, taste and smell, or a combination of any of these adopted by a business entity to distinguish its products or services from those of other businesses and prevent fraudulent or unauthorized use (Ofili, 2014; World Intellectual Property Organization, 2020). In academia, the American Association of University Professors (2014) submits that names, logos, new techniques, research laboratories, software programs, services offered by departments, websites, and programs of research have the status of a trademark. Therefore, in the world of academic work, trademarks maintain academic integrity (Koko et al., 2023). Protecting a trademark ensures that only the owners of the mark have the exclusive right to use it commercially to distinguish goods or services or to grant permission for others to use it in exchange for recognition or financial gain.

In Nigeria, advertising slogans are also considered trademarks (Registry of Trademarks, Patents and Designs, 2011). The implication is that enterprises can use any sort of sign as a trademark to promote their goods and services to undermine counterfeiting, which consumers can rely on as being genuine. Accordingly, in the course of trade, trademarks are used to identify and set one party's goods apart from those of others. A trademark may also be used on a good or service, its package or its marketing. One indispensable characteristic of a trademark is

"distinctiveness", meaning the capacity to tell the differences between one good/service and another. Thus, a trademark is a product differentiator. In corroborating this view, Adewopo (2015) stated that trademark appeals to customers' visibility in the marketplace. The ownership of trademark rights encourages investment in quality and prevents consumer deception. However, Omirin (2017) posited that a lack of awareness of trademark protection benefits can hinder combating trademark infringement and counterfeiting. Therefore, the World Intellectual Property Organization (2021) suggested that trademark registration is the most secure method to build a brand image, consumer confidence, and goodwill. If trademarks were not protected, competitors could pass off counterfeit goods as legitimate versions of those produced by the trademark owner. Such a situation, according to Byron (2018) could give rise to a high level of counterfeiting. The consequence is that incentives for maintaining quality would diminish and would possibly confuse customers, thereby, raising consumer search costs.

Trademark rights like other intellectual property rights are territorial; nations determine the requirements for dealing with trademarks (Maya et al., 2023). However, the World Intellectual Property Organization under the Madrid System offers international registration (World Intellectual Property Organization, 2020). The Trade Marks Act, Cap T13, Laws of the Federation of Nigeria, 2004, the Trademark Regulations 1990 and the Nigerian Trade Marks Regulations 1967 are the laws in Nigeria that govern trademarks; unregistered trademarks are subject to received English Common Law (Advocates for International Development, 2016; Onyido, 2020). To ensure maximum protection, a trademark should be registered with the Nigerian Trade Marks, Patents and Designs Registry, particularly because a trademark infringement action can only be instituted in respect of a registered mark. World Intellectual Property Organization (2019) pointed out that when competitors use similar distinctive signs to promote inferior or different goods or services, such as trademark counterfeiting, registered trademarks offer legal remedies against unfair competition. The right gives the inventor the legal right to prevent others from duplicating, assembling, selling or importing the invention without the authorization, permission or content of the right owner (World Intellectual Property Organization, 2020). As legal assets, registered trademarks hold commercial value and can be traded. Thus, using unregistered trademarks carries significant legal risks, unless they become somewhat influential through use.

In essence, intellectual property rights are key institutions for better identification, protection and commercialization of invention or creativity, and a vehicle for entrepreneurialism for academic research results in this modern era. The concept of commercializing discoveries or research findings made by academic researchers is known as academic entrepreneurship. Therefore, academic entrepreneurship could be an avenue for universities in Nigeria (Adelowo & Surujlal, 2020) to generate revenue, cope with the enormous expenditure in the university system, and significantly contribute to national development via intellectual property rights and related activities application. Protecting valuable research outcomes and utilizing its related rights could also grant academic researchers as academic entrepreneurs significant commercial opportunities with benefits. In the views of Akpomi and LongJohn (2021), utilization is the ability to use resources for meaningful benefits. Thus, the utilization of intellectual property rights offers academic researchers the opportunity to tackle research problems of industries and others, which could yield great benefits. Academic researchers who possess intellectual property rights can realize value from the right by utilizing it exclusively (through start-ups) or externally through customers or industries (Federation of Indian Micro and Small & Medium Enterprises, 2014). However, the effective operation of an intellectual property system for ultimate benefit requires good knowledge of intellectual property rights and its utilization on the part of the faculty as academic entrepreneurs. The latter can be attained through assignment, licensing, merchandising, revenue-focused litigation etc., via the knowledge market to gain profits. Thus, the knowledge and understanding of intellectual property rights and maximizing its economic values cannot be over-emphasized.

In this age of creativity and innovation revolution, the growing importance of knowledge has placed intellectual property rights in the global spotlight. Therefore, it has become necessary that faculty members should have adequate knowledge of intellectual property rights (Pathan & Anandhalli, 2019), and their commercial utilization as academic researchers. This knowledge could include how to obtain intellectual property rights for research outcomes, how to describe research outcomes in the patent specification, the significance use of research results in society, practical knowledge of utilizing or exercising intellectual property rights such as exclusivity, assignment, technology transfer and licensing and how to respond to infringements of rights. The implication is that, as providers of training for the development of skills for work and entrepreneurship in line with best global practices (Bupo & Ndinechi, 2015; Ikpesu & Ornu, 2021), Business Educators are in many ways engaged in innovative and inventive

academic researches that can evolve into copyrights, trademarks, patents, industrial designs and trade secrets, which can be turned to commercial account. Furthermore, by acquiring of intellectual property rights regime, Business Educators can play an active role in the commercialization process of their research outcomes and return a financial reward and other incentives to themselves. Ignorance of intellectual property rights and its commercial utilization among Business Educators could obstruct the academic and economic potential of the Business Educators and by extension, the economy of the nation. Thus, it becomes very expedient to have an insight into Business Educators' utilization of intellectual property rights for academic entrepreneurship.

Statement of the Problem

In academia, there seems to be a lack of application of the intellectual property regime. World Intellectual Property Organization (2016) pointed out that a reasonable degree of innovative and creative activities that take place in universities are not translated into intellectual property applications to generate economic value. This could mean that research outcomes of faculties are not translated into real-world applications which may limit the potential societal impact of academic innovations. Furthermore, it can lead to the loss of financial opportunities and other incentives that academic researchers could gain from commercializing research outcomes via intellectual property rights. The foregoing prompted the question, to what extent do academic researchers utilize intellectual property rights for academic entrepreneurship? Providing an answer to this question poses the problem of this study.

Aim and Objectives of the Study

The purpose of this study is to investigate the utilization of intellectual property rights for academic entrepreneurship among Business Educators in Universities in Rivers State. Specifically, the study sought to:

1. Find out Business Educators' extent of utilization of copyright for academic entrepreneurship in Universities in Rivers State.
2. Ascertain Business Educators' extent of utilization of trademark rights for academic entrepreneurship in Universities in Rivers State.

Research Questions

The following research questions guided the study:

1. To what extent do Business Educators in Universities in Rivers State utilize copyright for academic entrepreneurship?
2. To what extent do Business Educators in Universities in Rivers State utilize trademark rights for academic entrepreneurship?

Hypotheses

The following null hypotheses were tested at a 0.05 level of Significance:

1. There is no significant difference in the mean response of Business Educators among the Universities in Rivers State on the extent of utilization of copyright for academic entrepreneurship.
2. There is no significant difference in the mean response of Business Educators among the Universities in Rivers State on the extent of utilization of trademark rights for academic entrepreneurship.

Methodology

A survey research design was adopted for this study. The population of the study consists of 48 Business Educators in the three public Universities in Rivers State: Rivers State University (RSU), Ignatius Ajuru University of Education (IAUE) and University of Port Harcourt (UNIPORT). Details of the population are shown in table 1 below. A self-structured instrument captioned "Utilization of Intellectual Property Rights for Academic Entrepreneurship Questionnaire (UIPRAE)" was used to collect data from respondents. The Cronbach Alpha reliability test was adopted to ensure the consistency of the instrument and it yielded a reliability coefficient of .717 which denotes that the instrument is reliable. Out of 48 questionnaires administered to the respondents, only 46 were retrieved and used for the study. The instrument is in two parts to elicit information for the study. Whereas Part One of the questionnaires sought demographic information from the respondents, Part Two answered research questions on the extent of utilization of intellectual property rights for academic entrepreneurship on a four-point scale of High Extent, Moderate Extent, Low Extent and Very Low Extent. Three professionals with relevant expertise validated the instrument. Mean and standard deviation were used to analyze the data, and Analysis of Variance (ANOVA) was used to test the hypotheses formulated for the study at a 0.05 level of significance through Statistical Packages for Social Science Software (IBM version 25). The real limits of numbers were used in judging the mean scores. As

such, the mean ratings were as follows: 1.00 - 1.49 (Very Low Extent), 1.50 – 2.49 (Low Extent), 2.50 – 3.49 (Moderate Extent), and 3.50 – 4.00 (High Extent). The decision rule: the hypothesis is to be accepted if the F- F-calculated value is less than or equal to the F-critical value and rejected if the F-calculated value exceeds the F-critical value.

Table 1: Population Distribution.

S/N	INSTITUTION	NO. OF BUSINESS EDUCATORS
1.	RSU	30
2.	IAUE	12
3.	UNIPORT	6
	TOTAL	48

Source: Business Education Department Office (RSU, IAUE and UNIPORT)

Results

Research Question 1: To what extent do Business Educators in Universities in Rivers State utilize copyright for academic entrepreneurship?

Table 2: Mean responses of Business Educators in the three public Universities in Rivers State on the extent of utilization of copyright for academic entrepreneurship

S/N	Items	RSU (n=28)			IAUE (n=12)			UNIPORT(n=6)		
		Mean	SD	Remk.	Mean	SD	Remk.	Mean	SD	Remk.
1.	I exclusively utilize my copyright work or creativity.	2.39	1.03	LE	2.08	1.38	LE	2.67	1.21	LE
2.	I assign the copyright to other parties for a fee.	2.07	.86	LE	1.42	.79	VLE	2.17	.98	LE
3.	I license the copyright to another person or firm entirely or partly in exchange for payment.	2.07	.94	LE	1.50	1.00	LE	2.33	1.03	LE
4.	I use copyright as collateral for a credit facility in a financial institution.	2.21	1.08	LE	1.50	.91	LE	2.17	.75	LE
5.	I engage the Intellectual Property and Technology Transfer Office to commercialize my copyright work.	2.18	1.02	LE	2.33	.67	LE	2.33	.82	LE
6.	I obtain government grants with my copyright to enhance further invention and creativity.	2.04	.92	LE	1.25	.62	VLE	2.33	1.03	LE
	Grand mean	2.16		LE	1.68		LE	2.33		LE

Source: Field survey, 2023

The result in Table 2 shows the mean responses of Business Educators in the three public Universities in Rivers State on the extent of utilization of copyright for academic entrepreneurship. The table indicated that exception of Business Educators in IAUE very low extent of assigning copyright to other parties for fees and obtaining government grants with copyright to enhance further invention and creativity with mean scores of 1.42 and 1.25, the Business Educators in the three Universities utilize copyright to a low extent. The table reveals grand mean scores of 2.16 for RSU, 1.68 for IAUE and 2.33 for UNIPORT, which indicates that Business Educators in the three public Universities in Rivers State extent of utilization of copyright for academic entrepreneurship is low.

Research Question 2: To what extent do Business Educators in Universities in Rivers State utilize trademark rights for academic entrepreneurship?

Table 3: Mean responses of Business Educators in the three public Universities in Rivers State on the extent of utilization of trademark rights for academic entrepreneurship

S/N	Items	RSU (n=28)			IAUE (n=12)			UNIPORT(n=6)		
		Mean	SD	Remk.	Mean	SD	Remk.	Mean	SD	Remk.
7.	I merchandise my trademark.	2.04	.88	LE	1.33	.78	VLE	2.50	1.23	LE
8.	I license my trademark for royalty.	1.93	.77	LE	1.33	.78	VLE	2.33	1.21	LE
9.	I secure a credit facility with the trademark.	1.93	.77	LE	1.58	1.00	LE	2.00	1.10	LE
10.	I engage the Intellectual Property and Technology Transfer Office to commercialize my trademark.	1.89	.83	LE	1.50	.80	LE	2.33	1.03	LE
11.	I use trademarks to attract partners.	2.18	.95	LE	1.58	.79	LE	2.33	1.03	LE
12.	I obtain government grants with my trademark to enhance further invention and creativity.	1.93	.81	LE	1.41	.67	VLE	2.17	1.16	LE
Grand mean		1.98		LE	1.46		VLE	2.33		LE

Source: Field survey, 2023

The result in Table 3 shows the mean responses of Business Educators in the three public Universities in Rivers State on the extent of utilization of Trademark rights for Academic Entrepreneurship. The table indicated that, whereas Business Educators in IAUE merchandise trademark to a very low extent with mean score of 1.33, Business Educators in RSU and UNIPORT merchandise trademark to a low extent with mean scores of 2.04 and 2.50. Also, the table indicated that Business Educators in IAUE licensed the trademark for royalty to a very low extent with a mean score of 1.33, while Business Educators in RSU and UNIPORT licensed the trademark for royalty to a low extent with mean scores of 1.93 and 2.33. Furthermore, the table reveals Business Educators in the three Universities secure credit facilities with trademarks to a low extent with mean scores of 1.93, 1.58 and 2.00. Again, the table indicated that Business Educators in the three Universities engage the Intellectual Property and Technology Transfer Office to commercialize trademarks to a low extent with mean scores of 1.89, 1.50 and 2.33. The table reveals Business Educators in the three Universities use trademarks to attract partners to a low extent with mean scores of 2.18, 1.58 and 2.33. The table indicated that Business Educators in IAUE obtained government grants with trademarks to enhance further invention and creativity to a very low extent with a mean score of 1.41, while Business Educators in RSU and UNIPORT obtained government grants with trademarks to enhance further invention and creativity to a low extent with mean scores of 1.93 and 2.17. The table indicates a grand mean score of 1.98 for RSU, 1.46 for IAUE and 2.28 for UNIPORT, which shows that Business Educators in IAUE extent of utilization of trademark right for academic entrepreneurship is very low, while Business Educators in RSU and UNIPORT extent of utilization of trademark right for academic entrepreneurship are low.

H0₁: There is no significant difference in the mean response of Business Educators among the Universities in Rivers State on the extent of utilization of copyright for academic entrepreneurship.

Table 4: ANOVA showing the difference in the mean response of Business Educators among the Universities in Rivers State on the extent of utilization of copyright for academic entrepreneurship

Group	SS	Df	MS	F	Sig.	F-crit.	Decision
Between Groups	3.889	2	1.944	2.606	.085	3.21	Retain H0 ₁
Within Groups	32.089	43	.746				
Total	35.978						

Source: Field survey, 2023

Table 4 above shows the summary of ANOVA results for hypothesis 6 tested at 0.05 level of significance. The data in the table shows that $N = 46$, $dfb = 2$, $dfw = 43$, $F\text{-cal.}$ is 2.606, and $F\text{-crit.}$ is 3.21. The hypothesis was thus accepted since the $F\text{-calculated}$ of 2.606 is less than the $F\text{-critical}$ value of 3.21 at 0.05 level of significance and degrees of freedom 2 and 43 between groups and within groups respectively, which means there is no significant difference in the mean responses of Business Educators' in the three public Universities in Rivers State on their extent of utilization of copyright for academic entrepreneurship.

H0₂: There is no significant difference in the mean response of Business Educators among the Universities in Rivers State on the extent of utilization of trademark rights for academic entrepreneurship.

Table 5: ANOVA showing the difference in the mean response of Business Educators among the Universities in Rivers State on the extent of utilization of trademark right for academic entrepreneurship

Group	SS	Df	MS	F	Sig.	F-crit.	Decision
Between Groups	3.374	2	1.687	2.654	.082	3.21	Retain H0 ₁₂
Within Groups	27.341	43	.636				
Total	30.715						

Source: Field survey, 2023

Table 5 above shows the summary of ANOVA results for hypothesis 7 tested at 0.05 level of significance. The data in the table shows that $N = 46$, $dfb = 2$, $dfw = 43$, $F\text{-cal.}$ is 2.654, and the $F\text{-critical}$ value is 3.21. As a result, the hypothesis was accepted because the $F\text{-calculated}$ of 2.654 is less than the $F\text{-critical}$ value of 3.21 at 0.05 level of significance and degrees of freedom 2 and 43 between groups and within groups respectively. This indicates that there is no significant difference in the mean responses of Business Educators in the three public Universities in Rivers State regarding their extent of utilization of Trademark rights for academic entrepreneurship.

Discussion

The findings of the study indicate that Business Educators in the three public Universities extent of utilization of copyright was low extent. This is a clear indication that Business Educators in RSU, IAUE and UNIPORT do not utilize copyright for academic entrepreneurship effectively, which could be attributed to their limited knowledge of the entrepreneurial dimension of academic research and ignorant of the commercial value of their creativity. The finding is in agreement with the United Nations (2022) conclusion that utilization of copyright is low in Africa. The low extent of utilization of copyrights may cause faculty to miss out on potential opportunities to generate income from their academic work through copyright protection and licensing. Furthermore, a low extent of copyright utilization could hinder knowledge transfer. There is, therefore, a need to educate faculty members, so that they can start appreciating the value attached to copyright commercialization.

The findings of the study also revealed that the respondents' extent of utilization of trademark rights was low. This implies that Business Educators in RSU, IAUE and UNIPORT do not effectively license or merchandise their trademark for royalty nor do they engage the Intellectual Property and Technology Transfer Office to commercialize their ideas, which could be attributed to their level of awareness and ignorant of the commercial value of their creativity. This view collaborated with the United Nations (2022) conclusion that the utilization of trademark rights is low in Africa. The underutilization of trademark rights by Business Educators can impact their brand protection, market recognition, revenue opportunities, comparative advantage and legal security. Therefore, faculties need to consider the utilization of their trademark protection/ right as part of their strategic business planning to safeguard their academic integrity and intellectual property assets.

Conclusion

Based on the study's findings, Business Educators in Universities in Rivers State fall short of adequately exploiting the potential of intellectual property rights as a means of fostering their creativity and innovativeness.

Recommendations

Based on the findings from this study, the following recommendations are made:

1. Universities should provide resources and comprehensive training on intellectual property rights to raise awareness and encourage academic researchers to utilize these rights. This will enhance Business Educators' understanding and confidence in utilizing intellectual property rights.
2. University management should integrate intellectual property courses into the business education curriculum. These courses should cover topics such as copyrights, trademarks, patents, industrial designs, trade secrets, licensing, technology transfer, etc. This will encourage Business Educators to explore the practical implications of intellectual property rights in their entrepreneurial endeavours and teach their students the same.
3. Government should provide incentives that encourage academic researchers to obtain and utilize intellectual property rights. This could include tax credits or advanced market commitments to support the costs associated with obtaining and utilization of intellectual property rights.

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