

DEL PATRIMONIO INTANGIBLE AL BENEFICIO PÚBLICO: PROPIEDAD INTELECTUAL VOLUNTARIA Y DESARROLLO SOCIAL EN ARABIA SAUDÍ

FROM INTANGIBLE HERITAGE TO PUBLIC BENEFIT: VOLUNTARY INTELLECTUAL PROPERTY AND SOCIAL DEVELOPMENT IN SAUDI ARABIA

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Resumen

Este estudio examina cómo la renuncia voluntaria a la propiedad intelectual (IP) puede operar en un entorno jurídico híbrido en el que las obligaciones internacionales en materia de IP se entrecruzan con tradiciones islámicas de carácter benéfico. Mediante un método doctrinal-comparativo triangulado que abarca tratados internacionales, legislación nacional y jurisprudencia islámica, la investigación evalúa la clasificación de los derechos morales y económicos y la viabilidad de destinar los intereses económicos de la IP al beneficio público. Los hallazgos revelan una sólida convergencia entre sistemas respecto a la inalienabilidad de los derechos morales y la transferibilidad de los derechos económicos, al tiempo que identifican tensiones relacionadas con la duración finita de la protección de la IP y la valoración de activos intangibles. Un mecanismo híbrido de dotación-licencia emerge como la solución coherente desde el punto de vista doctrinal y escalable en la práctica, respaldado por proyecciones sectoriales que indican beneficios para el desarrollo, entre ellos: mayor acceso a recursos educativos, reducción de costos de medicamentos esenciales y fortalecimiento de la infraestructura digital. El estudio propone un Marco Integrado de Renuncia que articula dimensiones normativas, jurídicas e institucionales y recomienda el reconocimiento legislativo de la IP como un activo socialmente desplegable, el establecimiento de un mecanismo de registro y una implementación nacional por fases. Los resultados demuestran que la renuncia voluntaria de la IP puede funcionar como una estrategia culturalmente fundamentada y orientada a la innovación para promover una gobernanza equitativa del conocimiento y un desarrollo social inclusivo.

Palabras clave: propiedad intelectual; conocimiento; bienes públicos, desarrollo social; gobernanza; derecho islámico.

Abstract

This study examines how voluntary intellectual property (IP) waivers can operate within a hybrid legal environment in which international IP obligations intersect with Islamic traditions of charity. Using a triangulated doctrinal-comparative method encompassing international treaties, national legislation, and Islamic jurisprudence, the research evaluates the classification of moral and economic rights and the feasibility of allocating IP economic interests to the public benefit. The findings reveal strong convergence between systems regarding the inalienability of moral rights and the transferability of economic rights, while identifying tensions related to the finite duration of IP protection and the valuation of intangible assets. A hybrid endowment-licensing mechanism emerges as the doctrinally coherent and practically scalable solution, supported by sectoral projections indicating development benefits, including increased access to educational resources, reduced costs of essential medicines, and strengthened digital infrastructure. The study proposes an Integrated Waiver Framework that articulates normative, legal, and institutional dimensions and recommends legislative recognition of IP as a socially deployable asset, the establishment of a registration mechanism, and phased national implementation. The results demonstrate that voluntary IP waiver can function as a culturally grounded, innovation-oriented strategy to promote equitable knowledge governance and inclusive social development.

Keywords: intellectual property; knowledge; public goods, social development; governance; Islamic law



INTRODUCTION

Elements of this landscape have been addressed in existing scholarship, such as the moral–economic distinction in IP law, the doctrinal evolution of waqf, and the emergence of humanitarian and open licensing models. However, no study has systematically examined the doctrinal and institutional intersection of these realms in a hybrid legal order such as Saudi Arabia, nor the normative interplay between secular models of knowledge governance and Islamic jurisprudential conceptions of public benefit (*maṣlaḥa*, public interest) and charitable obligation. The scope for structuring the transferable economic components of IP rights within waqf-based mechanisms under Shariah principles remains untapped in comparative legal scholarship. (Reichman & Okediji, 2012, p. 1365)

Intellectual property (IP) in a knowledge-based economy constitutes an important source of economic and cultural capital. Nevertheless, benefits cannot always be reaped equitably from IP, especially in countries where fulfilling international obligations concerning IP protection intersects with traditional concepts such as charity. Saudi Arabia is an example where Vision 2030 focuses on developing its intellectual property environment to improve economic growth and diversification, whilst concurrently seeking to develop its historic waqf (Islamic endowments) sector to serve societal needs better. This creates an “IP – Waqf Disconnect” between abundant intangible assets and a lack of means to channel them towards the public good.

Some of these contours have been addressed in previous scholarship, such as the moral-economic polarity of IP law; the doctrinal evolution of the waqf; and the modern IP waqf’s foundations in the emergence of humanitarian and open license models. The doctrinal and institutional fusion of these two fields in an explicitly hybrid legal order such as Saudi Arabia has never been the focus of prior study. Nor has the moral-ethical conversation between secular notions of knowledge governance and Islamic conceptions of public benefit (*maṣlaḥa*, public interest) or charitable obligation been addressed explicitly (Reichman & Okediji, 2012, p. 1365). Structuring the transferable economic components of IP rights into waqf-based structures supported by Shariah principles is a possibility that has not yet been fully articulated in comparative legal scholarship.

The proposed concept of deliberate abandonment of economic intellectual property rights represents a point of convergence among international IP treaties, Saudi laws and regulations, and Islamic principles and beliefs related to waqf (endowment) and *sadaqa jariya* (charitable giving). This study does not move to abandon intellectual property itself completely, but it adopts the notion of deliberate abandonment in order to, through waqf al-manfa’a (usufruct charitable endowment), endow the economic rights and manage them through licensing while preserving the inalienable moral rights. The proposal is further situated within Vision 2030’s objectives for the knowledge economy and intangible assets, highlighting how they can be utilized for inclusive growth without breaching international treaty obligations.

Theoretical Foundations: Intellectual Property and Islamic Property Doctrine

Utilitarian, personality-based, and human-rights-oriented understandings of IP are present in contemporary intellectual property. The utilitarian models which grant exclusive rights to encourage innovation and investment are reflected in contemporary treaties of IP such as TRIPS. The personality models emphasize the creator's ongoing connection to their work and describe the protections of attribution and integrity (Moore, 2004). The human rights models situate questions of equity and access to knowledge with intellectual property.

Nevertheless, these theories rarely attempt to engage in a systematic way with Islamic jurisprudential conceptions of property and public benefit. A thing is considered a property (māl, economically valuable property) in Islamic law if it has a recognized economic value and utility. Contemporary fiqh councils, such as the International Islamic Fiqh Academy, have recognized intellectual creations as proprietary interests in as much as they possess ascertainable economic value (Malkawi, 2013). Saudi statutory law recognizes and protects copyrights and patents.

The classification of intellectual property as māl provides the juristic basis for considering the possibility of embedding transferable economic rights within charitable instruments, including waqf. It also generates tension between the limited term of statutory intellectual property protection and the classical presumption of perpetuity in waqf. Resolving these temporal considerations is the focus of this study.

The Conceptual Gap: Normative and Institutional Divergence

Despite a large body of literature within each domain, three structural impediments have prevented dialogue between the principles of intellectual property governance and waqf. First, IP rights are granted for a limited period, whereas waqf is established with the assumption of perpetuity. Second, principles of IP rights in the West are secular and individualistic compared to community-oriented and ethical as in Islamic law. Third, the IP regime was developed within the ecosystem of entrepreneurial innovation, whereas waqf has been used as an instrument for social welfare.

Such differences do not exclude the possibility of capturing them within a common framework to examine where they come together and where they differ. This research aims to fill this gap by determining whether the voluntary license to assign economic IP rights through a transfer may provide a legal mechanism to unite these differing norms.

Research Design and Questions

This study undertakes a doctrinal-comparative examination of three levels of normative regimes, namely, international treaty law, Saudi national law, and Islamic jurisprudence. Intellectual property rights' economic aspect is addressed exclusively, whereas digital regulation is not considered as a separate field in its own right. The educational, healthcare, and technological sectors are only referred to illustratively rather than being addressed as separate substantive fields.

The study addresses four research questions:

1. How are moral and economic intellectual property rights classified across international law, Saudi legislation, and Islamic jurisprudence?

2. Which categories of economic intellectual property rights are legally eligible for voluntary relinquishment or endowment?

3. Through which doctrinal and institutional mechanisms may such relinquishment be operationalized without conflicting with treaty obligations or Shariah principles?

4. How might structure voluntary relinquishment contribute to public welfare and knowledge-based development within the objectives of Vision 2030?

In distinguishing between moral rights (*ḥuqūq ādamiyyah*, personal rights) and transferable proprietary interests (*māl*), this study locates the proposed scheme within the existing categories of law rather than venturing into radical innovation. It endeavors to show that intangibles can be accommodated within charitable institutions in a manner that is legally valid, institutionally plausible, and consonant with national reform ambitions.

DISCUSSION

There is tremendous agreement among international law, Saudi legislation, including Islamic jurisprudence on the nature and transferability of intellectual property rights. These consensuses also exist with significant tensions that constrain practical applications, such as intellectual property's characterization as a waqf asset, including the difficulty in reconciling limited IP terms with perpetual waqf. The results are presented in the doctrinal analysis, evaluating available mechanisms, including projections of sectoral impact. The analysis is confined to the economic dimension of intellectual property rights including does not suggest the relinquishment of inalienable moral rights.

Doctrinal Analysis: Convergences with Critical Tensions

All the examined systems assume that moral rights are intrinsic: international law through Article 6bis of the Berne Convention ([Berne Convention for the Protection of Literary and Artistic Works \(Paris Act, 1979\)](#)), Saudi law through Article 4 of the Copyright Law, and Islamic jurisprudence through their use of such rights as *ḥaqq ādamī* (personal right). In that spirit, the doctrine reflects common commitment to the preservation of personal and dignitary connection for the creator in his or her work.

However, economic rights are transferable across international regimes, such as treaty regimes on industrial property, including the Paris Convention ([Stockholm Act \(Paris Convention for the Protection of Industrial Property \(Stockholm Act\), 1979\)](#)), national law, and Islamic law.

Such a shared principle forms a coherent legal basis for voluntary transfers, specifically, including waqf structuring for economic rights. In practice, though, implementation is problematic. While Saudi law guarantees transferability of economic rights, it does not explicitly recognize them as eligible for endowment under waqf property, and in some cases, there is regulatory ambiguity for entities seeking to establish waqf for royalties, patents, or software rights.

All three recognize the natural nature of moral rights, international law in Article 4 of the Berne Convention ([Berne Convention for the Protection of Literary and Artistic](#)

Works (Paris Act, 1979), Saudi law in Article 4 of the Copyright Law, and Islamic jurisprudence in the understanding of moral rights as *ḥaqq ādamī* (personal right). They share an understanding and respect for the personal and dignified bond of the creator to their work. But the economic rights are also transferable and recognized within both international regimes of treaties governing industrial property, like the Paris Convention (Stockholm Act) (1979), and at the national level, and in Islamic law. This latter shared principle undergirds such transfers, including executing them within the framework of an Islamic charitable endowment, a *waqf*. But this is a complex practice. Saudi law grants transferability of the economic rights, but the law does not expressly recognize the economic rights that can be endowed in the *waqf* and does not clarify whether royalties, patents, or software rights are allowed.

Rules of contemporary *fiqh* resolutions (e.g., those of the International Islamic Fiqh Academy) classified intellectual products under the category of proprietary interests (*māl*) that have an ascertainable economic value. This constitutes a juristic basis for considering the *waqf al-manfaʿa* (endowment of usufruct) of their transferable economic rights on the condition that the benefit, not the monopoly stipulated by the relevant statute, is endowed.

The single most essential doctrinal tension is continuity. Intellectual property rights are not necessarily time-limited, and *waqf* assumes perpetuity. While Islamic law affords some room for flexibility through usufruct-based interpretations, the practical difficulty that any kind of IPR-based *waqf* model must reckon with is one that is, in fact, a problem to be reckoned with explicitly in all *waqf* models.

Thus, it is not a perpetuity for the right of legislation granted in the proposed model. Instead, the *waqf* corpus remains built around the revenue or licensed benefit from the *waqf* during the period of protection, with provisions for substitution when it expires (*istibdāl*), thereby allowing the benefit to run continuously without extending the period of protection.

Table 1 summarizes the doctrinal landscape and its practical implications.

Table 1. Moral vs. Economic Rights Across Legal Systems: Doctrinal Positions and Practical Implications

Aspect	International Law	Saudi Law	Islamic Jurisprudence	Implementation Gap Analysis
Moral Rights Transferability	Inalienable; protected under Art. 6bis of the Berne Convention	Inalienable; protected under Art. 4 of the Copyright Law	Classified as <i>ḥaqq ādamī</i> (personal, non-transferable)	Tension: Some civil-law jurisdictions allow limited contractual waivers; digital environments increase pressure for flexibility

Economic Rights as Waqf Objects	Fully transferable; licensing and assignment permitted under TRIPS	Transferable, but no explicit statutory provision for IP-based waqf	Transferable when classified as <i>māl</i> with recognized economic value and affirmed in contemporary <i>fiqh</i> resolutions recognizing intellectual creations as proprietary interests eligible for contractual disposition	Gap: Saudi Awqaf Law does not explicitly recognize IP as an endowable asset, causing regulatory uncertainty and the absence of formal valuation and maintenance guidelines for intangible assets
Perpetuity Requirement	Limited term (life + 50/70 years depending on jurisdiction)	50 years after the author's death	Waqf ideally perpetual; duration tied to uninterrupted benefit with doctrinal flexibility through <i>waqf al-manfa'ā</i> (endowment of usufruct) and substitution mechanisms (<i>istibdāl</i>)	Major Challenge: Reconciling finite statutory terms with Islamic waqf's presumption of perpetuity; resolution lies in dedicating revenue streams or licensed benefits rather than extending the statutory monopoly itself

Note. Author's elaboration (2025), based on the [Berne Convention \(1979\)](#), [TRIPS Agreement. \(1994\)](#), [Saudi Copyright Law \(2023\)](#), [Saudi Patent Law \(2004\)](#), and classical Islamic jurisprudence sources.

Mechanism Analysis: From Theory to Practice

This study explores three potential methods for the voluntary relinquishment of IPR, namely the conventional waqf, the hybrid waqf, and humanitarian licensing, and compares them from the perspective of compatibility with Islamic law, institutional capacity, development impact, and scalability.

The traditional waqf is established and well-institutionalized in Saudi Arabia, but this traditional waqf cannot be applied to intellectual property due to the difficulty of valuation and the lack of explicit statutory attribution. The humanitarian licensing is a form of structured voluntary limitation of exclusivity. However, this form of waqf is limited and concentrated in the pharmaceutical sector. Critiques of voluntary and university-led licensing practices further suggest that access goals may be undermined where exclusivity persists without enforceable institutional safeguards ([Chen et al., 2010](#)).

Although traditional waqf enjoys a strong institutional foundation in Saudi Arabia, it cannot be transplanted to intellectual property, as it is not easy to value and is not legally defined. Humanitarian licensing is a form of structured curtailing of exclusivity, but it is still sector-specific and focused on drugs. Voluntary and university licensing have been criticized further for the way in which access objectives may be subverted when exclusivity is retained, and there are no adequate institutional levers to enforce access ([Chen et al., 2010](#)).

The hybrid waqf–license model suggested in this study aims to achieve a balance between permanence and flexibility. The corpus of economic rights is constituted as a waqf corpus, and it is subjected to the application of standard licensing terms in its usage.

Nonetheless, the model distinguishes between each category of intellectual property. For instance, patents, which require disclosure, can be licensed within such structured waqf arrangements. Trade secrets, for example, must be licensed in a manner that does not involve full disclosure to the public, but continues to preserve the secrecy that makes them valuable. Trademarks must be licensed under quality control to prevent dilution of the brand or confusion in consumers. So, the framework is more differentiated and not a “one-size-fits-all” treatment of intellectual property.

This aligns with contemporary innovation culture but also addresses the time pressure embedded within intellectual property. These findings are presented analytically in [Table 2](#).

[Table 2](#). Voluntary Relinquishment Mechanisms: Qualitative Comparative Assessment

Mechanism	Legal Basis	Saudi Implementation Readiness	Developmental Potential	Scalability Considerations
Traditional Waqf	Rooted in classical fiqh principles; supported by Saudi Awqaf framework	High institutional familiarity; absence of explicit statutory recognition of IP as waqf asset	Long-term charitable benefit if revenue stream is stable	Requires formal valuation of intangible assets; ongoing administrative supervision; clear substitution (istibdāl) procedures
Hybrid Waqf–License Model	Structured endowment of economic rights (waqf al-manfa‘a) combined with standardized licensing frameworks (e.g., Creative Commons–type licensing)	Moderate readiness; requires regulatory clarification, valuation standards, and model contracts	Integrates permanence of charitable structure with flexibility of licensing; adaptable across education, health, and technology sectors	Depends on legal templates, patent maintenance funding, and coordinated institutional oversight
Humanitarian Licensing	TRIPS flexibilities; voluntary licensing practices; public health access frameworks	Limited national precedent; sector-specific administrative capacity required	Particularly relevant in pharmaceuticals and essential technologies; supports access objectives	Often dependent on international partnerships; may lack structural permanence absent institutional embedding

Note. Author’s elaboration (2025), based on international intellectual property frameworks and charitable governance literature ([Chokshi, 2006](#); [Bissell, 2009](#); [WIPO, 2019, 2022](#)).

Sectoral Impact Analysis and Developmental Projections *Education Sector*

Results indicate that Saudi universities and researchers already produce a significant volume of publicly licensed educational content, although with some degree of fragmentation and lack of coordination. Harnessing the associated intellectual property within the framework of a waqf could potentially amplify its developmental benefits.

Instead of calculating an expected growth percentage, our study uses a scenario estimate to illustrate that if just a small fraction of the university-created copyrights were converted into coordinated waqf-license models, open educational resources could flood the marketplace within a few years, alleviating student cost burdens for commercial materials. These are suggestive calculations informed by analogous applications of open licensing, not speculative projections.

Healthcare Sector

As previously elaborated, the concept of a “Medicines Waqf Pool” may combine a hybrid waqf model with international collaborations, such as WIPO Re:Search, to broaden access without compromising innovation incentives in the form of royalty sharing.

Technology and Digital Innovation Sector

This could affect software models, algorithms, or digital platforms that are subject to existing intellectual property protections. This section refers only to software and digital works that are subject to existing copyright or patent protections, not to unprotected digital goods.

Since most of these digital resources are hosted by intermediaries and contracts made on their platforms, governing the IP waqf must also consider the responsibilities of intermediaries, data management, and contracts designated in the digital space (Alghathian, 2021). Organized IP waqf in this field could offer free access tools that support the digital transformation of Vision 2030.

Addressing Valuation and Operational Practicalities

The accounting for intangible assets additionally needs to be considered in the implementation of the waqf, such as the amortization period, annual fees for maintenance if applicable, particularly in the case of patents, and monitoring fees. Without these measures in place, waqf via IP would face significant risks. As a result, the successful implementation of waqf via IP would require valuation and cost guidelines that are standard and regulated by relevant authorities.

Theoretical Contribution: The Integrated Relinquishment Framework

This research’s major theoretical contribution is the Integrated Relinquishment Framework, which brings together three normative and operational levels needed to facilitate voluntary IP sharing.

At the normative level, this framework integrates international human-rights-oriented IP doctrines, Saudi statutory compliance, and Islamic jurisprudential principles, including maqāṣid al-sharī‘a (objectives of Islamic law), emphasizing public benefit (maṣlaḥa).

Almost all existing literature on IP governance is composed of separate systems. Likewise, Stokes (2019) explores the contradiction between moral rights and digital reproduction, and Netanel (1996) suggests that copyright functions as an informational function for the public. Gervais (2020) sees economic rights as modular with multiple licensing practices. Islamic scholarship has, by contrast, viewed waqf primarily from a

historical and financial perspective, as demonstrated in Cizakça's influential work and by more recent analyses of waqf assets (Arif & Hanapi, 2017).

The Integrated Relinquishment Framework identifies these components. At the normative level, international law's human-rights orientation (Berne Convention, 1979; TRIPS Agreement, 1994) is similarly influenced by Saudi Arabia's Vision 2030 emphasis on knowledge-based development and Islamic jurisprudence's maqid al-sharah on public benefit. This supports Netanel's (1996) argument that copyright, as well as Islamic thoughts of property management, forms its foundation.

The results show the effective overlap between Western licensing practices such as Creative Commons, public-domain dedication, humanitarian licensing, and Islamic licensing practices such as waqf, hibah, and adaqah jriyah. The (2009) analysis of Creative Commons licensing suggests that standardized permissions help voluntary sharing, and this study furthers that through showing how Islamic charitable practices may deliver the same outcomes and preserve moral rights.

The results in the institutional level align with those that have been conducted with WIPO Re:Search, (2019, 2022), and the Organizational Design for Socially-Oriented IP Sharing by Bird & Cahoy (2008). The institutional understanding of this institution directly addresses Research Question 3 by demonstrating that the ability to engage in voluntary abandonment requires systems for value, registration, monitoring, and standardization.

Together, this approach improves theoretical understanding beyond isolation and is applied to the expanding literature on integrated IP governance.

Addressing Doctrinal Tensions: Insights from Past Studies

Two of the most significant have to do with the perpetuity requirement of waqf and the valuation of intangible assets. The perpetuity issue supports previous arguments stating that waqf has transformed from physical to monetary forms (Cizakça, 1998) and later into contemporary invisible wealth (Arif & Hanapi, 2017). The temporary nature of both copyrights and patents is also generally accepted in international IP literature (Gervais, 2020). This research consolidates those insights by suggesting that rather than the intellectual property rights, the intellectual property waqf should concern the revenue or the portfolio produced by the right (Jarrah et al., 2024). This approach is consistent with the approach to technology transfer that universities use today, where they do not hold or rely on a single renewable asset but rather manage a portfolio.

The problems in valuation have also been greatly debated. According to Obeng (2015), there is a complex valuation process for compulsory licensing, and Chokshi (2006) explains that "flexible licensing to support public health is better adapted to meet the needs of global public health". The analyses provided above may be used to support fundraising efforts that use models of proportional donation, like a percentage of royalties in the future, as these do not require spending a certain amount based on evaluation and fit well within many new financial technologies developing in the digital economy today. Relevant to Research Question 2, these results reveal that economic rights in copyrights, patents, and trademarks may be conferred through mechanisms that are legally and practically desirable.

Comparative Law Insights: Advancing the Debate Beyond Functionalism

The debate over whether legal transplants will work based on functional similarity is often discussed by comparative law scholars, but also because of cultural context, or whether law can be applied with definite transferability. [Watson's \(1993\)](#) conceptualization of legal transplants as universally applicable across systems is equally applicable here, and it provides a useful mechanism to assess how forms may be adapted in Saudi Arabia's hybrid environment. This focus on hybridity is consonant with [Twining's \(2012\)](#) expansive global jurisprudence focus, which specifically attends to the interaction of multiple normative orders within a single legal environment. While my work does not necessarily counter the assertion that there are two sides to the truth, I have provided one unique example of hybridization within Saudi Arabia, where sources of legitimacy, such as international treaties and Islamic law, both reinforce each other and contradict each other. This is consonant with the criticism of the rationalization of TRIPS raising structural inequality dynamics in global IP governance ([Upreti, 2022](#)), yet it also extends their perspective that hybrid jurisdictions can create other models of governance with religious and cultural legitimacy. This answers the first Research Question in stating that the division of moral and economic rights that is traditionally viewed as Western has a clear analogy in Islamic jurisprudence at its delineation between ḥuqūq ādamiyyah and māl.

This research also expands the “access to knowledge” literature, with Islamic charitable values embedded into discourses typically dominated by Western practices such as open licensing, humanitarian IP pools, and competition law practices.

Integration with Developmental Evidence: Aligning with Past Studies

The relative relevance of voluntary IP relinquishment is supported by many academics. The Open Educational Resources report has shown that the results of this study reinforce equity and reduce campus costs; the result in this study reinforces this conclusion and suggests the possibilities of IP-based waqf to enhance these benefits through more structural permanence. [Fink and Moeller \(2021\)](#) argue that the long-term use of flexible IP strategies promotes innovation and reduces access barriers for low and middle-income countries. This was confirmed by the present study and shows that a charitable IP model is particularly compatible with Vision 2030 development priorities in Saudi Arabia. WIPO Re:Search ([2019, 2022](#)) and [Chokshi \(2006\)](#) emphasize the importance of voluntary licensing in the expansion of access to essential medicines. It is based on the evidence of this and proposes an Islamic charity model for pharmaceutical IP incorporating global health targets while reflecting local normative practices. These results support Research Question 4 in showing that voluntary IP surrendering is linked to education, health care, technologies, and nonprofit development. The study is based on doctrinal, theoretical, and comparative analysis and provides clear answers to all four research questions. The second is that the legal structure of moral and economic intellectual property rights is unified throughout international law, Saudi law, and Islamic law, with similar distinctions discussed in [Stokes \(2019\)](#), [Sápi \(2024\)](#), and classical fiqh. Second, the analysis indicates that only economic rights, irrespective of the categories of intellectual property, can be relinquished and can be found to be

voluntary in cases of economic rights of different categories of intellectual property, based on the evidence of IP waqf (Arif & Hanapi, 2017). Third, it found that voluntary relinquishment may be carried out via waqf, hibah, open licensing (Bissell, 2009), humanitarian licensing (Chokshi, 2006; WIPO, 2019), and is remarkably compatible across systems. Fourth, such a conclusion as Fink and Moeller (2021) and Atenas et al. (2024) show that voluntary IP relinquishment is the most beneficial to community development and public welfare across all sectors.

Policy Implications

The findings of this study suggest that both legislative and institutional reforms are needed to implement voluntary intellectual property relinquishing in the growing innovation and charitable sectors in Saudi Arabia. In order to accomplish such a process, the practice requires a common policy-making framework as well as international IP obligations, national regulatory agencies, and Islamic charitable jurisprudence.

One of those recommendations is to recognize IP as waqf property. This recognition, through the amendment of Article 2 of the Saudi Awqaf Law to include patents, copyrights, software, and other types of intangible rights, will eradicate the doctrinal uncertainty and reinforce the national law within the framework of the international standards in IP and modern juristic recognition that transferable economic rights are a form of property.

Such reform should be accompanied by regulatory clarification of valuation, maintenance (patent renewal) fees, substitution (istibdāl), and supervision to ensure they comply with intellectual property law and shariah principles.

Further, the appraisal, usufruct rights, and waqf contracts for IP may be specified by the Ministry of Justice and the Saudi Authority for Intellectual Property (SAIP).

There is also an institutional setting that should be able to implement these principles. The establishment of a system for registration, legal compliance, and management of endowed IP rights will assist in creating an Intellectual Property Waqf Registry in SAIP.

Similarly, managing such a waqf portfolio based on intellectual property would require certain safeguards to ensure the transparency and accountability of the administration of those assets.

The registry might also collaborate with universities, research centers, non-governmental organizations (NGOs), and technology transfer offices to implement IP waqf models within their current innovation frameworks. Over time, it could serve as a national database of waqf-designated intellectual property that supports Saudi Arabia's digital transformation and knowledge economy goals.

Phased implementation requires a phased approach. The first phase would include legislative amendments, technical regulations, and administration of the registry within the first twelve months. The second, for the first three years, would focus on pilot projects, particularly in the leading universities and medical schools, and capacity-building for lawyers, charity administrators, and IP managers. The second phase, over five years, would enable nationwide expansion, public-private partnerships, and integration with international access-to-knowledge programs.

A robust monitoring and evaluation system is needed to assess the developmental effects of IP-based waqf models. Most prominent indicators are the number and value of endowed IP assets; increases in broader educational, technological, and medical resources; cuts in public spending on proprietary content; and improvements in social welfare outcomes related to access to medicines, educational equity, and digital public services. Long-term measures can include the sustainability of endowed revenue streams, the growth of endowed IP portfolios, and the inclusion of IP waqf mechanisms in National Development Reporting under Vision 2030.

In general, these policy recommendations show Saudi Arabia will be well placed to lead the global in developing culturally grounded, innovation-oriented models of intellectual property sharing. The Kingdom will be able to advance both national development priorities and larger international efforts to promote equitable access to knowledge through embedded waqf and open licenses.

CONCLUSIONS

The significance of waqf (Islamic charitable endowment) as a theoretically available structure for public benefit has been confirmed by the findings of this study: voluntary cession of transferable economic IP rights is not merely a doctrinal option but constitutes a legally coherent intersection between international IP standards, the Saudi development agenda, and Islamic charitable jurisprudence. The interaction of these two systems shows that the dichotomy of moral and economic rights parallels the Islamic legal distinction of *ḥuqūq ādamiyyah* (personal, inalienable rights) and *māl* (economically valuable property). It provides a space to contain and harmonize the insertion of economic intellectual property rights in charity and development without infringing upon protected moral rights or limiting duration.

This study contributes to the literature in four aspects. Doctrinally, it offers one of the earliest and most comprehensive cross-system approaches to the issue of intellectual property as a potential object of waqf based on the recent juristic opinion recognizing the intellectual creation as a proprietary right. Theoretically, it proposes an Integrated Relinquishment Framework that combines the normative, legal, and institutional structure for the orderly and regulated process of voluntarily sharing economic rights. Methodologically, it illustrates the importance of both horizontal and vertical comparisons in hybrid systems of law. Practically, it provides a roadmap towards developing and structuring an IP endowment based on revenue or usufruct for the achievement of the Vision 2030 knowledge economy.

This research also concludes with three recommendations for future research. Firstly, the implementation of a pilot waqf-based IP project is necessary to test and evaluate its practical application. Secondly, a study in other Muslim countries is needed to compare and establish whether this hybrid approach can be applied outside Saudi Arabia. Thirdly, future studies must investigate the long-term viability, income stability, and the processes of asset replacement (*istibdāl*) when the statutory protection period expires.

The proposed recommendations seek to remain within the realm of practical implementation. The creation of the IP–Waqf Task Force, dedicated IP endowment

funds, and the cooperation of international organizations such as WIPO and UNDP may help the smooth implementation of these charitable IP concepts. Nevertheless, they need to be supported further with clear valuation criteria, governance oversight, provision for maintenance costs, and compliance procedures to ensure their legal and financial sustainability.

In this era, where invisible assets are increasingly significant to the economy and society, the practice of voluntary endowment of intellectual property rights may be a useful legal practice for aligning the governance of innovation with public good narratives. This study does not advocate for unregulated donation but demonstrates the viability of category-sensitive models of IP endowment in a mixed legal system.

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CONFLICT OF INTEREST

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BIODATA

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