

Intellectual Property (Part A):
Copyright

Key Topics

- Part A
- Definitions & Background
- Copyright Author Rights & Open Access
- Part B
- Plagiarism – background, guidelines and examples

Current Research Environment

'Academic/research institutions reward those with the longest CVs and the most publications. Under pressure to generate voluminous output, scientists often fall prey to double publishing, self plagiarism, and submitting the minimal publishable unit. Are these ethical gray areas, or true transgressions?'

Executive Editor [Clin Invest. 2008 118\(7\): 2368](#)

What is your first thought or response when someone mentions **Intellectual property (IP)** ?

Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

World Intellectual Property Organization
<http://www.wipo.int/about-ip/en/> (accessed 14 Mar 2011)

Intellectual Property is divided into two categories:

- **Industrial property**
- **Copyright**

World Intellectual Property Organization
<http://www.wipo.int/about-ip/en/> (accessed 14 Mar 2011)

Any or all of the **copyright** owner's exclusive rights or any subdivision of those **rights may be transferred**, but the transfer of exclusive rights is not valid unless that transfer is in writing and signed by the owner of the rights conveyed or such owner's duly authorized agent. Transfer of a right on a nonexclusive basis does not require a written agreement.

United States Copyright Office
<http://www.copyright.gov/circs/circ01.pdf> (accessed 2 November 2013)

When do you need to obtain permission?

- To reproduce **substantial** extracts (e.g. a paragraph, table or figure), you need written permission from the copyright holder to cover:
 - all language versions, worldwide; and
 - print and electronic formats
- Reproducing or adapting someone's work without permission is an infringement of copyright
- Fair use

Copyright of your own work

Before an article is published in a journal, or before a contribution to an academic textbook is published, author and publisher enter into a publishing agreement which often entails an **assignment of copyright or exclusive dissemination rights**.

International Association of Scientific, Technical & Medical Publishers
http://www.stm-assoc.org/2007_10_01_Copyright_Assignment_Benefits.pdf
(accessed 2 November 2013)

Basic facts authors need to know

- Copyright protection is automatic once a work is fixed in a tangible medium
- Joint authors each have full and equal copyrights
- Copyright can be transferred only in writing
- Not all rights have to be given away – author/copyright rights can be broken apart

Author rights

- Copyright is a “package” of rights and these exclusive rights include:
 - reproduce the work in copies
 - distribute copies of the work
 - publicly display or perform
 - make derivatives, adaptations, translations
 - authorize others to use any of these rights

Author options

- Transfer all rights to publisher (traditional)
 - Author no longer has control over work
- Licensing (Creative Commons)
 - Enables the copyright holder, whether author or publisher, to license partial rights to other parties
- Open Access
 - Will either let authors retain copyright or ask authors to transfer copyright to the publisher.

Author needs:
anticipate future uses of your work

- Share work with colleagues
- Distribute at conferences
- Self-publish (personal website, CM, CV)
- Link to the full-text from your website
- Submit to an open access repository
- Republish; adaptation; translation
- Use in class
- Use in coursepacks

Publisher requirements:

- Publishers want traditional contracts
 - Reproduction
 - Distribution
 - Derivatives
 - Editorial control
 - Digital archiving
 - Format changes

If...then – basics of reuse

- By the author
 - If full rights retained, then limitless (within the law.)
 - If some rights retained, then within limits of negotiated rights.
 - If no rights retained, then fair use or permission.
- By others
 - If published open access, then freely accessible.
 - If published under a Creative Commons license, then within limits defined by the license.
 - If published traditionally, then fair use or permission.

Authors - Where to begin?

- Know what rights you want to retain.
- Identify a publisher that allows authors to retain most rights.
- READ THE PUBLISHERS AGREEMENT!
- Include an Addenda to the publisher agreement.
- Opt to publish in an Open Access journal and use various licensing resources, such as Creative Commons.

Examples:

- Science Commons: [Scholars Addendum Engine](#)
- [SPARC Author Addendum](#)
- [University of Michigan Authors Addendum](#)
- [MIT Faculty Open Access Policy](#)

Intellectual Property (Part B): Plagiarism

Plagiarism: What is it?
What does it look like? How to avoid it.



http://1.bp.blogspot.com/_CPIc5DPMGhs/R4c_Z6nII/AAAAAAAAAG0/ClaiBDQF0cg/s320/plagiarism600pxw.jpg
(accessed 21 August 2009)

Types of Plagiarism

Stealing - This is exactly what it sounds like! If you take a sentence, or even a unique turn of phrase, and pass it off as your own, this is stealing.

Patchworking - Using words and phrases from a source text (that may or may not be acknowledged), and patching them together into new sentences.

Insufficient Paraphrasing - Taking an author's words and changing them slightly, without quoting the actual text is plagiarism. Say it entirely in your own words, otherwise put the author's text in quotes and reference the source.

Misquoting - When you quote another author in your own work, always be sure to quote *exactly* what was said. Direct quotes are when you use an author's exact words. Indirect quotes are when you report the spoken or written words of an author, but not his/her exact words. *Both must be cited!!*

Duplicating Publications - You can not reuse/recycle your own paper for use in another assignment without *explicit* permission from the instructor. If you cite your previous works, remember to cite yourself! This is self-plagiarism.

Scenarios

- I combined the findings of these 8 sources into one paragraph. I don't have to cite them, because I created the compilation.
- I submitted the same paper to more than one class. It's OK that I copied my own work without citing it because it's still *my* idea.
- I copied someone else's work, but I didn't use quotation marks because I changed a few words.

And.....

- I removed some data points to make my results look better.
- I didn't collect enough data from my experiment so I used a computer program to generate data points.
- My advisor used my data without giving me credit.
- I quoted something but changed one word to strengthen its support of my argument.

Common mistakes

- Cut & paste from electronic/Internet sources without using quotes or properly citing the source
- Download audio, visual, or arts without proper permission (Copyright issues)
- Cite statistics/facts without the source, unless they are common knowledge

A Case Study

'May is a second-year graduate student preparing the written portion of her qualifying exam. She incorporates whole sentences and paragraphs verbatim from several published papers. She does not use quotation marks, but the sources are suggested by statements like (see . . . for more details).

Additionally, the faculty on the qualifying exam committee note inconsistencies in the writing styles of different paragraphs of the text and check the sources.'

- What are the signs of plagiarism in this case?
- What about the authors' works which are copied without credit? Is it fair? Is it ethical?

Adapted from 'On Being a Scientist' p. 18
http://www.nap.edu/openbook.php?record_id=4917&page=18
(accessed 21 August 2009)

Basic guidelines to avoid plagiarism

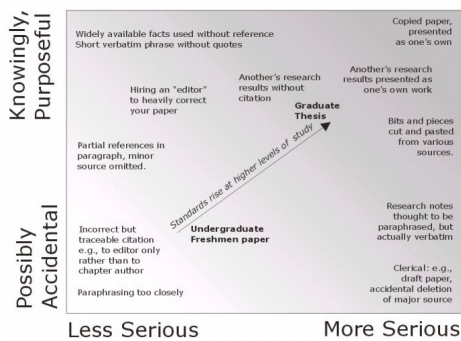
- If you use four lines, block quote indented 1" or 2.5 CM from each margin and cite source
- Even if you don't use words verbatim, you must cite if you use the author's ideas
- If you reference a scientific concept that is not commonly known, cite the source
- You do not need to cite if you are using universally understood concepts or common knowledge
- When in doubt, CITE

Adapted in part from PLAGIARISM. What is it?
<http://bahealthsci.php.ufl.edu/tools/PLAGIARISM.ppt> (Accessed 08 June 2009)

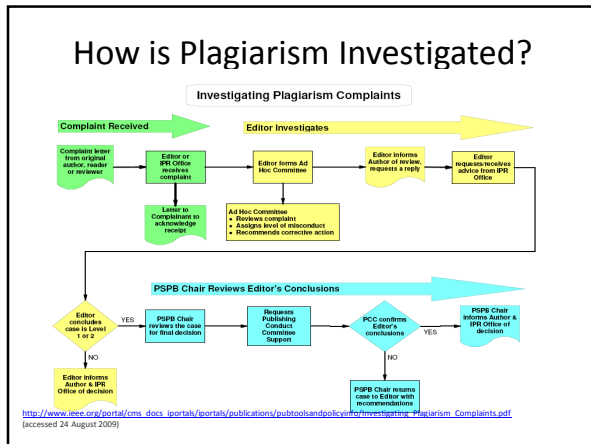
Plagiarism in the Sciences (Top 3)

1. Making up data or results (fabrication)
2. Changing or misreporting data or results (falsification)
3. Using the ideas or words of another person without giving appropriate credit (plagiarism)

From National Academy of Sciences (U.S.), & NetLibrary, Inc. (1995). *On being a scientist: responsible conduct in research*. Washington, D.C.: National Academy Press, p.16.



<http://www.neiu.edu/~ejhowens/plagiarism/plagiarism.jpg>
 (accessed 21 August 2009)



What does plagiarism look like?

- **NY Times, Oct. 3, 2004: Spin City** (original)
 'From the vantage point of a bike, the city presents itself as a savorable panorama passing by at a speed somewhere between the blur outside a car window and the plodding pace of walking.'


- **Gazette, July 2, 2009: Bicycle safety a hit-or-miss proposition in Springs** (plagiarized sentence)
 'From the vantage point of a bicycle, the city presents itself as a panorama passing by at a speed somewhere between the blur outside a car window and the plodding pace of walking.'
<http://www.gazette.com/articles/gazette-58112-stories-four.html>
 (accessed 20 August 2009)

What does plagiarism look like?

- **NY Times, April 26, 1987: New Zealanders thrive on U.S. sheep shearing** (original)
 'With a heave, John Burt pulled the sheep on its back and pinned it between his legs. Then, reaching for his clippers, he went to work.'

- **Gazette, June 6, 2009: It's time for Colorado's sheep to get a trim** (plagiarized sentences)
 'With a little persuasion, Bob Schroth pulled the sheep onto its back and pinned it between his legs. Then, reaching for his clippers, he went to work.'
<http://www.gazette.com/articles/gazette-58112-stories-four.html>
 (accessed 20 August 2009)

This the president of Jacksonville State University William Meehan's dissertation. Portions highlighted in yellow are copied verbatim from Carl Boening's dissertation.



What does plagiarism look like?

William Meehan's dissertation. Highlights are copied verbatim from Carl Boening's dissertation.

On Vizworld
<http://www.vizworld.com/2009/06/what-does-plagiarism-look-like/>
 (accessed 05 August 2009)

JSU and UA say that this is not plagiarism.
 If this isn't plagiarism...

What does plagiarism look like?

BBC NEWS EUROPE

Get great rates on wireless calls when you sign for AT&T World Connect at \$3.99/month*
 Flight • BUILD ANOTHER LAXMANN

18 February 2011 Last updated at 08:42 ET

German 'plagiarism' minister Guttenberg drops doctorate

German Defence Minister Karl Theodor zu Guttenberg has temporarily renounced his doctorate title following accusations of plagiarism.

German media allege several passages of his 2006 thesis were lifted from other people's work.

The minister strongly denied the claims. He said there were undoubtedly mistakes and he was unhappy about them.

Chancellor Angela Merkel had offered to support him if he explained his actions and apologized, reports say.

But her chief spokesman Stefan Seibert made no comment on the defence minister's statement at a Berlin news conference, prompting journalists to walk out.

"I will temporarily... I repeat temporarily... give up my doctoral title," Mr zu Guttenberg told reporters in his statement minutes earlier.


"My dissertation is not a work of plagiarism and I completely reject all such accusations," he said.

The defence minister was in Afghanistan on an unannounced visit as further accusations emerged.

Related Stories

- German minister denies plagiarism
- German navy 'mutiny' investigated
- Minister meets German Afghan troops

<http://www.bbc.co.uk/news/world-europe-12504347> (18)
 (Accessed 18 February 2011)



Plagiarism is a totally new concept for many students. In some cultures using the words of the experts is preferable. University regulations and the reason for these should be clearly explained.

http://3.bp.blogspot.com/_CPI/CS0PMGhs/R4dBJ8Z6nki/AAAAAAAAAG8/BjB6ACl8aOo/s1600-h/Plagiarism.jpg
 (accessed 21 August 2009)

Plagiarism Resources

- Committee on Publication Ethics
<http://publicationethics.org/case/potential-plagiarism>
- Crossref.org
<http://crossref.org>
- Duke University Libraries: Citing Sources and Avoiding Plagiarism
<http://library.duke.edu/research/plagiarism/>
- DePauw University: Avoiding Plagiarism
<http://www.depauw.edu/admin/arc/w-center/plag.asp>

Plagiarism Resources Con't

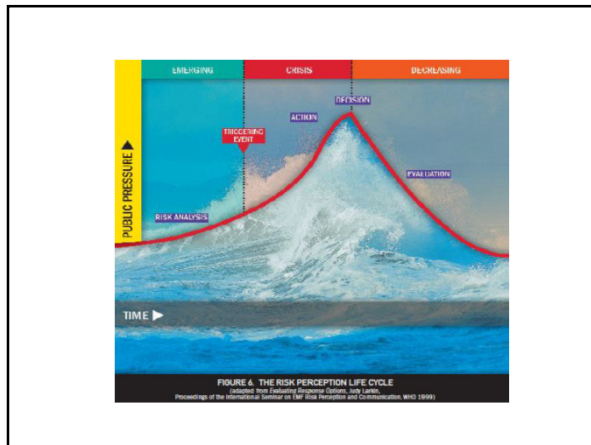
- University of California/Davis: Avoiding Plagiarism
<http://sja.ucdavis.edu/files/plagiarism.pdf>
- University of North Carolina/Chapel Hill: Plagiarism
<http://www.unc.edu/depts/wcweb/handouts/plagiarism.html>
- University of Florida: Responsible Conduct for STEM Research - Research Misconduct, Ethics, etc.
<http://guides.uflib.ufl.edu/stemrcr>

Online Tutorials

- Acadia University: 'You Quote it, you note it!'
<http://library.acadiau.ca/tutorials/plagiarism/>
- Indiana University: How to Recognize Plagiarism
<https://www.indiana.edu/~istd/>
- Links in HINARI Authorship Skills Web-bibliography
www.who.int/hinari/training/authorshipskills/en/index.html
- AuthorAID – contains full-text articles on intellectual property issues
www.authoraid.info/

Activities

- A photo entitled “Angry waves off the Oregon Coast” was licensed from Getty Images in the USA in 2002. It was used as a background image for Figure 6 of a WHO publication (see above). The book was subsequently published and distributed in print and as a PDF file on the WHO web site.



- The licence between WHO and Getty Images specified the following terms:

Rights-managed and royalty-free single images
 Angry Waves Off the Oregon Coast
 FFG International
 RICHARD H JOHNSTON

Use: Publication - Book Interior - Editorial
 Expiry date: Up to 5 years
 Image size: Up to 1/2 page
 Placement: Inside
 Start date: 8/1/2002
 End date: 8/1/2008
 Territory: France
 Industry: Medical (excluding Pharmaceuticals & Supplements)
 Rights Protection: No Protection
 Price: SFr. 180.00 CHF
 Delivery Method: Customer Download

• **Lessons to learn**

- It was not clear from the licence whether WHO had the rights to use the image in printed materials and on the WHO web site.
- The licence specified an end date of 8/1/2005 which would mean that WHO should have ceased distribution of print and online versions in 2005.
- The territory of the licence was for France only, so WHO would only have the right to distribute the publication in France!

Activities

- Plagiarism is: (Choose all that apply)
 - Rearranging a few words from another source and using it as your own idea.
 - Copying and pasting a small quote and giving its author credit with a footnote.
 - Using your teacher's lecture ideas in your research paper with proper attribution.
 - Copying a paragraph from an encyclopedia without citing the source.
 - Having another student write a paper which you present as your own original work.

• **Which methods are an example of plagiarism:**

- Rearranging a few words from another source and using it as your own idea.
- Documenting the sources you use in your research paper.
- Keeping good notes on where you found specific ideas for your paper.
- Using quotation marks around exact quotes used in your research.
- Providing a list of sources used at the end of your research paper.

• Mary is writing a report on butterflies. She cites her sources from well known books in the field of Lepidopterology. She finds a website on the internet that has very useful information so she 'copies & pastes' the information into her paper without citing the website. Additionally, Mary visits the local natural history museum and interviews the curator on a specific species of butterfly and uses this information in her paper but does not mention their conversation in her report. She summarizes the rest of the sources.

- Is this acceptable?
- List the examples of plagiarism
