

Beyond simple textual plagiarism: some probable issues and possible answers.

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Using images or music within a PowerPoint presentation may, even if the source is acknowledged, infringe Intellectual Property Rights (IPR) held by others and thus, while not necessarily plagiarism, such inappropriate actions may be regarded as academic misconduct. Furthermore such infringements may be illegal and “actionable” in law. Simple acknowledgement and conventional referencing styles may not be sufficient to avoid legal action if reproduction (especially electronically), incorporation or public presentation of the material occurs. The specific approval of the rights owner(s) is usually necessary (Anon 2002).

Academic misconduct, especially plagiarism usually focuses upon the miscreant. However, the need to clearly delineate the work of the individual concerned by acknowledging the incorporated creative work of others is only a partial perspective. How does this adoption (if not passing-off) feel to the person whose work is used? Are they flattered by the acknowledgment or do they feel that some, more tangible, reward is appropriate? To fully understand and respect the rights held by others, clearly, inquiries must be made and the replies received acted upon. It also must be remembered that the IPR is not a universal scheme and that accepted cultural norms vary internationally but that the presentation might not be limited to any specific geographical location or jurisdiction.

The copying of substantial portions of a copyright work has always required approval but this matter now, for reasons of pedagogical desirability and enhanced technological functionality extends into virtually all disciplines. No longer is this just the concern of those working in the creative disciplines but anybody giving an illustrated presentation or one augmented with sound, must be aware of the boundaries of what is and is not, acceptable.

Furthermore, not only is the ability to copy and the likelihood of infringement increased but so has the possibility of detection as students, for example, increasingly post CVs, perhaps containing their work, onto “job finding” and “social networking” sites from where the content becomes widely detectable. Staff academics, of course, often find that their conference presentations are captured and made widely available in a variety of formats; webcast, website, etc. distribution that must be considered when the material is first created and certainly prior to publication.

Thus current technology makes copyright infringement easier to commit than ever before and it also catalytically increases the likelihood that such misdemeanours (or worse) become widely and openly distributed and readily detectable.

For the individual seeking to quote text then “small” sections may be used with complete, acknowledgement and for which guidance is widely available (Eg Pears and Shields, 2008) and validation possible (via Turnitin^(tm) or similarly proofing software). However, although it should be widely known the use of “substantial” segments or complete works generally requires more than just a referenced acknowledgement. Poems, copyrighted “strap-lines”, recipes, scenes from plays and guidebook descriptions, for example, may require the approval of the rights holder and who will often seek limit the use and circulation, may specify the form of words to accompany the approval and may also levy a fee. They may, of course, also refuse permission completely for your desired use.

The use of non textual elements, images and music for example, will be copyright although that can be time limited and the rights expired. In the case of the music that may be the case for a Beethoven symphony but the rights held by the orchestra performing the work and their publisher may continue. To add illustrations to, for example, a PowerPoint presentation will require planning and should not be undertaken by simply *Goggling* and incorporating the music/images identified. The addition of a reference to the URL will rarely be sufficient defence to a accusation of copyright infringement. However, three sources or images will, probably, be acceptable.

- Self creation (or creation specifically undertaken for you and for which you have the necessary rights and approval to use). With the ubiquity of digital cameras and image processing software this something that is, technically, much easier to accomplish than previously.
- A “Creative commons” designation signifies a creative work that can be used; usually an acknowledgment is required and derivative or commercial use may be constrained. Wikipedia provides many images under this form of licence.
- Other items specifically clear of copyright, public domain images, clip art etc. may be used but the choice can be limited and the outcome readily recognisable and, often seen as unexciting or trite.

This presentation will illustrate these alternative strategies and will also consider how these moral and legal restrictions might be overcome during the design and delivery of courses. In the case of student work or assessments the requirements may be moderated by the pedagogical demands of the module/course and ultimate intended career. Furthermore the requirements and appropriate expectations may vary with the level, the stage of development and the audience. If the work will only be seen by a restricted, internal, audience the a more relaxed “ok if formally and correctly referenced” may be applicable providing that the individual understands the limitations that must now apply to further distribution of their work. The approach proposed is flexible but is unlikely to be appropriate for academic staff for which the audience will often be wider and from whom a higher, more rigorous, standard should, generally, be required.

This presentation is guided by the experience of working within a range of creative disciplines but will focus upon these matters as they affect the wider academic community; student, staff and corporate. This presentation will illustrate, with examples, some of these issues and present approaches that may be adopted to minimise such unintended infringements occurring and those that happen becoming problematic.

References

- Anon, (2002)
Silent Music dispute resolved, (23 September)
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