

Intellectual property

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The University as an intellectual community

Every University is an environment rich in intellectual, technological, and information resources where students and faculty members come together to pursue their academic interests

The University as an intellectual community

- we learn from each other and we teach each other in our
 - individual quests to mature as thinkers, scholars, and researchers
 - collective effort to advance and refine the body of human knowledge
- we benefit from the free exchange of ideas, theories, solutions
- we test our own thoughts informally among friends or in class, or more formally in papers and exams
- we analyze and evaluate ideas of our classmates and teachers

TRUST - The central ethic of such an intellectual community

- TRUST that your ideas will be respected and not ridiculed
- TRUST that your ideas will be seriously evaluated
- TRUST that you can express your own ideas without fear that someone else will take credit for them
- TRUST that your words, data, and ideas are your own

Intellectual property

The right to intellectual ownership of original academic work is as important to the life of the university as the right to own personal possessions

What is an original work?

A work can only be original if it is the result of independent creative effort.

It will not be original if it has been copied from something that already exists.

The challenge of original work

- you will be exposed to the ideas and scientific theories
- your own ideas will be shaped by the words and ideas that you encounter
- the intellectual challenge -- to go beyond what you learn in your textbooks, in lectures, and in the library -- to evaluate, rethink, synthesize, and make your own the information, data, and concepts you find in your sources
- the greatest satisfaction of academic work - making something original, genuine, and new out of the material you have learned in your courses and discovered in your research

Intellectual honesty is the cornerstone of an academic community

- you must always distinguish your own words and ideas from the words and ideas of others -- including the authors of primary, secondary, or electronic sources and faculty members, classmates, or friends
- making those distinctions is not always easy

WIPO

Intellectual property refers to
creations of the mind:

inventions, literary and artistic works, and
symbols, names, images, and designs used in
commerce.

WIPO

Categories

- **Industrial property** - inventions (patents), trademarks, industrial designs, and geographic indications of source
- **Copyright** - literary and artistic works (novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs).
 - Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs.

www.hyperdictionary.com

Intellectual property = the ownership of ideas and control over the tangible or virtual representation of those ideas.

Use of another person's intellectual property may or may not involve royalty payments or permission, but should always include proper credit to the source.

www.intellectual-property.gov.uk

Intellectual property (IP), allows people to own their creativity and innovation in the same way that they can own physical property.

The owner of IP can control and be rewarded for its use, and this encourages further innovation and creativity to the benefit of us all.

www.intellectual-property.gov.uk

The 4 main types of IP are:

- patents - for inventions
- trade marks - for brand identity
- designs - for product appearance
- copyright - for literary and artistic material

IP - broader - extending to plant varieties, geographical indications, performers rights and so on.

What is copyright?

Copyright gives the creators of a wide range of material, such as literature, art, music, sound recordings, films and broadcasts, economic rights enabling them to control use of their material in a number of ways, such as by making copies, issuing copies to the public, performing in public, broadcasting and use on-line.

What is copyright?

If you create something,
that fits the definition of a creative work,
you get to control **who** can make copies of it
and **how** they make copies.

What is copyright?

Copyright gives moral rights to be identified as the creator of certain kinds of material.

The purpose of copyright is to allow creators to gain economic rewards for their efforts and so encourage future creativity and the development of new material which benefits us all.

What is copyright?

Copyright material is usually the result of creative skill and/or significant labour and/or investment, and without protection, it would often be very easy for others to exploit material without paying the creator.

Most uses of copyright material therefore require permission from the copyright owner.

Protection of IP

(gaining IP Rights or IPRs)

- Patent, trade mark, design: application and granting
- Copyright: automatically - without any registration, *as soon as there is a record in some form of what has been created*

What is copyright?

Another useful step for a copyright owner
marking with the
international copyright symbol



followed by the name of the copyright owner
and year of publication

Legal basics

1886/1979 Berne Convention for the Protection of Literary and Artistic Work

- Copyright © - the moment it is fixed in tangible form
- no notice is necessary, though it helps legal cases
- no registration is necessary, though it's needed later to sue
- © lasts until 50 years after the author dies
- facts and ideas can't be copyrighted, only expressions of creative effort

© myths

1. If it doesn't have a © notice, it's not copyrighted
 - true in the past
 - today almost everything created privately and originally is copyrighted and protected whether it has a notice or not
 - a notice strengthens the protection, but it is not necessary
 - the correct form for a notice is:
"Copyright [dates] by [author/owner]"

© myths

2. If I don't charge for it, it's not a violation.

- false

- whether you charge can affect the damages awarded in court, but that's main difference under the law

- it's still a violation if you give it away -- and there can still be serious damages if you hurt the commercial value of the property

- if the work has no commercial value, the violation is mostly technical and is unlikely to result in legal action

© myths

3. If it's posted to Internet it's in the public domain (PD)

- false

- nothing is in the public domain (PD) anymore unless the owner *explicitly* states: "I grant this to the PD"

- granting something to the PD is a complete abandonment of all rights ("PD for non-commercial use"). If your work is PD, other people can even modify one byte and put their name on it!

© myths

3. If it's posted to Internet it's in the public domain

(PD)

- false

- remember! computers never make copies, only

human beings make copies. Computers are given

commands, not permission. Only people can be given

permission

© myths

4. If you don't defend your © you lose it.

Somebody has that name copyrighted!

- false
- copyright is never lost, unless explicitly given away
- you also can't "copyright a name"
- think of trade marks, which apply to names
- you can't use somebody else's trademark stealing the value of the mark, or making people confuse you with the real owner of the mark, or allowing you to profit from the mark's good name

© myths

5. If I make up my own stories, but base them on another work, my new work belongs to me

- false

- "derivative works" -- works based or derived from another copyrighted work -- is the exclusive province of the owner of the original work.

- if you want to write a story about Harry Potter, you need JK Rowling's permission, plain and simple

- there is a major exception -- criticism and parody

© myths

6. They e-mailed me a copy, so I can post it

- to have a copy is not to have the copyright
- all the E-mail you write is copyrighted
- however, E-mail is not secret
- so you can certainly report on what E-mail you are sent, and reveal what it says
- somebody who sues over an ordinary message would almost surely get no damages, because the message has no commercial value

© myths

7. So I can't ever reproduce anything?

- copyright law makes it technically illegal to reproduce almost any new creative work without permission
- it encourages authors to not just allow, but fund the publication and distribution of works so that they reach far more people than they would if they were free or unprotected -- and unpromoted

© conclusion

© has two main purposes

- the protection of the author's right to obtain commercial benefit from valuable work
- the protection of the author's general right to control how a work is used



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**respect the rights of creators
to control their creations**

Plagiarism

Probably you might be original.

But why should you?

Etymology

Plagiarius - kidnapper

Plagiarii - pirates who sometimes stole children



when you plagiarize you steal the creation (child)
of another mind

Definition



Definition

Many people think of plagiarism as *copying* another's work, or *borrowing* someone else's original ideas.

But terms like “copying” and “borrowing” can disguise the seriousness of the offense.

Definition

To *plagiarize* means:

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another's production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

Definition

Plagiarism is an act of *fraud*. It involves both *stealing* someone else's work and *lying* about it afterward.

*Copyright Law of the
United States of America (Circular 92)*

Definition

Plagiarism is the academic equivalent of robbery, taking somebody else's property.

If you are caught you should expect punishment or contempt or both.

Robert M. Correll and Charlton Laid
Modern English Handbook, 6th edition
(Englewood Cliffs, NJ: Prentice-Hall, 1976), p. 71

Why plagiarism is wrong (1)

Academic reputation - built on the basis of creating new knowledge:

- discoveries of new facts
- new ways of looking at previously known facts
- original analysis of old ideas.

Respect for these academic values is reflected in

- (a) licensing for professions (particularly law and medicine),
- (b) employment on the basis of academic credentials
- (c) esteem from colleagues.

A plagiarist receives credit on the basis of fraud

Why plagiarism is wrong (2)

A fundamental goal of education is to produce students who can evaluate ideas – both analysis and synthesis – and who can produce significant original thoughts.

Plagiarism is simply repeating words or thoughts of other people, without adding anything new. Therefore, submitting a plagiarized paper – in addition to the wrongful conduct – does not demonstrate the level of understanding and skill that an educated person is reasonably expected to have.

Why plagiarism is wrong (3)

Plagiarism is the basest form of parasitism.

A leech may make a living from other organisms, but even a leech doesn't take credit where credit is not due.

Why plagiarism is wrong (4)

Damage to their own creative growth.

The writing act -- the struggle to convert ideas into words, the gestation of opinions from the broiling cerebral broth -- is an essential skill for personal expression and development.

When you struggle, curse, and claw out your hair over that term paper, you are undergoing an important human trial: growth. This growth can be painful, difficult, annoying, but you will find yourself inexpressibly better for having survived the crucible.

Why plagiarism is wrong (5)

Writing is much like lifting weights --
you must be the one doing the work.

If someone always benches the bar for you,
your muscle development will be low.

Flex that brain!

Work out that writing finger!

What includes plagiarism?

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not

What is plagiarism?

Attention!

Changing the words of an original source is *not* sufficient to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, *you have still plagiarized*

Are all published works copyrighted?

No.

The Copyright Act only protects works that express original ideas or information.

- compilations of available information - phone book
- works published by the government
- facts that are not the result of original research (carrots contain Vitamin A)
- works in the public domain (provided you cite properly)

Does it matter how much was copied?

No.

If even the smallest part of a work is found to have been plagiarized, it is still considered a copyright violation, and its producer can be punished. However, the amount that was copied probably will have a bearing on the severity of the sentence. A work that is almost entirely plagiarized will almost certainly incur greater penalties than a work that only includes a small amount of plagiarized material.

What are the punishments for plagiarism?

Academic Punishments

- Universities should have zero tolerance for plagiarists.
- Academic standards of intellectual honesty are more demanding than governmental copyright laws.
- A plagiarized paper almost always results in failure for the assignment, frequently in failure for the course, and sometimes in expulsion

What are the punishments for plagiarism?

Legal Punishments

- Most cases of plagiarism are considered misdemeanors, punishable by fines and up to 1 - 3 years in jail

What are the punishments for plagiarism?

Institutional Punishments

- Most corporations and institutions will not tolerate any form of plagiarism - significant number of cases around the world where people have lost their jobs or been denied positions as a result of plagiarism.

Why do we plagiarize?

Searching vs. Researching

We learn quickly that finding and manipulating data on the Internet is a valuable skill. Finding the best or most obscure sources may seem like “busy work”.

Do not forget!

The real skills you need to learn are interpretation and analysis – how to *process* the information you find. Anyone with some basic knowledge can *find* information on the Internet – it’s what **YOU DO** with that information that is important.

Why do we plagiarize?

“But their words are better”

“Why sweat over producing an analysis that has already been done better, by someone who knows more?” You may also be intimidated by the quality of work found online, thinking their own work cannot compare.

Do not forget!

Most interest is seeing how YOU understand the topic, and how you develop your own style. This might go a long way.

Writing is a learning process, and nobody expects you to be as brilliant as experts who have devoted years to the subject.

But, your experiences and the context of your class give you a unique perspective that may be far more interesting than those of the “experts.”

Why do we plagiarize?

“Everyone else is doing it”

Often plagiarism is justified by pointing out that since their colleagues plagiarize, they must do the same to keep up. They feel faced with a choice: put in several hours of work and risk a mediocre grade with less time for other subjects, or do what their colleagues do and copy something good from the internet for an easy grade with time to spare.

Solution!

Catching those students who do plagiarize.

Why do we plagiarize?

Making the Grade

Enormous pressure from family, colleagues and instructors to compete for scholarships, and places in the job market.

Students do not see education as an active process valuable in itself.

Because of this, students tend to focus on the end results of their research, rather than the skills they learn in doing it.

Do not forget!

Research and writing skills make themselves very apparent to anyone evaluating them. Students' grades won't matter if they don't have the skills to show for them.

Improvement as a factor in grading, as this can encourage students to try developing their own abilities.

Why do we plagiarize?

Poor Planning

Students are not always the best judges of how much time their assignments will take. They may not be aware of the extent of work involved in a research paper, or may simply be overwhelmed by the task and put it off until the last minute, leaving them with no time for original work of their own.

Do not forget!

Scheduling stages of progress - a very effective way to deal with this.

Submit bibliographies, outlines, thesis statements, or drafts on specified dates before the final draft is due will give a good idea of the amount of work involved, helping organize the task.

Why do we plagiarize?

Intentional Plagiarism

“Hackers” - plagiarizing papers can be something of a thrill in itself. For many students it becomes a question of ingenuity: “can I sneak a plagiarized paper past my professor?”

Can we avoid it?

YES!, by citing sources.

Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough.

deci, este valabil și în România?

RO - Legea 8/1996

privind drepturile de autor si drepturile conexe

Art. 10. Autorul unei opere are următoarele drepturi morale:

- a) dreptul de a decide dacă, în ce mod și când va fi adusă opera la cunoștința publică;
- b) dreptul de a pretinde recunoașterea calității de autor al operei...
- d) dreptul de a pretinde respectarea integrității operei și de a se opune oricărei modificări, precum și oricărei atingeri aduse operei, dacă prejudiciază onoarea sau reputația sa...

RO - Legea 8/1996

privind drepturile de autor si drepturile conexe

Art. 13. Utilizarea sau exploatarea unei opere dă naștere la drepturi distincte și exclusive ale autorului de a autoriza:

a) reproducerea integrală sau parțială a operei...

Codul deontologic al Colegiului Medicilor

Art. 63 orice medic trebuie să se abțină, chiar în afara vieții profesionale, de la acte de natură să ducă la desconsiderarea sa.

Murph's laws of plagiarism

1. Originality is the art of hiding the source.
2. Stealing ideas from one author is plagiarism.
Stealing ideas from many authors is research.

Internet resources

- CopyCatch: www.copycatch.freemove.co.uk
- TurnItIn: www.turnitin.com
- Plagiarism.com: www.plagiarism.com
- Plagiserve.com: www.plagiserve.com
- Edutie.com: www.edutie.com
- R. Meza (Spanish): <http://www.dcc.uchile.cl/~rmeza/proyectos/detectaCopias/index.html>
- EVE: www.canexus.com/eve/index.shtml
- Jplag: www.jplag.de