

Intellectual Property Rights and Plagiarism Issue

Abstract

We are living in the 21st century, which is the century of knowledge creation. Any country or nation will only develop in future, when it is able to convert the knowledge gained by its pupils in to wealth. Innovations and new knowledge has taken prominent position in the market value of a product and services. Today the main emphasis is on the human intellect. Intellect only differentiates as from animals. It is only the human intellect which brings new and novel ideas and innovations. Innovations need a level of intelligence and conducive environment to bud. Also the creator or innovator should be rewarded for his work. He needs a right over the creation which is Intellectual Right. But innovation is a difficult task and due being under the pressure of research rewards, increasing the length of CV, for having more publications, getting the highest scores in the Annual Performance Indicator, often people fall prey to various not ethical things and it leads to creating issues like copyright and plagiarism. This paper deals with meaning of intellectual property, intellectual property rights, their need etc. it will also reflect upon meaning of plagiarism, its forms & types and plagiarism issues.

Keywords: Intellectual Property Rights, Copyrights, Plagiarism.

Introduction

The novel thoughts, ideas and innovations produced by a human brain using human intelligence are called intellectual property. A property can be understood in two forms i.e. tangible or intangible form. Tangible property is that to which one can touch i.e. physical in nature, it includes real property as well as personal property. Intellectual property is intangible form of property which has no physical matter but one can have ownership of and also can transfer its ownership. This intangible nature of intellectual property makes it difficult to guard and protect. Intellectual property further can be divided into two categories:

1. Industrial property that includes patents, trademarks, industrial design etc
2. Copyright that includes novel literary and artistic work.

Intellectual Property Rights

Intellectual property rights are like any other property right. A person who is the creator or owner of any novel innovation has the right on his creation and gets benefits from that work in any form. These rights are outlined in Article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests. People using the innovation created by some other person have to compensate the owner. Intellectual property was first recognized in the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). The main purpose of intellectual property right is to encourage the creation of a wide range of intellectual goods. For achieving this purpose this right gives persons and businesses the property right to the information and intellectual goods that they create and innovate, usually for a limited period of time. It stimulates the inventor or author to create novel ideas and creations without fear that some competitor will steal its idea and get benefitted. Thus give the author or creator an exclusive right over the use of its creation for specific time period. This not only provides some economic incentives but gives them fame also. These economic and recognition aspects works as a stimulation to innovate and contribute to the technological progress of the nation.

Need for Protection of Intellectual Property

The progress of any human as well as country lies on the capacity of its citizens to create or invent new works in every field. But with the increasing use of technology and social media copying someone's work

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has become an easy job. This easiness increased the offence of breaking intellectual property right in a large number which further gives way to certain other problems.

So it should be protected due to the following reasons:

1. To give protection to the intellectual property of the owner.
2. To give due compensation to the creator for his work.
3. To help in achievement of progress of human beings.
4. To encouragement to new and creative thoughts.
5. To enhance the economic growth resulting in nation's growth
6. To brings recognition, name and fame
7. To bring newer and better products/material/literary work in the market or field.
8. To create a balance between interests of creator and the public interest.

Aim of the study

The current study was aimed to understand the term plagiarism, find out its common forms and focus on the issues come across during research due to plagiarism.

Meaning of Copyright

According to Copyright Act, 1957 of India, "The exclusive right subject to the provision of this act, to do or authorise the doing of any of the following acts in respect of a work or any substantial part there of namely literary, dramatic, musical work to reproduce, copy, perform, communicate, making cinematographic films, translations, make adaption of the work". The innovator or creator of the work protected by copyright, and their heirs and successors, have certain basic rights under copyright law. They have the exclusive right to use the work on agreed terms. The copyright provide the following rights

1. Right to copy
2. Derivative work
3. Distribution
4. Right to perform the work publicly
5. Reproduce the work in copies
6. Broadcasting
7. Translation into other languages
8. Adaptation

Plagiarism

According to Webster's Third New International Dictionary of the English Language plagiarism means "To steal and pass off as one's own (the ideas and words of another)". When a person takes the work or ideas or thoughts of some other person and uses it in its own writings and shows of it as his own. It is the academic dishonesty or academic fraud done. According to Bela Gipp academic plagiarism encompasses "The use of ideas, concepts, words, or structures without appropriately acknowledging the source to benefit in a setting where originality is expected." It is a sort of violation of moral rights as well as ethical offense. In simple words; using ideas, writings or work done earlier by

someone else without giving due credit to that author can be termed as plagiarism.

According to T. Fishman, Plagiarism occurs when someone:

1. Uses words, ideas, or work products
2. Attributable to another identifiable person or source
3. Without attributing the work to the source from which it was obtained
4. In a situation in which there is a legitimate expectation of original authorship
5. In order to obtain some benefit, credit, or gain which need not be monetary

Common forms of plagiarism

In our country, the cases of plagiarism has been so increased in the last decade that UGC has to take a very hard step to review the PhD thesis awarded in last 10 years. According to a 2015 survey of teachers and professors by Turnitin, there are 10 main forms of plagiarism that students commit:

1. Submitting someone's work as its own
2. Taking passages from their own pervious work without adding citations (self- plagiarism)
3. Re-writing someone's work without properly citing sources.
4. Using quotations but not citing the source.
5. Interweaving various sources together in the work without citing.
6. Citing some, but not all, passages that should be cited.
7. Mingling together cited and incited sections of the piece.
8. Providing proper citations, but failing to change the structure and wording of the borrowed ideas enough (close paraphrasing).
9. Inaccurately citing a source.
10. Relying too heavily on other people's work, failing to bring original thoughts into the text.

Types of plagiarism

Based on the forms of plagiarism it can be divided into following four types:

Deliberate plagiarism

When someone's work is used without giving him due credit and others ideas are pass off as own it is called deliberate plagiarism. It may be done due to time constraints.

Accidental or Unwitting Plagiarism

Using others work considering it as common scientific knowledge, or write down the references carelessly may give arise to accidental or unwitting plagiarism. It may be due to inadequate knowledge of the language in which work is going to be done.

Self plagiarism

Sometimes one make use of own published work for writing new one, it is known as self plagiarism.

Mosaic plagiarism

When the words or phrases are used copying from some published work and extracted text is not enclosed in quotes or only words replaced with synonyms only is termed as mosaic plagiarism.

Intellectual Property Right and Plagiarism

The original expression, idea, thought given by a person comes under intellectual property and is

protected by copyright laws. Copying the original work without giving credit to the owner falls under plagiarised work. Plagiarism steals the intellectual property i.e. ideas, inventions, original work etc. and of using it in own work without giving proper acknowledgement or taking permission of the original author. In other words violating copyright law or using someone's intellectual property is termed as plagiarism. Thus, checking of plagiarism gives security as well as satisfaction to the original authors of any literary work that no one can steal their work. It also stops the writers to commit the crime of copying other's work unknowingly.

Issues of Plagiarism

There are a number of softwares which are available to check the plagiarism like Turtin, Urkund, But there are certain technical problems with these software and process of plagiarism. During this process of checking the plagiarism the software check it under the instructions given to that specific software that at what level the similarities in content should be checked like limit of words, quoted words, words in brackets, inverted comma's, font of the text etc. due to the different instructions the results of the different softwares also vary with a huge difference sometimes. Moreover in any research work there are some technical statements which are used by almost everyone and their statements remains almost same like:

Review of related literature: while writing the review one has to write the topic of the study being reviewed. Many times the topic has more than 15 words in it. This number of words are detected by the software and declared as plagiarised.

Definitions

While writing introduction of the research one has to write some definitions in it which are used as has been written someone. These definitions are either shown as plagiarised.

Statements of Objectives

Writing objectives of any research work need some technical statements which may be similar to others but easily caught by plagiarism software. There is shortage of new words to frame an objective.

Interpretation of Results

As in the case of objectives, interpretation of result also includes specific statements as well as words which are used repeatedly in many of the research works and caught in plagiarism. Even headings of the tables and graphs are also framed technically similar in many research works.

Citation Problem

When someone wants to use other's definition or statements while recognising his work in the reference section even then it is shown as plagiarised. Because in most of the software references are not send to check the plagiarism. It creates confusion that whether what is the proper way of citation to use other's work.

Conclusion

Copyright and intellectual property right give freedom to every author to write his ideas, views, opinions without the fear of being copied by anyone. It also stimulates the researchers to do some productive, novel as well as creative work in the field. But as per the process of plagiarism checking has many flaws which have been discussed in the above paper, make plagiarism itself a new problem. The right to freedom of expression give right of saying or writing anything which one wants to say or write even if he/she is influenced by someone's writing. But Intellectual property right and plagiarism create hindrance in this free expression due to its mismanagement or lack of knowledge about the procedure or way of using other's writings. Thus there must be some universal as well as accurate softwares to check plagiarism softwares which can detect duplicity of ideas not word duplicity only.

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