



A Study On Intellectual Property Rights With A Reference Of Plagiarism

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ABSTRACT

Plagiarism includes the usage of any unique idea or method without appropriate authorization. In case of publishing, all the authors who want to publish their writing works, they have to, first of all, agree to the license regarding the provision for the originality of the work i.e. the work done by him/her is genuine and no matter is copied from any other work without any reference.

The task of recognition is carried out with the help of intellectual works. Due to increasing impact of globalization, the level of intellectual rights has gone upward. It is also observed that the equality of copyright infringement can't be achieved by plagiarism. On occurring the violation of copyright law, the infringement of copyright can be considered. The current paper highlights the intellectual property rights and plagiarism.

KEYWORDS:

Plagiarism, Intellectual, Right



INTRODUCTION

The law of copyright depicts that if the owner of copyright finds that someone has used his/her idea or method then the owner can file a case against the violator. Also, by default, the protection of copyright is assigned on starting the novel work.

Intellectual property rights are related to the intangible things. These rights were initiated in order to protect the originality of a work. The task of the regulation of the creation and usage of creative labor is achieved by the help of intellectual property law.

The rights to produce and control are preserved with the help of intellectual property laws. The notion of property and ownership are the source of the idea of legal protection. The basic difference between laws and intellectual property rights is that the former protects the tangible things i.e. which are physical in nature. On the other hand, the intellectual property rights protect the intangible things like ideas.

The Copyright in a work could be said to be infringed when someone without the permission of the owner of copyright does anything, the exclusive right being conferred upon the owner by the Copyright Act.

In order to prove infringement, it has to be proved that the work alleged to be infringed has copyright and the infringing work is a copy of it. For proving the latter part, one has to have a clear understanding as to what amount to copying.



Copying of the un-copyrightable material from the original work is not infringement. In order to constitute infringement not only that copyrighted material is copied but also such protected material is 'substantial'. In other words, there should be substantial copying between the original work and the work alleged to be an infringing copy. However, the determination of the extent of copying that constitutes a substantial copying is one of the most difficult questions in the copyright law. Substantial copying does not necessarily mean copying of substantial portion of the work. Even if the similar material is quantitatively small, it is enough to constitute substantial copying if it is qualitatively small important.

Copying need not be literal or verbatim. It is enough if the fundamental essence or structure of one work is duplicated. The mere fact that the defendant paraphrased rather than literally copied will not preclude a finding of substantial copying. Otherwise, a plagiarist would escape by immaterial variations. However, both in literal and non-literal copying one of the most important considerations while deciding an infringement has the adverse effect on the market caused by the infringing work.

The question of infringement of copyright comes into picture when the people intend to tak@advantage and cause economic loss to the people who by virtue of their intellect, expense and hard labor have earned those rights. What is apparent is that the technological change has



made reproduction of copyright material easy and cheap, and also at the same time it has made piracy of copyright work simple and difficult to control. They have made copyright infringement international in character.

INTELLECTUAL PROPERTY RIGHTS AND PLAGIARISM

When a work is transmitted from one point to another or made available for the public to access, numerous parties are involved in the transmission. These include entities that provide internet access or online services. Such liability could arise in one of the ways, if the service provider itself is found to have engaged in unauthorized acts of reproduction or communication to the public or if it is held responsible or contributing to a making possible the act of infringement by another. It is the potential liability of the online service and access providers for infringement taking place through their services.

It is evident from the reviews that many studies have highlighted the different aspects of plagiarism. However, most of these studies have been mainly done in foreign countries and only a few have been conducted in developing countries like India. Moreover, there has been researches conducted previously to examine the student's awareness of plagiarism, yet none has been done on research scholars. Apart from this, plagiarism comes under Intellectual



Property Right (IPR) and regarding plagiarism no work has been done at the doctoral level in the field of education.

Avoiding plagiarism is very much essential for the academic excellence of any nation because the growth of any nation depends upon science and technology and the success of science and technology is based on genuine research. This study is expected to contribute towards creating awareness to avoid plagiarism while doing research. Moreover, this study concentrates on research scholars, and if they are aware of plagiarism in the early stage of research, they will avoid it throughout their lifetime. Apart from this, this study will be helpful to find out the root cause of reproducing the works of others and, by identifying the cause; it will be easier to prevent plagiarism.

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Research and development have a key role in shaping public perception now that we're part of the information generation. Now more than ever, it's important to understand knowledge-based assets such as designs, ideas, and innovations, while paying attention to



ownership. Unfortunately, ownership of intellectual property has become a major issue in the modern world.

Systems of intellectual property protect rights to ideas by protecting rights to produce and control physical embodiments of those ideas. In legal terms, something more would be required to really accord such a protection to an idea that originates in the mind. The idea of legal protection to an object essentially emerges from the notion of property, its ownership, possession and other related legal relationships.

The art and craft of writing may not be uniformly distributed among the members of the academia. At the same time, the pressure and urge for submitting the research report and getting it published need not take into account the writer's inadequacies and limitations and there are some other factors such as lack of time, overload of the work, fear of failure, lack of interest and unawareness of plagiarism which motivate the researchers to reproduce the works of others and presenting them as his or her own.

This act of copying other's work without giving proper reference sources and presenting them as their own for the purpose of academic credit is called as plagiarism. Merriam-Webster Online Dictionary, defines plagiarism as "the act of using another person's words or ideas without giving credit to that person : the act of plagiarizing something.



DISCUSSION

Now, plagiarism is a serious problem identified in the research community. Even some of the faculty members also indulge in plagiarism knowingly or unknowingly, but detection of plagiarism is now as easy as plagiarizing a document itself. In the words of Razera “The internet has provided easy access to a huge amount of information and therefore facilitating the whole ‘copy and paste’ tendency, but it has also contributed to the creation of software tools for detecting plagiarism.”

In the age of competition, everyone wants to get success faster and with lesser effort. Research scholars want to submit their theses in time to get the degrees and diplomas awarded. Faculty members want to increase their number of publications for getting incentives, promotion and higher position.

But most of them do not want to spend much time on original writing, and they feel very much comfortable in copying various information from the internet, restructuring it and presenting them as a new work, but they are not aware that this ‘copy and paste’ tendency will be very much harmful, when one is caught for plagiarism and as a result the career of that person gets damaged.

There are a number of cases* in India and abroad wherein people were caught for plagiarism and facing serious consequences. No matter they are professors, supervisors or education ministers, the



consequences of plagiarism are same for all. These cases, not only highlight the seriousness of the problem, but also show that the act of plagiarism can ruin the career of anyone.

It is evident from the reviews that many studies have highlighted the different aspects of plagiarism. However, most of these studies have been mainly done in foreign countries and only a few have been conducted in developing countries like India. Moreover, there has been researches conducted previously to examine the student's awareness of plagiarism, yet none has been done on research scholars.

Apart from this, plagiarism comes under Intellectual Property Right (IPR) and regarding plagiarism no work has been done at the doctoral level in the field of Library and Information Science. Though efforts have been made to trace full length dissertations on plagiarism, the researcher failed to trace any in the field of Library and Information Science. However a few have been traced in other subjects. All the literatures were available in the form of research papers. So, there is a need to do a full length research work in this field. To the best of my knowledge, this is the first attempt in the field of Library and Information Science.

Plagiarism is not exclusively confined to the domain of research; it infects all parts of the body of human efforts as the film industry,



music, journalism, fine arts and creative and critical writing, but this study is exclusively concerned with plagiarism in the field of research. Avoiding plagiarism is very much essential for the academic excellence of any nation because the growth of any nation depends upon science and technology and the success of science and technology is based on genuine research. This study is expected to contribute towards creating awareness to avoid plagiarism while doing research.

CONCLUSION

Moreover, this study concentrates on research scholars, and if they are aware of plagiarism in the early stage of research, they will avoid it throughout their lifetime. Apart from this, this study will be helpful to find out the root cause of reproducing the works of others and, by identifying the cause; it will be easier to prevent plagiarism.

There are multiple interpretations available on the origin of the word 'plagiarism'. The word 'plagiarism' derived from the Latin word *plagiarius*, which means abducting, kidnapping, seducing or plundering, It also means, a kidnapper who ensnares children or slaves in a *plaga* (net).

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