



Plagiarism vs. Copyright

Many people tend to blend the two issues, but these are very separate concepts.

Plagiarism is an *ethical* concept based on community standards. In academic contexts it is perceived as a **serious violation of academic honesty**. Plagiarism can be **intentional and unintentional**. It is *intentional* when a writer seeks to deceive the audience by claiming work as one's own production that was not created but stolen or "borrowed" from another, with little or no attribution of that fact, or "created" citations that are unrelated to the quotations. On the other hand, *unintentional* plagiarism can result from failing to cite or adequately cite a source or from a mis-use of the summary or paraphrase of a cited source. See <http://library.duke.edu/research/citing/index.html>.

At Concordia University Texas, we use primarily three citation styles: **APA** for science and social science research; **MLA** for literary research; and **Chicago**¹ (this format is sometimes called the "notes-bibliography" or "humanities" version; it is also known as Turabian) for historical or theological research. [Some science faculty use the author-date version of Chicago or another style.] Check with your professors/instructors about which style they prefer you use. In the "Research Guides, Tutorials, and Citations" section of the [CTX Library web page](#) there are a variety of links to support all of these styles, or check at the links below (or try the Online Writing Lab or OWL at Purdue University: <https://owl.purdue.edu/>).

Consequences of committing plagiarism are determined by the community (e.g., the Student Handbook, <https://www.concordia.edu/student-life/dean-of-students/the-student-handbook.html>) and are influenced by factors such as intentionality, repetition (the number of times one is convicted of plagiarism), and whether or not there is evidence of intent to harm or cheat. Plagiarizing can lower your grade, cause you to fail a course, or even result in your being asked to leave CTX if repeated.

¹ Turabian, an earlier and somewhat simplified version of Chicago, is also used by historians and theologians. Again, check with your instructors/professors. Here is a link to basic issues in Turabian: http://www.press.uchicago.edu/books/turabian/turabian_citationguide.html

Copyright is a *legal* concept of certain rights to protect “original works of authorship fixed in a tangible medium of expression” in order to encourage the production of those works and at the same time limiting those rights to allow the free flow of ideas in a way that benefits society. It is determined by legislative law and court rulings. It began as **common law** (customs of a society recognized and enforced by legal judgments and decrees) and has evolved over time into **black letter law** (general and accepted legal principles written down and enforced by the court and passed by legislatures). The most important copyright law is the [1976 law](#), which sets forth the rights of the rights holders of copyright:

Five Pillars or rights of the Copyright Holder:

- 1) Reproduction
- 2) Adaptation
- 3) Publication
- 4) Performance
- 5) Display.

These rights include both the right to do something (e.g., adapting a movie from a play) and preventing others from doing that act. A violation of any of the exclusive rights of the copyright holder is said to be a copyright infringement. To learn more about copyright, go to <https://www.copyright.gov/>.

Consequences of violating copyright here or internationally (putting something under copyright on the Internet opens you to copyright laws in other countries, some of which are much more complex than ours) is a **legal violation** that may land you in court and can result in **huge fines per infringement** (one bad decision might include several infringements) **and even jail time**.

Note also that copyright *doesn't cover every use* of these items. There are societal benefits to limiting copyright, especially in academic and scholarly contexts. The main exemptions to copyright are **fair use** and the limit of copyright that allows items over time to age out of copyright and to be said to now be in the **public domain**.

Fair Use

There are various times when the reproduction of a particular work may be considered fair, such as the use of copyrighted works in creating criticism, commentary, news reporting, or in teaching, scholarship, and research. In order to determine that a use is fair, courts use the four factor test.

The Four factors of “Fair Use” must be “balanced” to determine whether or not a use is fair:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

That a use is “fair” can ultimately only be determined by the courts. However, if you can document with something like the [fair use evaluator](#) that your intent was to abide by these factors and you document that fact, it helps your claim. Note: Citing a source, or acknowledging the source, of copyrighted material *does not replace or exempt you* from obtaining permission. Nor does the repeated use of an item violate copyright if the use is “fair.”

Public Domain

A work of authorship is in the “public domain” if it is no longer under copyright protection or if it failed to meet the requirements for copyright protection (e.g., you heard it in a conversation that was not recorded or written down). Works in the public domain may be used freely without the permission of the former copyright owner. See the [“Is it under copyright?” slider](#).

Common Student Copyright and Plagiarism Errors

Thinking that if I can do it, that it is okay (copyright infringement):

e.g., sharing of audio files that are under copyright via a computer network or the Internet without the permission of the rights’ holder. It is easy to do, so it must be okay, right? (If it is under copyright, distribution – or sharing – without permission is a violation of the right of the rights’ holder.)

e.g., scanning chapters of a library book to your email and then sharing them with other members of your class. They would make their own, I’m just being “helpful.” Your distribution is a clear violation of copyright.

Thinking that if I’m given one kind of permission it is total permission (confusing copyright with plagiarism and vice versa):

e.g., since something is in “the public domain” according to a web site and can be used without penalty, you don’t have to put the words in quotation marks or include a citation (public domain is copyright permission; citations fall under plagiarism).

e.g. since you cited something, thinking that you have met the requirements of copyright (citations relate to plagiarism, not copyright).

Need More Help? Ask us!

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We’re here and want to help. ***Whoosh!***

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