

## Plagiarism and Copyright Infringement: Is Copying Illegal?

You've heard some teachers say that it's always wrong to copy someone else's work. They ruthlessly **check your papers for plagiarism**. Other teachers say that it's all right as long as you give credit to the original author. Who's right?

To answer this question, we have to think about the difference between **plagiarism and copyright infringement**. Take a look at these definitions from *The Council Chronicle* for English teachers:

**Plagiarism** is using someone else's work without giving proper credit - a failure to cite adequately.

**Copyright infringement** is using someone else's creative work, which can include a song, a video, a movie clip, a piece of visual art, a photograph, and other creative works, without authorization or compensation, if compensation is appropriate.

Schools enforce **plagiarism**.

The courts enforce **copyright infringement**.<sup>1</sup>

What? Did I just **copy** those definitions from their Web site? As a matter of fact, I did. This is not an example of plagiarism, since I gave credit to the author of the definitions. (See the References section at the bottom of this article.) It's not copyright infringement, either, since my short quote is allowed by the "fair use" exemption in copyright law.

### Plagiarism

Plagiarism is using someone else's work without giving proper credit. Schools deal with plagiarism by giving the cheaters academic consequences. Most teachers will give F grades for plagiarized work, and some will do more. When I was a teaching assistant at Stanford University, some students were suspended for copying answers during a test.

Plagiarism doesn't have to include copyright infringement. For example, William Shakespeare's plays are not copyrighted because they're too old. Even though it would technically be legal to copy from one of those plays for an English assignment, it would still be plagiarism if you didn't give credit to Shakespeare. Your teacher may not be able to take you to court over it, but she can certainly give you an F. You might even get suspended or expelled from school. Even though copying one sentence from a Web site is legal according to United States copyright laws, that may still count as plagiarism in your teacher's book.

### Copyright Infringement

Copyright infringement is using someone else's work without getting that person's permission. The author of any original work, including books, essays, Web pages, songs, pictures, and videos, automatically gets the copyright to that work, even if she doesn't label it with the copyright symbol and her name. The work must be fixed in **tangible form**, which means it must be stored on something physical, such as paper, canvas, a CD, or a hard disk. This makes college students copyright owners, since they've already written many original works for school.

The owner of a copyright gets to decide who can legally make copies of that work. It is illegal to copy large sections of someone else's copyrighted work without permission, even if you give the original author credit. Imagine someone

making copies of the movie *Finding Nemo* without asking for permission. He sure won't get away with it just by giving the authors credit on the DVD cover!

Fortunately, a **fair use exemption** allows you to legally copy small amounts of someone else's work. Just make sure to give the author credit so you won't be guilty of plagiarism!

The courts assign consequences for copyright infringement. This means someone may come after you with a lawyer if you violate his copyright. Your school can report copyright infringement to people who have the legal power to take you to court. Students have been sued for copyright infringement before.<sup>2</sup> In some cases, the court may require you to pay the fees for both your lawyer and the copyright owner's lawyer.

## Is It Okay to Change Someone Else's Words For My Essay?

Taking a copyrighted work and changing it creates something called a **derivative work**. Since you made changes to create the derivative work, you share the copyright for it with the copyright owner of the original work. Since you don't own the entire copyright for the derivative work, you must still ask for permission before making copies of it.

Because of this, taking someone else's work and changing some of the words only creates a derivative work and does not give you full ownership of the copyright. Even if no one decides to take you to court over it, your teacher might still decide that you are guilty of plagiarism. Instead of paraphrasing someone else's paper and calling it your own, try learning from other people's work first and then writing your own paper from scratch. Read some of these **tips for writing an essay in your own words**.

## Conclusion

Between the consequences for plagiarism and copyright infringement, it's just not worth it to copy other people's work. If you do need to use a few words from another source, take some precautions:

- Put those words in quotation marks or indent them to indicate clearly that they are not your own words.
- Add a footnote to give credit to the original author.
- Keep the length of your quotation down to a few sentences so you won't be guilty of copyright infringement.

If you're jumpy and want to make extra sure you haven't copied, then plug some phrases from your essay into **PlagiarismChecker.com**. Hopefully, you'll never have to say that **what seems like plagiarism was just an accident**. Make sure that your hard work is rewarded with the grade you deserve.

## References

1. **Plagiarism and Copyright - What Are the Differences? (The Council Chronicle, Nov. 05)**. 16 Jan 2006 <<http://www.ncte.org/pubs/chron/highlights/122872.htm>>. The definitions were modified to make them more consistent with copyright law's use of the terms "tangible form" and "idea".
2. **Stanford Policies: Copyrighted Material and File-Sharing Networks - Stanford University Office of Judicial Affairs**. 16 Jan 2006 <<http://www.stanford.edu/dept/vpsa/judicialaffairs/guiding/other.copyfile.htm>>.

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