**PLAGIARIISM, COPYRIGHT, PATENT AND INTELLECTUAL PROPERTY RIGHT**

**What is plagiarism?**

* Plagiarism is the act if presenting anothers works, ideas, images, sounds or other creative expression of others as your own. The word plagiarism comes from the Latin word “plagiarus” meaning “kidnapper.”
* Plagiarism is a sort of “intellectual theft”
* Plagiarism is the improper use of others’ writings, ideas, artistic expressions, music etc.. by another person
* Plagiarism is presting the works of another as one’s original work
* Plagiarism is failing to credit another’s intellectual property to them
* Plagiarism is knowingly copying all, or part, of another’s work and presenting it as one’s own
* Plagiarism is accidently forgetting to include quotes or references when citing a source

**Types of Plagiarism**

* Word for word (Direct, Text) (Copying the text as it is)
* Mosaic (change the words in the text with synonyms)
* Paraphrase (this occurs when the plagiriser praphrases or summarises another’s work without citing the source. Evan changing the words a little or using synonyms but retaining the author’s essential thoughts, sentence structure, and/or style without citing the source is still considered plagiarism
* Ctrl + C Plagiarism
* Self Plagiarism ( using ones own previous document)
* Patch work or Remix Plagiarism

**Tips to Avoid Plagiarism:**

* Use your own ideas
* Use other people's ideas sparingly
* Always keep citation information in your notes and use quotation marks when directly quoting another person
* Write a draft of your paper without using cited information to find out for yourself what you want to say
* For short quotes, use quotation marks in the sentence
* For longer quotes indent the entire passage
* If you have used a table, chart, diagram etc.. cite the source directly below with a statement that permission has been obtained

**Plagiarism can result in:**

* An F-grade on an assignment
* A final F-grade in the class
* Expulsion from the university

**Rules pertaining to Plagiarism by UGC**

The UGC recently rolled out new rules for conducting research in India and now, research members and faculty indulging in plagiarism will be punished, All India Council of Technical Education (AICTE) Chairman Anil Sahasrabudhe said yesterday. The move was carried out to better the research conditions in the country and to ensure that India can put out credible and quality research papers in future. "As per new UGC (University Grants Commission) regulations, the faculty and researchers indulging in plagiarism will be punished which is a positive development in our higher education system as it will bring more credibility to the research in the country," Sahasrabudhe said while addressing a gathering at the 'Academic & Research Integrity Conclave 2018'.

### ****Here are the recent rules by UGC directing plagiarism in research to be punished:****

* According to this regulation, students and teachers who plagiarise will lose their registrations
* The law in this draft regulation prescribes graded punishment for plagiarism
* Students may have to submit a revised research paper if found plagiarised in between 10 per cent and 40 per cent. The duration given for re-submission will be six months
* If plagiarism is between 40 to 60 per cent, students will be deprived of submitting the revised paper for the duration of one year
* The student's registration for a programme will be cancelled if the research paper found plagiarised beyond 60 per cent
* Teachers in academics, if found with 10 to 40 per cent of plagiarism in their research work, will be asked to withdraw the manuscript
* If the plagiarism is between 40-60 per cent, the teachers will be debarred from supervising Master's/PhD or MPhil students for two years and will be denied a single annual increment
* Over 60 per cent of plagiarism will lead the teachers' suspension and dismissal

"I am all for checking plagiarism which is indeed a problem in India within academia. We have very lax standards on this count and that is what seems to have prompted government to propose such a law. It would have been better if universities had strong internal mechanisms as in so many other countries," the former vice-chancellor of Delhi University, Dinesh Singh, had said, HT reported.

**COPYRIGHT**

Copyrights protect the expression of ideas. Artistic works are generally considered to be expressions of ideas – books, paintings, songs, movies, and computer programs are examples. Copyright will not protect the process through which a particular work was created or the use of information within it (instructions, etc.).

Cookbooks are often used to illustrate the difference between the expression of an idea and the idea itself. Cookbooks cannot be reproduced without permission because they are an expression of ideas (the recipes). However, people can still follow the recipes in the cookbook because they are replicating the ideas contained in the literary work. If the recipes were protected by a patent, users would need permission to follow them, since patents protect particular ideas from being used without authorization.

### Registration of copyright

Copyright occurs automatically. However, registering your copyright with the Canadian Intellectual Property Office may make it easier to prove ownership in the event of a conflict. For more information, including the requirements for registration, visit the guide to copyrights on the Canadian Intellectual Property Office’s website [here](http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html).

### Duration/Term of Copyright

In the case of original literary, dramatic, musical and artistic works, the duration of copyright is the lifetime of the author or artist, and 60 years counted from the year following the death of the author.

In the case of cinematograph films, sound recordings, photographs, posthumous publications, anonymous and pseudonymous publications, works of government and works of international organizations are protected for a period of 60 years which is counted from the year following the date of publication.

Indian copyright law is at parity with the international standards as contained in TRIPS. The (Indian) Copyright Act, 1957, pursuant to the amendments in the year 1999, fully reflects the Berne Convention for Protection of Literary and Artistic Works, 1886 and the Universal Copyrights Convention, to which India is a party. India is also a party to the Geneva Convention for the Protection of Rights of Producers of Phonograms and is an active member of the World Intellectual Property Organization (WIPO) and United Nations Educational, Scientific and Cultural Organization ("UNESCO").

It is pertinent to mention herein that along with the (Indian) Trade Marks Act, 1999, the protection can also be obtained under the (Indian) Copyright Act, 1957 with respect to the artwork, layout, pattern, style, get-up and colour-combinations of packaging and labels which are capable of being registered under the (Indian) Trade Marks Act, 1999 as a trademark.

### "Work" protected in India

Under the (Indian) Copyright Act, 1957,

* artistic work including a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving, a photograph, a work of architecture or artistic craftsmanship, dramatic work,
* literary work (including computer programmes, tables, compilations and computer databases),
* musical work (including music as well as graphical notation),
* sound recording, and
* cinematograph film are protected

In order to keep pace with the global requirement of harmonization, the Copyright Act, 1957 has brought the copyright law in India in line with the developments in the information technology industry, whether it is in the field of satellite broadcasting or computer software or digital technology. The amended law has also made provisions to protect performer's rights as envisaged in the Rome Convention.

### Registration of Copyright

In India, the registration of copyright is not mandatory as the registration is treated as mere record of a fact. The registration does not create or confer any new right and is not a prerequisite for initiating action against infringement. The view has been upheld by the Indian courts in a catena of judgments. It is important to note here that there is no prescribed time limit within which registration of a copyright can be obtained. However, presently the registration of a copyright may take a period of 1 to 1 ½ years.

### Need for Registration of Copyright

The awareness of Intellectual Property (IP) Laws is considerably low among the enforcement authorities in India, and most of the IP litigation is confined to metropolitan cities. It is to be noted that awareness of Intellectual Property (IP) Laws is considerably low even among the enforcement authorities in India, and most of the IP litigation is confined to metropolitan cities. It is always advisable to register the copyright as the copyright registration certificate is accepted as a proof of ownership in a Court of law and Police authorities, and acted upon smoothly by them.

### Enforcement of Copyright in India

The law of copyright in India not only provides for civil remedies in the form of permanent injunction, damages or accounts of profits, delivery of the infringing material for destruction and cost of the legal proceedings. etc. but also makes instances of infringement of copyright, a cognizable offence punishable with for a term which shall not be less than six months but which may extend to three years with a fine which shall not be less than INR 50,000 but may extend to INR 2,00,000. For the second and subsequent offences, there are provisions for enhanced fine and punishment under the Copyright Act. The (Indian) Copyright Act, 1957 gives power to the police authorities to register the Complaint (First Information Report, i.e., FIR) and act on its own to arrest the accused, search the premises of the accused and seize the infringing material without any intervention of the court.

### Protection to Foreign Works in India

Copyright of "works" of foreign nationals, whose countries are member of Convention Countries to which India is a signatory, are protected against any infringement of their "works" in India through the International Copyright Order, 1999. The Indian Courts have also been pro-active for the protection of Copyright of foreign authors/owners, which includes software, motion pictures including screen play of motion pictures and database.

The Government of India is also taking initiative to combat piracy in the software industry, motion pictures and the music industry along with players in the industry through their associations and organizations like NASSCOM (National Association of Software and Service Companies), NIAPC (National Initiative Against Piracy and Counterfeiting) etc.

### Licensing and Assignment of Copyright

Copyright in any work, present or future, can only be assigned or licensed in writing by the copyright owner or his duly authorized agent.

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**PATENT**

A patent is a right, granted by the government, to exclude others from making, using, or selling your invention. Patents protect inventions such as new processes, machines, or chemicals. The central idea is that patents protect ideas, not just expressions of them. The main effect of patents is to give their holders the right to challenge any use of the invention by a third party. He thereby gave a temporary monopoly of exploitation which can be understood as a financial incentive for inventive industrial activities.

### Registering Patents

Patents must be registered. If you invent something and fail to register it, another person who independently invents or discovers your invention can patent it. There are 3 general requirements for patentability: (1) the invention must be novel, (2) it must be useful, and (3) it must show ingenuity (i.e. not be obvious). Patents expire for 20 years after the filing date, at which point they must be re-registered.

Patents registered in Canada only prevent the use of your patent within Canada. However, patents can also be registered internationally. For more information, visit the guide to patents on the Canadian Intellectual Property Office’s website [here](http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr00102.html).

# **What are intellectual property rights?**

Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time.

Intellectual property rights are customarily divided into two main areas:

**(i) Copyright and rights related to copyright.** The rights of authors of literary and artistic works (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films) are protected by copyright, for a minimum period of 50 years after the death of the author.

Also protected through copyright and related (sometimes referred to as “neighbouring”) rights are the rights of performers (e.g. actors, singers and musicians), producers of phonograms (sound recordings) and broadcasting organizations. The main social purpose of protection of copyright and related rights is to encourage and reward creative work.

**(ii) Industrial property.** Industrial property can usefully be divided into two main areas:

* One area can be characterized as the protection of distinctive signs, in particular trademarks (which distinguish the goods or services of one undertaking from those of other undertakings) and geographical indications (which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin).

The protection of such distinctive signs aims to stimulate and ensure fair competition and to protect consumers, by enabling them to make informed choices between various goods and services. The protection may last indefinitely, provided the sign in question continues to be distinctive.
* Other types of industrial property are protected primarily to stimulate innovation, design and the creation of technology. In this category fall inventions (protected by patents), industrial designs and trade secrets.
* The social purpose is to provide protection for the results of investment in the development of new technology, thus giving the incentive and means to finance research and development activities.

A functioning intellectual property regime should also facilitate the transfer of technology in the form of foreign direct investment, joint ventures and licensing.
The protection is usually given for a finite term (typically 20 years in the case of patents).

While the basic social objectives of intellectual property protection are as outlined above, it should also be noted that the exclusive rights given are generally subject to a number of limitations and exceptions, aimed at fine-tuning the balance that has to be found between the legitimate interests of right holders and of users.