

COPYRIGHT

Copyright was invented after the advent of the printing press and with wider public literacy. The main objective of copyright is to protect the writer and the artist from unlawful reproduction of his/her material. It is concerned only with the publishing of physical material and not with the reproduction of ideas, i.e. it does not cover ideas and information themselves, only the form or manner in which they are expressed. The law gives an *exclusive right* of the registered material to the registered proprietor. An *exclusive right* means that only the copyright holder is free to exercise those rights, and others are prohibited from using the work without the holder's permission.

Copyright refers to laws that regulate the use of work of a creator, such as author or an artist.

This includes copying, altering and displaying creative, literary and other types of works.

Unless otherwise stated in a contract, the author or creator of a work retains the copyright.

It is generally considered proper that authors like other originators of any kind of property should have a reasonable return for their work. It is also in the public interest that authors' rights be protected. Without adequate copyright protection, authors would be reluctant to engage in the exerting work of writing with no hope of reasonable financial reward.

Copyright may apply to a wide range of creative, intellectual, or artistic forms, or works. These include:

- Poems
- Theses
- Plays and Dances
- Movies
- Musical compositions
- Audio recordings
- Paintings, Drawings and Sculpture
- Photographs
- Software
- Radio and Television broadcasts.
- Other literary works

Copyright Notice

A copyright notice in a document e.g. a book consists of the copyright symbol of letter “C” inside a circle - © or the word “Copyright” followed by the year of the first publication of the work and the name of the copyright holder.

The copyright notice for sound recordings of musical or other audio works is the symbol “P” inside a circle. The phrase *All rights reserved* may also assert copyright.

Copyright Holder

This may be

- a. The Creator/Author of the Work
- b. Employer
- c. Publisher
- d. Consignee (through transfer agreement)
- e. Corporate Entity

Copyright Duration

Copyright subsists for a variety of lengths in different jurisdictions. In most of the world, the default length of copyright is the life of the author plus either 50 or 70 years.

Copyright holders control the following rights in their works:

- reproducing the work in any material form
- publishing the work
- performing the work in public
- causing the work to be transmitted to subscribers to a diffusion service; and
- Making any adaptation of the work.

Permitted Use of Work Protected by Copyright/Fair Use

Copyright does not prohibit all copying or replication. Some amount of copying and distribution without permission of the copyright holder or payment is allowed. These four non-exclusive factors should be considered in 'fair use' analysis. They are:

- the purpose and character of your use
- the nature of the copyrighted work
- what amount and proportion of the whole work was taken, and
- the effect of the use upon the potential market for or value of the copyrighted work.

It means that the use of a literary or artistic work, either in the original language or in translation shall not be an infringement of the right of the author in that work and shall not require the consent of the owner of the copyright where the use involves:

- ❖ the reproduction, translation, adaptation, arrangement or other transformation of the work for exclusive personal use of a person, if the user is an individual and the work has been made public.
- ❖ mainly for academic exercise without any pecuniary objectives.

International Copyright Laws

Before international copyright laws conventions came into play, it was only national copyright laws which applied for works created within each country. It meant that a work published in UK by a British national would be covered by copyright there, but could be copied and sold by anyone in any other country. Since the world does not consist of a series of national literary and artistic islands, national copyright laws need the backing of international agreements.

EXAMPLES OF INTERNATIONAL COPYRIGHT LAWS

1. Berne Convention

The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland in 1886.

The Convention requires its signatories to recognize the copyright of works of authors from other signatory countries (known as members of the *Berne Union*) in the same way as it recognizes the copyright of its own nationals.

Under the Berne Convention, works shall be copyrighted for at least 50 years after the author's death.

Members of the Union must accept the Convention in its entirety or reject it outright. It is not acceptable to accede to some aspects of the convention while rejecting others.

2. Universal Copyright Convention (UCC)

The Universal Copyright Convention was established in 1952 in Geneva as the second principal international convention protecting copyright; the Berne Convention being the other one.

The UCC was developed by UNESCO as an alternative to the Berne Convention for those states which disagreed with aspects of the Berne Convention but still wished to participate in some multilateral copyright protection. These states included developing countries and the then Soviet Union, which thought that the strong copyright protections granted by the Berne Convention overly benefited Western developed copyright-exporting nations, and the United States and most of the Latin America.

3. United International Bureaux of Intellectual Property (UIBIP)

The United International Bureaux for the Protection of Intellectual Property (BIRPI) is a predecessor of the World Intellectual Property Organization (WIPO).

4. World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization is one of the 16 specialized agencies of the United Nations. WIPO was created in 1967 to encourage creative activity, "to promote the protection of intellectual property throughout the world". The headquarters is at Geneva, Switzerland.

WIPO currently has 185 members made up of 184 UN member states as well as the Holy See. It became a specialized agency of UN in 1974

The dominant objective of WIPO is to "promote the protection of intellectual property throughout the world through cooperation among states, and when appropriate, in collaboration with other international organizations."

The Copyright Act of Ghana, Act 690, 2005

Works Eligible for Copyright in Ghana

An author, co-author or joint author of any of the following works is entitled to copyright and protection under the Act.

- literary work
- artistic work
- musical work
- audio-visual work
- choreographic work
- derivative work, and
- computer software or programme

Duration of Copyright in Ghana

The rights of the author are protected during the life of the author and seventy (70) years after the death of the author unless the contrary is stated in the Act.

Where the work is jointly authored, the rights of the authors are protected during the life of the last surviving author and seventy years after the death of that author.

INTELLECTUAL PROPERTY

Intellectual property refers to the ownership of intangible and non physical goods such as names, designs, symbols and writings. Or a legal concept which refers to the creations of the mind.

Since it is Intangible, it is more difficult to protect them than other types of property, because they emanate from the use of the brain, example websites, mobile phones, the genuine coca cola.

It is intended largely to encourage the development of the art, science and information by granting property right to all artists.

PLAGIARISM

History of Plagiarism

The Roman Poet Martial first used the Latin word *plagiarius* (meaning *kidnapper*) to protest against another poet who had used his verses as his own.

Ben Jonson in 1601 introduced the word into English “to describe someone guilty of literary theft.”

Definitions

Several definitions but one underlying principle.

The verbatim copying or imitation of the language, ideas or thoughts of another person and representing them as one’s own original work, i.e. to commit literary theft.

Wikipedia – Plagiarism is “wrongful appropriation” and “purloining and publication” of another author’s language, thoughts, ideas, or expressions,” and the representation of them as one’s own original work.

Stanford University views Plagiarism as “use, without giving reasonable and appropriate credit to or acknowledging the author or source, of another person’s original work, whether such work is made up of code, formulas, ideas, language, research, strategies, writing or other form”.

Yale University defines it as “the use of another’s work, words, or ideas without attribution” which included “using a source’s language without quoting, using information from a source without attribution, and paraphrasing a source in a form that stays too close to the original”.

Princeton: The deliberate use of “someone else’s language, ideas, or other original (not common-knowledge) material without acknowledging its source.”

Oxford: The use of “a writer’s ideas or phraseology without giving due credit.”

Types of Plagiarism

1. Clone: Submitting another’s work, word-for-word, as one’s own.
2. CTRL-C: Contains significant portions of text from a single source without alterations.

3. Find – Replace: Changing key words and phrases but retaining the essential content of the source.
4. Remix: Paraphrases from multiple sources, made to fit together.
5. Recycle: Borrows generously from the writer's previous work without citation.
6. Hybrid: Combines perfectly cited sources with copied passage without citation
7. Mashup: Mixes copied material from multiple sources.
8. 404 Error: Includes citations to non-existent or inaccurate information about sources.
9. Aggregator: Includes proper citation to sources but the paper contains almost no original work.
10. Re-Tweet: Includes proper citation, but relies too closely on the text's original wording and/or structure.

(Source: <http://plagiarism.org/plagiarism-101/types-of-plagiarism/>)

All of the following are considered plagiarism:

1. Turning in someone else's work as your own
2. Copying words or ideas from someone else without giving credit.
3. Failing to put a quotation in quotation marks
4. Giving incorrect information about the source of a quotation
5. Changing words but copying the sentence structure of a source without giving credit
6. Copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not.

Preventing Plagiarism When Writing

- consult with your instructor/supervisor
- plan your paper
- take effective notes

- when in doubt, cite sources
- make it clear who said what
- know how to paraphrase
- analyze and evaluate your sources

Avoiding Plagiarism

Plagiarism charges can be brought against you for the following offences:

- copying, quoting, paraphrasing, or summarizing from any source without adequate documentation
- purchasing a pre-written paper (either by mail or electronically)
- letting some else write a paper for you
- paying someone else to write a paper for you
- submitting as your own someone else's unpublished work, either with or without permission.

(Source: <http://library.duke.edu/researchj/plagiarism/index.html>)

Self-Plagiarism

Self-Plagiarism (also known as “recycling fraud”) is the reuse of significant, identical, or nearly portions of one's own work without acknowledging that one is doing so or without citing the original work. Articles of this nature are often referred to as duplicate or multiple publication.

Sanctions for Student Plagiarism

Plagiarism is considered academic dishonesty and a breach of journalistic ethics. It is subject to sanctions like expulsion.

Plagiarism is not a crime per se but in academia and industry it is a serious moral offence.

In the academic world, plagiarism by students is usually considered a very serious offence that can result in punishments such as a failing grade on the particular assignment, the entire course, or even being expelled from the institution. Generally, the punishment increased as a person enters higher institutions of learning.

CONCLUSION

Plagiarism is not the same as copyright infringement. While both terms may apply to a particular act, they are different concepts. Copyright infringement is a violation of the rights of a copyright holder, when material restricted by copyright is used without consent. On the other hand, the moral concept of plagiarism is concerned with the unearned increment to the plagiarizing author's reputation that is achieved through false claims of authorship. Plagiarism is not illegal towards the author, but towards the reader, patron or teacher. Even when copyright has expired, false claims of authorship may still constitute plagiarism.