

# *Open Access, Plagiarism & Ethics in Publishing*

**Theme Presentation at National Conference on  
E-Resources & Institutional Repositories  
University of Hyderabad  
15 November 2014**

**Dr AL Moorthy**  
**Chief Consultant (IS), BrahMos Aerospace Pvt Ltd**  
**DRDL Campus, Hyderabad-500058**  
*almoorthy52@gmail.com*

**“If I have seen further it is only by standing on the shoulders of giants.”**

***Sir Isaac Newton***

**“The growth of modern science coincided with a definite rejection of the idea of secrecy”**

***John Desmond Bernal***

**“I have finally finished my greatest work and I am proud to say that not a single idea in it is mine”.**

***Confucius***

**(reported to have stated after completing a book)**

**“If you copy one source it is **Copyright Infringement.**  
If you copy many sources it is **Research leading to PhD.”****

**???????**

# Revenue from Copyright Industry

THE CORE COPYRIGHT INDUSTRIES MADE HISTORY BY ADDING **\$1 TRILLION** IN VALUE TO THE U.S. ECONOMY



The core copyright industries include computer software, videogames, books, newspapers, periodicals, journals, motion pictures, music, and radio and TV broadcasting.

*To foster continued growth of this dynamic sector, we need strong and modern copyright laws that take into account changes in technology and the continuing harm caused by copyright piracy, especially as legitimate digital distributors continue to emerge.*

— Steven J. Metalitz, IIPA

**COPYRIGHT ECONOMY IS GROWING FASTER THAN THE NATIONAL ECONOMY**

Annual Growth Rate Value Added to the US GDP, 2009-2012

4.73%

Copyright

2.14%

National Economy



**MILLIONS OF GOOD PAYING JOBS**

**NEARLY 5.4 MILLION**

people are employed in the core copyright industries— nearly 5% of the total private sector workforce. The average copyright worker compensation is \$85,000.

**33% higher than the average annual wage.**

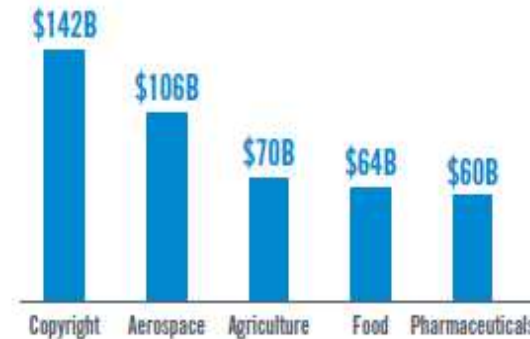
**COPYRIGHT ECONOMY IS NEARLY THE SIZE OF THE STATE OF NEW YORK'S TOTAL ECONOMY**

The \$1 trillion copyright economy is nearly 6.5% of the total U.S. economy.



Copyright maximizes the incentive to create and innovate

**FUELING AMERICA'S ECONOMY THROUGH FOREIGN SALES AND EXPORTS**



*This report makes it crystal clear that workers in the creative industries make a huge contribution to America's economy. It also underscores the urgent need to do more to build, strengthen and protect employment in this dynamic part of our nation's economy.*

— Matt Loebl, International President, IATSE Labor Union

The statistics detailed above are from Copyright Industries in the U.S. Economy: The 2013 Report prepared by Steven Siwek of Economists Incorporated for IIPA from data from the U.S. Bureau of Economic Analysis and other government agencies.



INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE  
WWW.IIPA.COM

# Revenue from Copyright Industry

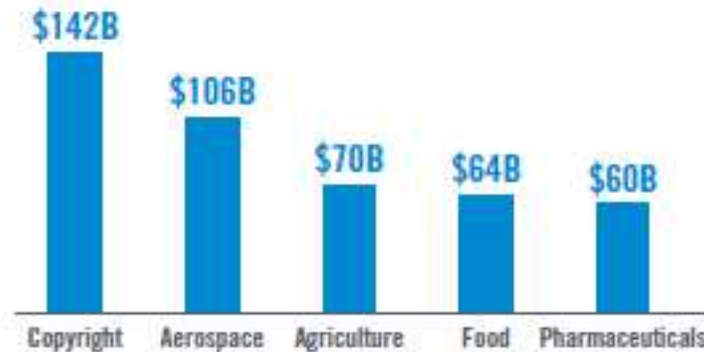
## COPYRIGHT ECONOMY IS NEARLY THE SIZE OF THE STATE OF NEW YORK'S TOTAL ECONOMY

The \$1 trillion copyright economy is nearly 6.5% of the total U.S. economy.



Copyright maximizes the incentive to create and innovate

## FUELING AMERICA'S ECONOMY THROUGH FOREIGN SALES AND EXPORTS



*This report makes it crystal clear that workers in the creative industries make a huge contribution to America's economy. It also underscores the urgent need to do more to build, strengthen and protect employment in this dynamic part of our nation's economy."*

— Matt Loebl, International President, IATSE Labor Union

The statistics detailed above are from *Copyright Industries in the U.S. Economy: The 2013 Report* prepared by Steven Siwek of Economists Incorporated for IIPA from data from the U.S. Bureau of Economic Analysis and other government agencies.



INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE  
WWW.IIPA.COM

# Piracy-related Loss

The annual loss world over from piracy of books, music, films and software runs to billions of dollars.

In 2001 the Indian music industry suffered an estimated loss of Rs 607 crore while world lost US\$ 4.3 billions.

In 2002, the US trade losses due to copyright-related piracy was estimated at US\$ 9208 billion.

In 2003 India suffered a loss of Rs 350 crore due to piracy of films and video records (for US, the loss was US\$ 3.5 billions).

The International Federation of the Phonographic Industry (IFPI) has released a latest report (for 2011) which says that **one among four** internet users **download music illegally by resorting to piracy.**

Internet users across the globe made 3.6 billion illegal downloads in 2011, an increase of 17% over 2010.

Spain and Brazil were reported to have the highest rate of internet users getting their music from illegal sites (45 per cent).

# Piracy-related Loss

Worldwide piracy rate of software, the total number of units of pirated software deployed in 2009 divided by the total units of software installed, has risen to 43% (from 41% in 2008) because of larger PC deployment (due to the falling prices) in developing world.

The top three countries in terms of highest piracy rate (2009) are Georgia (95%), Zimbabwe (92%) and Bangladesh (91%).

In terms of big economies of the world, China has a piracy rate of 79%, UK 27%, Japan 21% and US 20%.

In 2009 India has a piracy rate of 65% (68% in 2008 and 69% in 2007) resulting in US\$ 2 billion loss due to software piracy.

In 2009 the commercial value of software theft exceeded US\$ 51 billion which accounts that for every \$100 worth of legitimate software sold in 2009, an additional \$75 worth of unlicensed software was also deployed in the market.

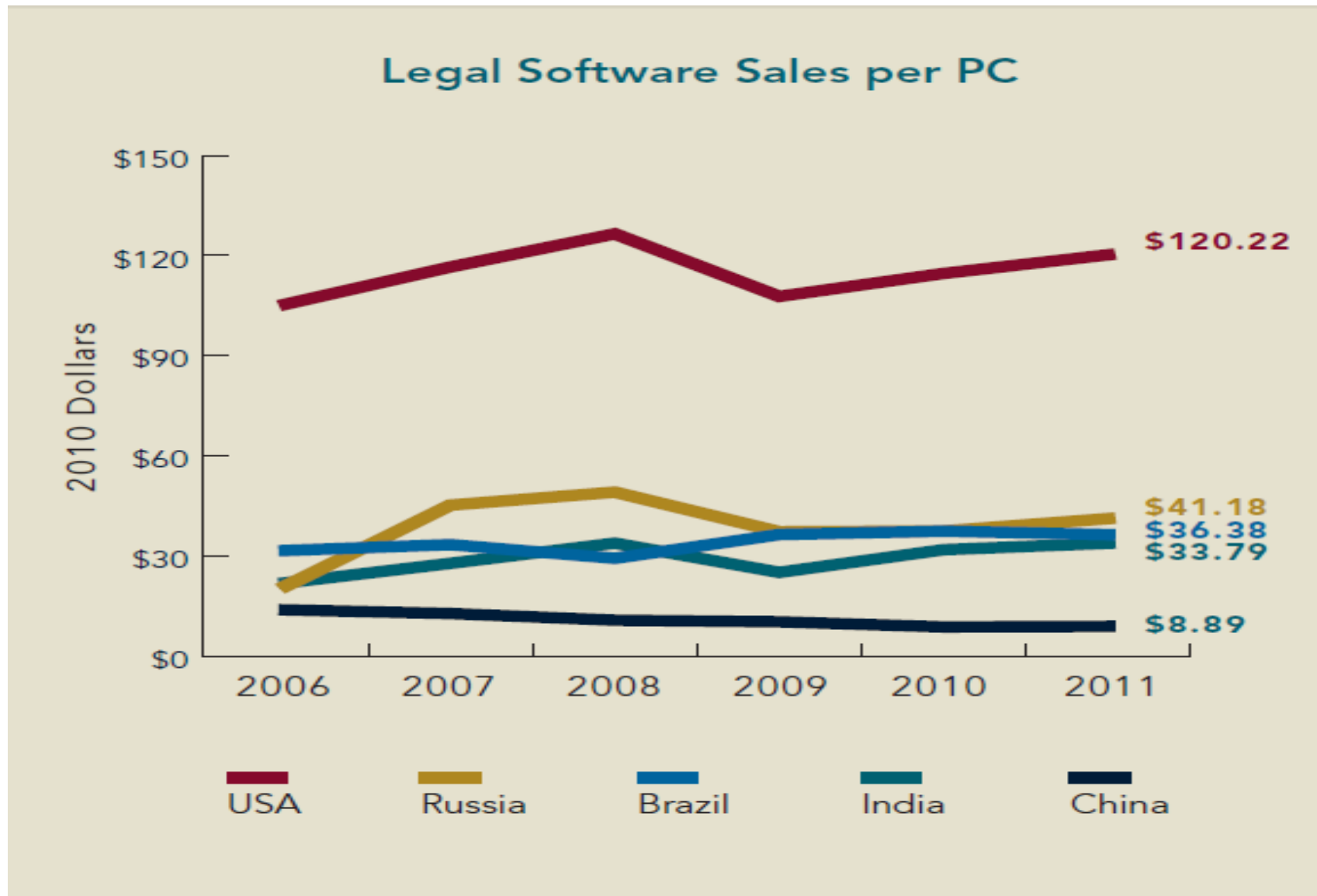
Unlicensed SW estimated over US\$1.4 bn in 2010

**(Source: Seventh Annual Business Software Alliance/ IDC Global Software Piracy Study)**

# Piracy-related Loss

- **Online book piracy costs US publishers nearly \$3bn**
- **Copyright piracy from motion pictures, sound recordings, business and entertainment software and video games costs the US economy \$58bn, 373,375 jobs and \$16.3bn in earnings, and in tax revenue of \$2.6bn.**
- **US motion picture studios lost \$6.1bn in 2005 to piracy worldwide (20% from U.S).**
- **In 2009 S/W theft exceeded US\$51bn against US\$68bn legally purchased**
- **S/W piracy losses in 2010 was US\$59bn; China, Russia, India and Brazil account for >50%**

# Piracy-related Loss





# EU and Copyright

According to Advocate General Jääskinen, an EU Member State may authorize libraries to digitize, without the consent of the right holders, books they hold in their collection so as to make them available at electronic reading points

*While the Copyright Directive does not allow Member States to authorise users to save a book digitized by a library onto a USB stick, it does not prevent, in principle, the book from being printed as a private copy.*

There is no fair use policy in Dutch (Netherlands) Copyright Act. There is a limitation on copyright for educational use with a condition that a fair remuneration is paid (no payment for OA material)

**In UK, if a teacher shares an article in a course, he/she pays for that copy (also if PDF) for as many students as in the class**

# Amendments to Copyright Act (Dig Medium)

**The Copyright Amendment Bill, 2010 (came into force in 2012)**

## **New Clauses relevant to Libraries**

Clause (n) allows libraries to make a digital copy of a work if the library has a non-digital copy;

Section 52 Clause (ya) allows making of a **three-dimensional object from a two dimensional artistic work for the purposes of industrial application of any purely functional part of a useful device**

Section 52(1) (a) allows **reporting of current events as fair dealing providing for storing of a copy (incidental copy) in e-medium for private use, reporting & criticism. 52(1)(c) for transient & incidental storage, links**

Section 52(1), Clause (zb) provides that the adaptation, reproduction, issue of copies or communication to the public of **any work in a format, including sign language, specially designed only for the use of persons suffering from a visual, aural or other disability** will not constitute an infringement of copyright.

# Exemptions to Copyright Circumvention

**(Section 65A): Circumvention of technological measures is permitted for the purpose of**

**Conducting encryption research using a lawfully obtained encrypted copy;**

**Conducting any lawful investigation;**

**Doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorization of its owner or operator;**

**Doing anything necessary to circumvent technological measures intended for identification or surveillance of a user; and**

**Taking measures necessary in the interest of national security.**

# Digital Rights Management Provisions

Section 65A deals with anti-circumvention measures adopted to protect copyrighted content.

Section 65B provides that any person, who knowingly removes or alters any rights management information without authority, or distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority, **shall be punishable**

# Rights of Copyright Holders

**Section 14** of the Indian Copyright Act 1957 (Govt of India, 2010) enumerates the exclusive rights of authors of works who can do or authorize someone to do all or a part of the activities under the section

## Copyright Exemptions for Fair Use

**Section 52** of the Indian Copyright Act exempts five categories of acts which when performed do not fall under the infringement of copyright.

Up to 3 Copies by Librarian/Public Libraries (Sec 52(o)) when the Book is Not Available for Sale to India or Unpublished Work (Sec 52(p)) for Research.

# Whose Intellect? Who Controls?

## **2010: DESIDOC, Delhi & DRDO Knowledge Repository**

- Copyright clearance from Publishers to digitize (scan) and host on the DRDO website
- Demand for Royalties
- Payment for as many copies as DESIDOC makes

## **2014: RRI-Bengaluru & RRI Institutional Repository**

- Hosting the research papers of Prof C.V. Raman in the IR
- Papers are old and some are published a few decades ago
- Librarian writes to publisher seeking permission to deposit the full texts of research papers
- The publisher refuses permission for uploading papers
- After the matter is also publicized through electronic discussion groups, the publisher gave permission to RRI to upload those papers
- The publisher had the legal right but denying permission to decades old papers sans logic

# Whose Intellect? Who Controls?

- ❖ Authors transfer copyright to them and libraries have to subscribe
- ❖ Authors want to use at a later date their research data, even a figure or a table in future publications, they must obtain permission unless they had negotiated this right in the original publication agreement.
- ❖ If copyright is not retained, academic faculty also must request permission to include copies of their own papers in the curricula of courses or syllabi. Surely publishers are in control!
- ❖ Text and Data Mining (TDM) led to new medical and scientific discoveries. In UK an exception for TDM has been introduced in its legislation. **Elsevier released a revised TDM policy (Jan 2014) preventing crawling of content.** This will limit innovation potential of digital research and have a negative impact on dissemination and transparency of research results.

# Concerns of Licensing Digital Content

E-resources are not owned, **ownership is deliberately expensive they are licensed for access for a limited period**

Licensed content comes with a set of terms and conditions, or clauses, that govern the permitted use of that content.

Terms and conditions, indemnity & liability limitation, **dispute resolution/ arbitration, jurisdiction**

## Concerns of Fair Use

Limits to fair use of digital information (printing)

No interlibrary loans (ILL) and resource-sharing

Tracking the use of their electronic resources in terms of number of downloads made by subscribing institution.

Only a portion can be copied; full text cannot be copied

Copying only a specific number of times

DVDs developed to control copying (CGMS)



# Open Access

Nearly 90% of **High Energy Physics** field is accessible from over a dozen journals including *Nucleic Acids Journal* (OA in 2004)(SponCon OAP3).

**UK:** All Research Councils, Wellcome Trust

**USA:** Government-funded research requires to be freely accessible after six months of publication. **No research paper written by a scientist on the payroll of the US Government (NASA, NIH labs, etc.) is copyrightable.**

**European Union** is moving in the same direction

**India:** In 2009, nearly 16% of papers by researchers were published in OA jls (>global average of 8.5-10%). CSIR, ICMR, NIT-Rourkela; Govt funds >90% for R&D; **No Govt mandate, why???**

# Open Access

OA journals generated US\$172m in 2012; up by 34% from 2011  
Expected to reach US\$336m in 2015

**Commercial publishers jumped in to the band wagon**

BioMed Central (biggest), of Springer published its 150,000th paper (2013) & launched its 250th periodical.

NPG owns 81 journals besides *Nature*. Launched *Scientific Reports* as a fully OA journal while *Nature Communications* (online-only) as a partly OA journal.

NPG and Frontiers (Swiss OA firm) publish 46 OA journals, and 7,300 free papers a year.

Elsevier has more than doubled the number of OA journals to 39. Its journals like *Cell* and the *Lancet* makes a paper available free immediately if readers pay a publication fee

T&F Open Select covers around 500 journals

SpringerOpen covers all disciplines based on author pay model

**Predatory OA publishers unethically exploiting the Author Pays model to publish articles in OA were exposed by Beall**

**Misuse of nearly 3mn papers of PubMed Central database in India and China**

# Plagiarism and Piracy

***Plagiarism:*** Famous controversies/plagiarism cases

Galileo Galilee Vs Father Horatio Graci—Telescope

Sir Isaac Newton Vs Robert Hook—Celestial Mechanics

Sir Isaac Newton Vs Leibniz—Calculus

Da Vinci Code (Dan Brown): 200 million copies sold Vs Holy Blood and Holy Grail (Baigent & Leigh) (both published by Random House)

How Opal Mehta ... Got a Life (Kaavya Viswanathan)

Freedom is Not Free (Shiv Khera) Vs India—Enough is Enough (Amrit Lal)—34 instances of Plagiarism—Verbatim

Prof VS Rajput—Plagiarizing Research Publications as Co-author (eg: Stanford Prof's paper on Black Holes)

## ***Piracy***

JK Rowling—Harry Potter—Half-Blood Prince & Other Books

Stephen Hawking—A Brief History of Time; Novels of Famous Authors, NCERT Books, etc etc

# Plagiarism

- ❖ **Plagiarism** has been defined as taking someone else's words, ideas and passing them off as one's own. It is an act of using the language and thoughts of others without acknowledging them. It tantamounts to **misappropriation, infringement, piracy, counterfeiting or academic theft or scientific fraud, academic misconduct, or scholarly dishonest** .
- ❖ **Plagiarism** is lifting research papers, reports, figures, tables etc directly form Internet or already published material and submitting them without acknowledging the sources. It can be defined as **intentional or unintentional copying or using of other copyrighted works whether published or unpublished, without acknowledging the original work.**
- ❖ Many research publications and even PhD theses are just copied and submitted as originals.
- ❖ Many cases are reported regularly by scholarly periodicals like *Nature*, *Science*, *Communications of the ACM* and whistle blowers like Society for Scientific Values (India) etc.

# Ten most Common Types Plagiarism

- **Clone:** Submitting another's work, word-for-word, as one's own
- **CTRL-C:** Has significant portions of text from a single source without alterations
- **Find – Replace:** Changes key words and phrases but retains the essential content of the source
- **Remix:** Paraphrases from multiple sources, made to fit together
- ❖ **Recycle:** Borrows generously from the writer's previous work without citation
- ❖ **Hybrid:** Combines perfectly cited sources with copied passages without citation
- ❖ **Mash up:** Mixes copied material from multiple sources
- ❖ **404 error:** Includes citations to non-existent or inaccurate information about source
- ❖ **Aggregator:** Includes proper citation to sources but the paper contains almost no original work
- ❖ **Re-tweet:** Includes proper citation, but relies too closely on the text's original wording and/or structure.

[plagiarism.org](http://plagiarism.org)

# Forms of Plagiarism

- **Citation Plagiarism: Willful or negligent failure to appropriately credit other or prior observers (citation amnesia, disregard syndrome, bibliographic negligence/inadvertent?)**
- **Self-plagiarism: Multiple publication of same content (modified language?) with different titles/journals**
- **Ghost Writing: Major contribution by other (s) than named authors (Gift Authorship)**
- **Forced Authorship: Senior Researchers/Administrators, Stacking to ensure publication**
- **Misappropriation of Data: Stealing the results of others and publishing as own**
- **Suppression of Data: Voluntary/by compulsion from sponsors**

# OA and Plagiarism

- ❖ Here is an example of 100% plagiarism. Except for one word in the title, the text of the second paper (2013) appears identical to the first (2010).
- ❖ Mohammed, S. Sheik, Ramasamy, K., & Shanmuganantham, T. (2010). [Wireless power transmission: A next generation power transmission system](#). *International Journal of Computer Applications*, 1(13):100-103.
- ❖ Reddy, M.Venkateswara, Hemanth, K. Sai, & Mohan, C.H. Venkat. (2013). [Microwave power transmission: A next generation power transmission system](#). *IOSR Journal of Electrical and Electronics Engineering* 4(5): 24-28.
- ❖ There is also a third paper, published in 2012, that contains unattributed text from the 2010 paper. Here it is, also with a similar title:
- ❖ Mehdipour, Amin, Kia, Abouzar shahraki, & Yazdanipour, Marzieh. (2012). [Investigating the different wireless power transmission systems](#). *International Journal of Advancements in Electronics and Electrical Engineering* 1(2): 28-32.

<http://scholarlyoa.com/2013/03/26/author-misconduct/#more-1492>

- ❖ **Documenting Plagiarism in the Journal of Academic and Business Ethics**

The *Journal of Academic and Business Ethics* is one of 19 journals published by the Jacksonville, Florida-based [Academic and Business Research Institute](#) (AABRI). The institute appears to be chiefly a one-man operation headed by entrepreneur Dr. [Russell K. Baker](#), who is an Associate Professor of Management Information Systems at the Davis College of Business, Jacksonville University

<http://scholarlyoa.com/2013/02/26/documenting-plagiarism-in-the-journal-of-academic-and-business-ethics/#more-1332>

# OA and Predatory Publishers

## Predatory access publishers

This is a list of questionable, scholarly open-access publishers.

[A M Pubrs](#)

[Abhinav](#)

[Academe Res Journals](#)

[Academia Pub](#)

[Academia Scholarly Journals](#)

[Acad and Business Res Institute](#)

[Acad and Scientific Pub](#)

[Acad Journals](#)

[Acad Journals and Res ACJAR](#)

[Acad Journals Online](#)

[Acad Journals, Inc.](#)

[Acad Publications, Ltd.](#)

[Acad Res Journals](#)

[Acad Res Pubrs](#)

[Acad Res Pub Agency](#)

[Acad Scholars Pub House](#)

[Acad Sciences](#)

[Acad Star Pub Co](#)

[Acad World Edn & Res Center](#)

[AcadDirect](#)

[Acadians' Res Center](#)

[Academy & Industry Res Collaboration Center](#)

[Academy Journals](#)

[Academy of IRMBR](#)

[Academy of Knowledge Process](#)

[Academy of Science and Engg](#)

[Academy of Science and Social Science](#)

[Academy Publish](#)

[Access Int'l Journals](#)

[ACT Pub](#)

[Ada Lovelace Publications](#)

[Advance Res Publications](#)

[Advanced Res Journals](#)

[Advanced Scholars Journals](#)

[Advanced Science and Engg Tech Institute \(](#)

[Advanced Science Res Journals](#)

[Advancement and Development in Tech Int'l](#)

[AENSI](#)

[African Res Review](#)

[AgiAI Pub House](#)

[Aizeon Pubrs](#)

[Akademik Plus Publication](#)

[American Acad & Scholarly Res Center](#)

[American Association for Science and Tech](#)

[American Res Institute for Policy Development](#)

[American Res Publications](#)

[American Scientific Res Journals](#)

[American Society for Science and Engg](#)

[American Society of Registered Nurses](#)

[American V-King Scientific Pub](#)

[Annex Pubrs](#)

[ANSINetwork](#)

[Antarctic Journals](#)

[Aperito Publications](#)

[Apex Journal](#)

[Apex Journals](#) — [Apex Journal](#)

[Applied Science Innovations](#)

[Archers & Elevators Pub House](#)

[ARPN Journals](#)

[ASD Pubr](#)

[ASDF Journals](#)

[Ashdin Pub](#)

[Asian Acad Res Associates](#)

[Asian Economic and Social Society](#)

[Asian Online Journal Pub Group](#)

[Asian Online Journals](#)

[Asian Res Consortium](#)

[Association of Computer Electronics and Electrical Engineers](#)

[AstonJournals](#)

[Atharva Scientific Publications](#)

[Athens Institute for Edn and Res](#)

[Atlas Pub, LP](#)

[Austin Pub Group](#)

[Australian Academy of Business and Social Sciences](#)

**Mr Jeffrey Beall is being sued for \$1 bn by OMICS Group of India because of his relentless crusade against Predatory OA JIs in his Blog ScholarlyOA. <http://scholarlyoa.com/publishers/>**



# OA and Scholarly Communication

- ❖ **List of Standalone Journals** (<http://scholarlyoa.com/individual-journals/>)
  - Potential, possible, or probable predatory scholarly open-access journals
- ❖ **The Epitome of Predatory Publishers** (<http://scholarlyoa.com/2013/04/predatory-publishers>)
  - [International Journal of Research in Commerce & Management](#)
  - [International Journal of Research in Computer Application & Management](#)
  - [International Journal of Research in Commerce, Economics & Management](#)
  - [International Journal of Research in Commerce, IT & Management](#)
- ❖ **Hundreds of Articles Disappear as Publisher Changes Model from Open Access to Toll Access**  
(<http://scholarlyoa.com/2013/03/19/disappearing-journals/#more-1458>)

The publisher [EUROJOURNALS](#) has apparently decided to change its publishing model from open access to toll access.
- ❖ **Fraud Alert: Bogus Article Acceptance Letters**  
<http://scholarlyoa.com/2013/01/24/fraud-alert-bogus-article-acceptance-letters/#more-1196>
- ❖ **Predatory Publisher Steals Code, University's Name**

The [International Network for Scientific & Industrial Information](#) (INSII) is a new publisher with two journals that purports to be based at the University of Alberta in Edmonton. It also has stolen some website code from another open-access publisher. This publisher lists its mailing address as: INSII, University of Alberta, P. O. Box 60114, University Postal Services, Edmonton, AB T6G 2S4

<http://scholarlyoa.com/2013/01/22/predatory-publisher-steals-code-universitys-name/#more-1179>

# 5 ways to defeat Automated Plagiarism Detection

- ❖ Increasingly, unethical authors and predatory publishers are learning new tricks to make it more difficult to detect plagiarism in their writings and published articles. Authors who commit plagiarism want to hide evidence of their plagiarism. Predatory publishers who knowingly publish articles containing plagiarism want to prevent the plagiarism from being detected. In both cases, they sometimes use tricks to avoid detection by automated plagiarism detection programs.
- 1. PDF files are made up of layers. One layer is the visual layer, and another one is the text layer. It is possible to alter the unseen text layer in a PDF file by changing all the letters to [mojibake](#). For example, when you highlight the text in the article below, and then do Control + C to copy the text, when the text is pasted into Notepad, it is only garbage characters
- 2. By coincidence, some letters in the Latin character set match letters in others. There are additional matches with Latin letters and letters in the Greek character set. To exploit these similarities in the context of defeating plagiarism detection, someone would use a “find and replace” function, replacing Latin letters with similar-looking letters from other character sets. While some plagiarism detection programs are programmed to deal with this hack, not all are, so this trick may be successful in some systems.

# 5 ways to defeat Automated Plagiarism Detection

3. Another trick is to use the find-and-replace feature to convert all spaces in a document to a character from a foreign characters set, and then use find-and-replace to convert that character to the color white, so it appears as a space again.
4. The next method is called thesaural substitution. This simply means changing words in the text to words with the same meaning. This can be done using a manual or automated process. For example, re-using the Colorado paragraph above, we might take the original text and massage it into a similar text
5. The last trick is to find an article that is only written in a foreign language and then translate it to English using an automatic translator or by translating it manually. Because the plagiarism detection software's database is unlikely to have the article in its original language, it will not detect the article as plagiarized.

<http://scholarlyoa.com/2013/02/07/five-ways-to-defeat-automated-plagiarism-detection/#more-1271>

# Ethics in Publishing

***Ethics*** sometimes known as moral philosophy, is a branch of philosophy that involves systematizing, defending and recommending concepts of right and wrong conduct, often addressing disputes of moral diversity. The term comes from the Greek word *ethikos* which means "custom, habit".

# Ethics in Publishing

## Duties of Authors

**Authorship of the Paper :** Authorship credit should be based on 1) substantial contributions to conception and design, or acquisition of data, or analysis and interpretation of data; 2) drafting the article or revising it critically for important intellectual content; and 3) final approval of the version to be published. Authors should meet conditions 1, 2 and 3.

## Data Authenticity and Integrity

**Originality and Plagiarism:** The peer review process is at the heart of the success of scientific publishing. As a commitment to the protection and enhancement of the peer review process, journals have an obligation to assist the scientific community in all aspects of publishing ethics, especially in cases of (suspected) duplicate submission or plagiarism.

**Multiple, Redundant or Concurrent Publication- TT Rao**  
**Reproduction with Permission**

**Acknowledgement of Sources-Plagiarism**

**Disclosure and Conflicts of Interest- IV Virus**

**Fundamental Errors in Published Works**

# Ethics in Publishing

## Duties of Reviewers

Contribution to Editorial Decision

Promptness

Confidentiality

Objectivity of Reviewing

Disclosure and Conflicts of Interest-**Author and Referee**

**(Bhutani)**

# Ethics in Publishing

## Duties of Editors

Publication Decision

Fair Play

Confidentiality

Disclosure and Conflicts of Interest- **Authors and Referees**

# Plagiarism Cases

- ❖ A Google search on 11 July 2014 resulted in about **90,00,000 results on *scientific fraud* & 91,50,000 on plagiarism**
- ❖ **1980s: Publish or Perish Syndrome**—rat race for publishing research papers to get Project Funding, New Projects, Appointments and Promotions.
- ❖ In the most famous case, John Darsee is responsible for data fabrication as well as errors/discrepancies in **16 of 18 full-length research articles, over 100 additional abstracts and book chapters**. He was exposed as his data did not agree with those from other centres. He published **171 papers in 6 years with non-existing patients, co-authors; ‘invented’ data in top journals with incredible observations!** There was Congressional hearing; he was exonerated.



# Plagiarism Cases —Abroad

- ❖ As recently as July 2014 Sage Publications, publisher of *The Journal of Vibration and Control*, has retracted 60 papers linked to Chen-Yuan Chen, a researcher in Taiwan
- ❖ Sage accused Chen of *perverting the peer-review process by creating fraudulent online accounts to judge the papers favourably*
- ❖ The 60 papers appeared during 2010-14, Chen had established a *peer-review and citation ring consisting of fake scientists, besides real identities he had assumed*. In one case, using one of the aliases Mr. Peter Chen, he reviewed his own paper.
- ❖ He has created 130 email accounts that were used in reviewing the papers.
- ❖ Mr. Chen, an Associate Professor of Computer Science, resigned in February 2014 from the National Pingtung University of Education.
- ❖ Sage is not the only publisher. Many papers are withdrawn, by journals like *Nature*, *Science*, *British Medical Journal*, etc.

# Plagiarism Cases —Abroad

The most publicized plagiarism case in recent times involved former **German Defence Minister Karl-Theodor zu Guttenberg**. His PhD was revoked for 197 **direct translations in his 215-page 2006 thesis as More than one-fifth of it was plagiarized** without proper credit to the sources (as citations). He resigned in 2011.

**Pal Schmidt, the then President of Hungary** was accused that **180 of the 215 pages of his 1992** doctoral thesis, titled An analysis of the programme of the modern Olympics, had **been lifted from a 1987 manuscript by Bulgarian sports researcher Nikolay Georgiev**. After a formal investigation, based on the report of a five-member fact finding Committee, the University Senate withdrew PhD and on 2 April 2012 resigned as President

A panel of Bucharest University academics said July 2012 that **Romanian Prime Minister Victor Ponta plagiarized much of his doctoral thesis of 2003** on International Criminal Court at the Bucharest Faculty of Law. Ponta said his that his only error was to list sources in his bibliography rather than give credit in footnotes.

*Hindu 20 August 2012*

# Plagiarism Cases —Abroad

In 2012, a blogger alleged plagiarism in the PhD thesis “Character and conscience — Studies on the conditions, necessities, and demands on the development of conscience in the present day” by **Annette Schavan, former Education Minister of Germany. The Investigators of Heinrich Heine University, Düsseldorf**, her Alma Mater, found over 60 instances in the dissertation without citing the source (i.e., used other people's text "to a significant degree," without citing sources). **On 5 February 2013, the University revoked her doctorate degree. On 9 February 2013, Annette Schavan had resigned as minister.**

*The Hindu 10 Feb 2013*

# Copyright of Designs—Abroad

## **Smart Phones: Apple vs SamSung Copyright/DESIGN: USA/EU**

Apple files suit on Sam Sung saying it copied iPhone's front, back & home screen styles; wins suit and was awarded \$ 1bn in damages for infringement of 6 of 7 Apple iPhone, iPad patents (*Hindu 26.8.12*).

Seen as a Proxy patent war against Google. Apple treated Android a stolen product and is reducing reliance on Google products. But Android is world's No. 1 OS for smart phones. (*TOI 31.8.12*)

US Appeals Court lifts ban on Sam Sung-Google Galaxy-Nexus Phone: **Appeal Court said No evidence that sales are driven by features copied from iPhone. Apple must show not only that it would suffer irreparable harm but establish that the harm is sufficiently related to infringement** (*Hindu 13.10.2012*).

Apple loses tablet Copyright appeal against SamSung. British High Court ruled that despite some similarities Samsung did not infringe Apple iPad design valid throughout EU. Samsung Galaxy – S III model is a new profit model for Samsung; Quarterly profit \$ 5.9 bn (April - June 12, 14.5% up); Lead over rivals Nokia & Apple (*TOI 19.10.12*)

Swiss Rail firm settles dispute with Apple which used a clock (clock face with short seconds hand with red ball) of Swiss Federal Railways in iPads & iPhone models (*Hindu 13.10.12*)

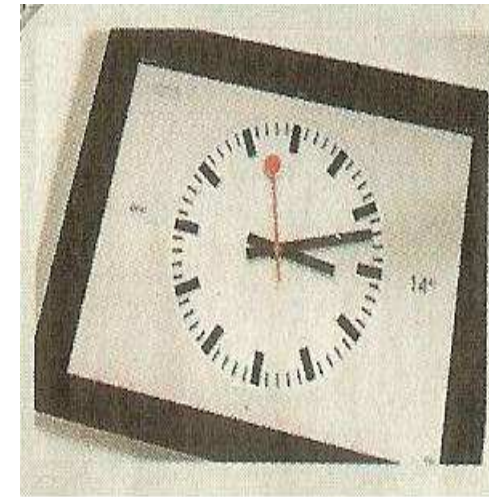
# Copyright Case Study—Design—Abroad



Apple iPad



SamSung Galaxy



SwissRail Clock

# Copyright Case Study—Abroad

## Princeton University Press v. Michigan Document Services (1996)

Michigan Document Services (MDS) was involved in creating packages of study material for the students of the University.

A professor supplied the course material and MDS, a photocopying organization, took photocopies of the material and **converted it into a booklet for sale to students** at the University.

The photocopying company could have paid a nominal fee to the University and then used the material.

This was available to anyone who wished to use the material.

However, the photocopying company paid for only the original and then started making photocopies of the study material.

The court considered that **it was not "fair use" and penalized** the photocopying company.

# Copyright of E- versions of Old Printed Book

## Harper Collins vs. Open Road Publishers (2012)

- Harper Collins, published the children's novel *Julie of the Wolves* by Jean Craighead George in 1972-73. Open Road Integrated Media published its **Digital Edition in October 2011**. Harper Collins sought to block selling the digital edition
- New York court in March held that Open Road infringed HarperCollins' copyright with its e-book edition of 1973 bestselling children's book *Julie of the Wolves* relying on the words of the contract. Open Road paid US\$30,000 as damages.
- In March 2001, Random House sued Rosetta Books who released electronic editions of eight RH novels, arguing that contracts signed by RB included the rights **to publish only three works in e-book editions**. In July, 2001, district court judge ruled that Random House's language to **"print, publish and sell the works in book form did not include the format e-book**. In 2002, Random House settled the case.

# Case Study related to Copyright— Intranet and E-reserve—Abroad

- ❖ **Georgia State University (GSU) vs Publishers (2008)**
- ❖ Cambridge University Press, SAGE Publications, and Oxford University Press, sued University for copyright infringement as it allows faculty to use university networks and university library E-reserves systems to copy and distribute book excerpts to students without paying licensing fees.
- ❖ The plaintiffs claimed that Georgia State University engaged in **"systematic, widespread and unauthorized copying and distribution of a vast amount of copyrighted works" through its e-reserves system.**
- ❖ GSU asserted that under its Copyright Policy system did not infringe copyright because its uses were fair use.
- ❖ The district court issued a 350-page findings of fact and conclusions of law on May 11, 2012, finding that in **almost all cases the alleged infringements were fair use.**



# Scientific Fraud Case—India

**Golden Jubilee of Famous Case:** Dr V.J. Gupta, a Punjab University Geologist, reported fossils of marine animals in the Himalayas in 1964 in *Nature*. In 1984 John Talent, Marquise University, New South Wales accused him that the fossils were stolen from Wales Museum and planted at different sites leading to international uproar.

After **the great Himalayan blunder**, an article is published in *Nature* (14 April 1984) has painted a bleak picture of Indian R&D that it is all repetitive, of poor quality and plagiarized.

A report was submitted in 1995 confirming scientific dishonesty and fraud; no action is taken on him, **rather he was promoted!!**

# Copyright Case—India

- Krishna Sobti, Litterateur had filed a suit against Amrita Pritam in 1984, alleging that the title of Amrita Pritam's book was adopted from her Hindi Novel '*Zindaginama*'.
- Ms Sobti besides seeking damages of Rs.1.5 lakh had demanded that the word '*Zindaginama*' be deleted from Amrita Pritam's '*Hardatt ka Zindaginama*' as she termed the title of Amrita's book a piracy of the title of her Novel.
- However, writer and poetess Amrita Pritam, denied the same and said she knew about the word right from her childhood. Amrita Pritam has won a Court Case in 2010 regarding using the word '*Zindaginama*' in the title of her novel '*Hardatt ka Zindaginama*'.

# Copyright Case Study—Music—India

## **Sholay Media and Entertainment Network Pvt. Ltd. vs Vodafone Essar Mobile Services Ltd. and Universal Music.**

The Delhi High Court gave a ruling that Vodafone Essar Mobile Services Ltd. and Vodafone Essar Ltd. can continue to use the sound-recording of the film Sholay through digital and mobile media.

**Universal Music India Pvt. Ltd. will pay royalty** to Sholay Media (the plaintiff) as per terms of Deed of Assignment dated 7 August 1978 between Polydor Music and Sippy Films (producer of Sholay film).

**Vodafone has also been directed to pay royalty** for use of the sound-recording through digital or mobile media on the network of Vodafone Essar till date from the time the company had started distributing the sound recordings.

Earlier Sholay Media had claimed that they owned the rights to music of Sholay and they had only **assigned copyright** with respect to making of records of the music to Polydor of India (now rights acquired by M/s Universal Music India Pvt. Ltd) through an agreement in 1978.

This was contested by Universal Music, who took over Polydor who claimed that they had all the rights with respect to the music of Sholay. The court directed that the amount left over after paying royalty to the plaintiffs from the royalty calculated at 25% of the revenue generated by the defendants Vodafone by using the sound recordings of Sholay in caller tunes, ring back tones etc., be deposited with the court.

Vodafone has also been directed to deposit with the court arrears of the above mentioned difference (or amount left over) with effect from the date when Vodafone was first allowed to exploit the sound recordings by Universal Music and PPL till date of this order, within four weeks.

## Copyright Case Study—Music—India

- ❖ In **Lawaaris-Housefull** Controversy Case, Calcutta High Court passed the order saying that SaReGaMa India Ltd has the right to grant license to Nadiadwala Grandsons of the Lyrics of the song "**Apni Toh Jaise Taise**" (Author of the lyrics was Prakash Mehra) from film Lawaaris for using in the film Housefull. According to this judgment, there is no prima facie infringement of the moral rights and that all the rights in the literary, dramatic and musical and artistic work and the soundtrack and recording of the songs vest with SaReGaMa Ltd.
- ❖ **Controversies of Sholay (RGV Aag), Ghajni, 3 Idiots, etc etc**

# Piracy Case Study—India

## Delhi University vs CUP, OUP, T&F—Sept 2012

Case booked on Rameshwari Photocopying Shop in the premises of Delhi School of Economics for photocopying books by OUP, CUP and Taylor & Francis. The students and some faculty called for boycott of these publishers on the pretext of copyright theft as democratic cultured. No books of the three publishers will be prescribed by professors and purchased by students. Teachers will be urged not to prescribe their books and look towards open sources.

*Hindu 11/19 September 2012*

**Can fair dealing (u/s 52(1)(a)) be applied to full book copying?**

**Although Section 52(1) (i) allows for the reproduction of any work by a teacher or a pupil, in the course of instruction can it be applicable for mass photocopying?**

**Is there no upper limit?**

# Piracy Case Study—India

***Guzaarish* is a lift piece:** The Disputes Settlement Committee (DSC) of the Film Writer's Association (FWA) gave its verdict after complaint from Taabish Romani that Mr. Sanjay Leela Bhansali is guilty of plagiarism.

The story of ***Guzaarish***, the Hrithik Roshan and Aishwarya Rai Bachchan starrer is apparently lifted from and based upon the script titled "***Goonj Uthi Shehnai***" by Taabish Romani.

Sanjay Leela Bhansali has been directed to pay Taabish Romani INR 10 Lacs in compensation and to give credit to the writer in his film for the writers concept and script.

# Piracy Case Study—India

Reliance Big Pictures served on the Indian service providers, including Airtel and BSNL, a John Doe order that the Delhi High Court granted to prevent the sharing or downloading of its movie, *Singham*, before its release.

The John Doe order (the injunction against potential violators without anyone being named specifically) ensured that making *Singham* available before its release without a valid licence became illegal. This included piracy through cable, internet or DVDs.

Reliance Entertainment, one of the producers of the movie *Bodyguard* and its distributor, obtained a John Doe order from the Delhi High Court to prevent piracy of the movie.

In case of *Singham*, it was pirated 40% less than it would have been, if the distributor not taken the order. For *Bodyguard*, it is hoping to cut down piracy by 50-60%.

# Film Piracy—India

## Bollywood copying of Hollywood storylines

- ❖ In 2009 Warner Bros issued a notice of storyline similarities between *The Curious Case of Benjamin Button* and the Bollywood film *Action Replay*
- ❖ Later it was claimed that *Action Replay* has actually copied the storyline of *Back to the Future*.
- ❖ Twentieth Century Fox sued BR Films, creators of *Banda Yeh Bindaas Hai* for allegedly making a movie with a script and storyline identical to *My Cousin Vinny*. Fox sought damages worth INR 70,000,000 (over US\$1 million) but eventually accepted INR 10,000,000 (approx US\$150,000) in a settlement.



# Plagiarism Cases—India

***Defence Science Journal (1993-94):*** Two papers in fluid dynamics submitted for the journal were plagiarized;

- First was the verbatim reproduction of a paper published by Prof N Rudraiah *Fluid Dynamics* in 1966; the author from a university from Tirupati merely changed mathematical symbols
- Second from a well known Engineering College from Agra; Dr A.K. Gupta of IIT, Kharagpur sent the original paper published elsewhere; about 75% was plagiarised
- In another case the plagiarism check gave 88 instances of verbatim reproduction.

***DESIDOC Journal of Library and Information Technology (2011):*** Paper on Ontology after a special issue on the subject (March) from a well known university from Maharashtra

- Many papers on Impact of Internet; use pattern of electronic resources, etc

***PhDs in LIS:*** Information seeking behaviour of Scientists in XXXX  
Medical practitioners, Lawyers, civil engineers, etc.  
Internet use behaviour; digitization of manuscripts????

## Plagiarism Cases—India

In November 2011, **C.N.R. Rao**, eminent scientist and Scientific Adviser to the Prime Minister and one of the four authors of a paper published in *Advanced Materials*, apologised for “the reproduction of text” from another paper that appeared in *Applied Physics Letters*. The editors cited the following paragraph, as an example of an almost verbatim overlap: “In addition, controlled reduction of GO [graphene oxide] by chemical or thermal means allows the tunability of optoelectronic properties. Thin films prepared from solution-processed GO offer ease of material processing, low cost of fabrication, mechanical flexibility, and compatibility with various substrates, making them attractive candidates for large-area devices. GO-based thin films have already been used as transparent and flexible materials for electronic devices.”

*The Hindu, 9 March 2012*

## Plagiarism Cases—India

Three more instances of plagiarism committed by **C.N.R. Rao and S.B. Krupanidhi**, Professor, IISc, Bengaluru have been reported (*The Hindu* 9 March 2013). Nearly one-third of the introduction section (~20 lines) of a paper published by them with another in December 2011 issue of the *Journal of Luminescence* has been lifted almost verbatim from two papers published in the June 2009 issue of *Nanotechnology* and January 2006 issue of *Advanced Materials*. The PTI reported that 12 lines were lifted almost verbatim from the 22 April 2010 paper from *Applied Physics Letters* in a July 2011 paper published in *Advanced Materials* by the authors **with Chitra as first author**. It also contains a few lines taken from a 2005 book *Fundamentals of semiconductors: Physics and materials properties*. Another paper published in 2010 in the *Applied Physics Express* has seven lines in the introduction from a paper published in the *Applied Physics Letters*.

*The Hindu, 9 March 2012*

# Plagiarism Cases—India

**2013:** The IP Teachers' Association of Guru Gobind Singh University complained to the VC on 11 December 2012 that **Saroj Sharma, Dean, University School of Education, and Suman Gupta, Dean, University School of Law and Legal Studies have plagiarized.**

An article of Parth J. Shah has been plagiarized verbatim by Prof Sharma and published in the IP Univ's Jan 2012 issue of *U-Focus*.

Prof Suman Gupta, in her paper TRIPS Agreement: Enforcement Provisions for Intellectual Property Protection published in the *National Capital Law Journal* V 9, reproduced several portions verbatim from a book TRIPS Agreement: Enforcement Provisions for IP Protection & IPRs in the WTO and Developing Countries by **J Watal** (from chapters II and XI, Oxford University Press, 2001).

# Plagiarism Cases—India

A Committee is constituted; no report yet made available.

Instead of acknowledging the problem and taking credible action, the **VC has stated in a newspaper that plagiarism is not a crime and therefore warrants no action. Indeed, the VC has rewarded the two Deans with yet another term of appointment.** Society for Scientific Values (SSV) takes a very serious view of such an action and President, SSV has written a letter to the VC, GGSIPU on April 21, 2013 for setting up a committee to examine the affairs of the University before any punitive action is taken against anybody.

Because of the sustained efforts of SSV, the VC of AMU, the Director of NSIT, Delhi, the Director of CIMAP, a CSIR Lab in Lucknow, to name a few, have been removed on account of plagiarism by these individuals.

# Plagiarism--Misconduct

- An enquiry committee in 2007 found Chiranjeevi, Professor of Chemistry SV University, Tirupati, guilty of plagiarising or falsifying results in over 70 journal articles published between 2003 and 2007.
- MD Anderson investigating researcher Bharat Aggarwal over images. Dr Bharat Aggarwal, MD Anderson Researcher's papers are highly cited. One, published in *Science* when he was still at Genentech in 1985, has been **cited more than 1,700 times**, as per Thomson Scientific's Web of Knowledge. Another, about the potential anti-cancer effects of curcumin, has been **cited 700 times**.
- Please visit <http://www.scientificvalues.org/cases.html> to know more about the alleged scientific misconduct and plagiarisation of the papers of (a) Secretary General , Association of Indian Universities, NDL; (b) Mr Rait , a PhD student of the Electronics Department of the South Delhi Campus of DU; (c) Kouvatsos and Assi (UK) case (Prof. Karmeshu's paper); (d) Kundu et al, NCCS-DBT; (e) Atiyah-Raju Case: Prof C.K. Raju charged Prof Michel Atiyah, former President of the Royal Society, UK; (f) Selladurai et al, Anna Univ plagiarized a paper in an international journal; (g) Ranjit Singh-Director, NSIT; (h)Kumar-Director, NERIST; (h) Dr U Banerjee-NIPER, Chandigarh; (i) Dr RA Mashelkar, DG CSIR; (j) Unethical case of multiple publication by some NPL scientists; (k)Dr. S.S. Agarwal, Director Grade scientist, CEERI Pilani; (l) Professor V S Rajput, Kumaon Univ and many more

# Some Reasons

- Promotions, Project Funding, Peer Recognition
- UGC's API Weightage, ISSN & ISBN Syndrome
- **Students do not think that plagiarism is a serious matter**
- **Easy methods Lifting-N-Fitting or Cut-Paste Techniques**
- Plagiarism short cut to complete mandatory publications
- Scant regard and ignorance of students to plagiarism
- Lack of stringent action or punishments
- About 500 papers get retracted from an estimated 1.3mn published yearly in peer-reviewed journals

# What is Required?

- **Awareness of Copyright Law at undergraduate level, especially with digital content**
- **OA Policy for the Govt funded research output**
- **Supporting DST-DBT OA Policy and Open Licensing Policy Guidelines of the National Mission on Education through Information and Communication Technology (NMEICT), MHRD, Govt of India**
- **Rationale way for Promotions, Project Funding, etc**
- **Educate students on copyright and plagiarism**
- **Inculcate honesty, truthfulness in research for National Development and Image**
- **Enforce stringent action or punishments**
- **Encourage whistle blowers to fearlessly disclose plagiarism**
- **Research Evaluation Committees**
- **Availability of plagiarism checking software**
- **Black-listing dishonest and fraud authors**



***Thank You***  
***Any Questions?***