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## Is plagiarsim flattering?

### What's this all about?

Further to our recent White Paper on

- a) '*incidental*' use of copyright content, and
- b) what constitutes a copyrighted '*artistic work*'

we turn to the thorny question of plagiarism.



## **Why should I care?**

If you were Mrs Obama or Mrs Trump, or you were campaign manager for the Republicans or Democrats in the US presidential elections, you might be fighting for your political life on the question of 'plagiarism'.

And if you are a publisher or broadcaster or museum you would want to know when plagiarism tips into breach of copyright.

The key difference between plagiarism and copyright infringement is that not all plagiarisms are infringements and not all infringements are plagiarisms.

Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgement. And that CAN also constitute a copyright infringement.

## **Conclusion**

Copyright infringement is a construct of the law.

Plagiarism is a construct of ethics.

According to a recent US court ruling involving rap music, "An isolated reference of fleeting and incidental nature" is unlikely to constitute either plagiarism OR a copyright infringement.

Richard Philpott - ZOOID PICTURES LIMITED

Other related Zoid papers:

Copyright and IP + Due Diligence, Orphan works and Cheap Stock

Taking Care of Orphans

Demonstrating Due Diligence

Legacy & Integrity

Outsourcing, Offshoring & Outlaws

Orphan Works – new parents?

Illustration and © Pitfalls

Digital Economy, Copyright and You

When Rights go Wrong

When the Right image is Wrong

Let's all do the 'Copyright Hub'?

Exploring the musical jungle

Yet More Orphans

Sound Again – the echo of music rights

Get Animated!

Parody – it's a Rights larf!

Text – Spelling out clearances

Copyright – woops?!?

Please call me on +44 20 7267 9990 if you would like to discuss any of the above

Richard Philpott



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