

## **AWARENESS OF PLAGIARISM AS COPYRIGHT VIOLATION WITH IMPLICATIONS FOR INTELLECTUAL PROPERTY EDUCATION IN TERTIARY LEARNING**

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### **Abstract**

Nigerian educational system has placed little or no premium on intellectual property education. Consequently, the efforts of both students and teachers alike at scholarship are seriously plagued with various sheds of copyright violation. One that is so predominant yet oftentimes casually regarded, which this work investigated is plagiarism. In spite of the off-handed manner with which plagiarism is committed, it remains a serious copyright violation that has legal and ethical implications. Adopting the cross-sectional research approach, the researchers conducted four sessions of focus group discussion with eight final year students of Mass Communication at Babcock University, Ilishan-Remo, Ogun State and Redeemers University, Ede, Osun State. Each institution had four participants, two female and two male. Their input was collated and discussed qualitatively. A major finding is that there is a gap in intellectual property education especially regarding students' awareness of plagiarism as copyright violation. It is for this purpose that this paper advocates the introduction and effective implementation of intellectual property education in the curriculum of Nigerian tertiary institutions. This is a pro-active intervention measure that would either eradicate or reduce plagiarism to the barest minimum.

**Keywords:** Plagiarism; Intellectual property education; Copyright violation; Tertiary learning

### **Introduction**

A sustainable educational system is one that who elastically considers and implements every aspect of the educational system as a way of building both the institution and the persons within, be they staff or students. One of such facets that need serious consideration is the use of intellectual property. It is for this purpose that this paper seeks a diagnostic-prescriptive approach on the need for Nigerian universities to be on the pro-active side of formulating and implementing policies on intellectual property education within the academic curriculum. The focus is in the area of plagiarism which constitutes one of the commonest and yet little discussed copyright violations in Nigeria.

This work does not pretend to offer an all-purpose prescription for the wide field of intellectual property rights. It is for this purpose that it was considered necessary to streamline the research to the area of plagiarism which constitutes one of the commonest and yet little discussed copyright violations in Nigeria. It ties two ends of the discussion – the student's awareness and the teacher's role in creating this awareness as well as enforcing its compliance through institutional policy. This is more so as a foundation of intellectual property education especially as it pertains to copyright knowledge and compliance can best be laid in the classroom.

Available empirical studies on students' involvement in plagiarism in Nigeria tend to favour the use of open-ended questions to elicit information from students. Idiegbeyan-ose, Nkiko and Osinulu, (2016) for instance used this method to investigate postgraduate students of select universities in Ogun State. Earlier, Orim, Borg and Awale-Ale (2013) had used the same approach in their work.

This work however, chose to extend the data gathering approach to studying plagiarism by adopting the focus group discussion method. The underpinning factor for this approach is that persons who are considered the subjects of the study should be given some wider latitude of response where they should engage in conversation so as to bring out otherwise hidden points which the researchers may not have considered. To the best of the researchers' knowledge there is no previous study on plagiarism in Nigeria that has adopted the focus group discussion method.

In pursuance of this approach, eight final year students of Mass Communication, four from each of Babcock University, Ogun State and Redeemers University in Ede, Osun State participated in the discussion as available samples. Total registration for final year Mass Communication students at Redeemers University stands at 65 with 50 female and 15 male while at Babcock University there are 127 students out of which 98 are female and 29 are male. The eight students that made up the sample for the focus group discussion were the ones that accepted to volunteer for the discussion. It was necessary to enlist only those who on their own volition accepted to participate. The researchers held a 30 minutes briefing with the participants explaining to them what the research was all about. Thereafter, a 45 minutes discussion was held in which two of the researchers one at each of the institutions acted as moderator. Result was collated by summary of main issues raised by the discussants. This shall be presented later in this work under the section Discussion and Findings.

### **Conceptualizing Plagiarism**

Plagiarism in academic circles is one issue that is of great concern. In general terms, it could be said to be using someone else's idea to buttress a point in one's works without proper acknowledgment. Although as a concept, its import is well orchestrated but in reality it seems to be glossed over except in determining whether a student is the original creator of a certain work especially in degree projects. This focus on students makes it seem as it were, only students could commit acts of plagiarism. Somehow, it is appropriate as the rudiment of plagiarism lies in understanding of the concept and the technical approaches to writing without committing plagiarism. In this regard, we share the strong view of Schultz (2013) that there is need to make a distinction between ignorance in citation and deliberate refusal to do due acknowledgment. Thus, while prosecuting students who write without crediting the author, this act may not necessarily be academic stealing until they have been properly groomed in the art of information seeking, use and retrieval in the academia. This is because for Schultz (2013), plagiarism is a serious academic issue which bothers on intent to steal and defraud. We also join him in stating that the problem of most students does not lie on awareness as such but "on how to avoid it". That is, how to write without committing plagiarism.

In seeking definition for plagiarism, Stepchyshyn and Robert (2007: 65) agree with the 1995 Random House Compact Unabridged Dictionary, that it is the "use or close imitation of the language and thoughts of another author and the representation of them as one's own original work". Scholars like Maddox (1995), Loui (2002) and Hexham (1992) described it as "the worst of bad behaviour", "a sin" and "embezzler" while Hexham (1992) noted that:

*The academic plagiarist is like the successful embezzler. A bank clerk who takes \$100,000 for one account is clearly likely to be caught fairly quickly. Therefore, the professional embezzler steals \$100 from 1,000 accounts over a ten year period on the assumption that few people will miss \$10 a year and that it is possible to disguise such transactions so that should one be discovered it looks like a genuine mistake or appropriate bank charge.*

According to Hexham (1992) plagiarism could occur in several circumstances of writing. The significant ones being when one uses personal work that had been earlier published in pretense that it was a new work. This he termed self-plagiarism. Another instance is where initial letters and sentence structures of some other person are joggled to create an impression of an original work. This falls within what he calls straight plagiarism. Sometimes, the plagiarist could actually give the impression that a source is being credited by lifting most of the original authors expressions without indicating what was taken with quotation marks and footnotes where necessary.

Writing on the concept of self-plagiarism, Visser et al, (2012) argue that:

*Definitions get even more fuzzy when we take a look at the concept of self-plagiarism. In short, self-plagiarism means that a person publishes a work or an idea that has already been published in the past but claims it as new. This can also include improper quoting and referencing of previous works. The ethical boundary is undefined, since it is not uncommon to reuse (paraphrase) parts of a previous publication to a new one.*

However, they concluded that:

*Ethically speaking, self-plagiarism is often encountered within the process of “evolutionary publishing.” This is an Accepted (although sometimes contested) practice of publication where the initial results are submitted to a workshop, then extended to a full conference paper that may become a journal article or a book chapter. This approach of building on previous publications is clearly a source of possible unethical cases of self-plagiarism.*

On determining plagiarism through the failure to indicate page references in one's work has a great challenge with the internet as source of one's work. This is because posts that do not have page references in the original will necessarily not have page references when cited. Perhaps, the issue of plagiarism as a result of failure to indicate page references may only have to be limited to hard copy sources.

Darbyson (2013) identifies four major factors that could predispose students to plagiarism. These he listed as laziness, procrastination, fear of failing deadlines and pressure to excel. While these may be responsible for students' involvement, we make bold to add that the underlining factor is greed. To be like others without being others is lack of originality. When students begin to build self confidence and submit their works the best ways they had written them and receive grades for them just as they are then the urge for pretending to be some other person in the script will be minimized. The issue of education also comes to the fore here. To write without committing plagiarism is a technical skill which should be taught with the aim of producing writers that have the requisite skill.

#### **Link between Plagiarism and Copyright**

Moody (2013) observes that the paleontologist Mike Taylor is of the view that there is a sharp contrast between plagiarism and copyright. These he argues differ in the following four ways:

1. Plagiarism is a violation of academic norms but not illegal; copyright violation second is illegal, but in truth pretty ubiquitous in academia.
2. Plagiarism is an offence against the author, while copyright violation is an offence against the copyright holder. In traditional academic publishing, they are usually not the same person, due to the ubiquity of copyright transfer agreements (CTAs).
3. Plagiarism applies when ideas are copied, whereas copyright violation occurs only when a specific fixed expression (e.g. sequence of words) is copied.
4. Avoiding plagiarism is about properly apportioning intellectual credit, whereas copyright is about maintaining revenue streams.

Concordia University, Texas argues that determining how plagiarism differs from copyright infringement lies in the consequences that follow the infringement of plagiarism and copyright. Writing on the differences between copyright and plagiarism, on its website, it noted that consequences of plagiarism are determined by “the community and are influenced by factors such as intentionality, repetition, and intent to harm or cheat” (<http://www.concordia.edu/sitefiles>), and in situations where plagiarism is spotted, the student either losses mark, ask to withdrawn or in some cases where certificates had been issued, such certificates are withdrawn. Copyright on the other hand, is a legal concept to protect:

Original works of authorship fixed in a tangible medium of "expression" in order to encourage the production of those works and at the same time limiting those rights to allow the free flow of ideas in a way that benefits society. It is determined by legislative law and court rulings.

Onabajo (2002) arguing in the same direction posits that the idea behind copyright is to protect original works of authorship from unscrupulous individuals who may infringe works that have been copyrighted for the purpose of profiting financially or otherwise. On the other hand, he sees plagiarism is an ethical concept which implies an individual copying all or that of another person's published work and representing it as his or her own idea.

Bailey sums up the differences between copyright and plagiarism when he submits that though "plagiarism and copyright infringement are often spoken of in the same breath, especially by victims of plagiarism who are seeking justice, it's important to remember that the two are not the same thing". According to him, "While copyright infringement has one victim, the copyright holder(s), plagiarism has two sets of victims, the copyright holder(s) and the people who were lied to about the origin of the work"

However, writing on the where the two concepts intercept, Bailey (2013) noted that:

On the surface, plagiarism and copyright both have a great deal in common. Most things that can be plagiarized could be copyrighted. After all, most plagiarism deals with either creative or academic work, and those types of works, typically, qualify for copyright protection when they are new. More importantly, though many plagiarisms are copyright infringements. Plagiarizing a blog post on a new site, copying an encyclopedia article without attribution for a book report or submitting a photograph someone else took under your name to a magazine are all examples of both plagiarism and copyright infringement.

Although plagiarism is often considered from the point of view of ethics while copyright violation is seen as a legal issue, we are of the view and rightly so, that the root of both cases lies in proper knowledge of intellectual property management. Because publishers who have invested resources with the expectation of recouping such with profit have pushed the issue of copyright violation to a legal point should not make us lose sight of the fact that every form of intellectual investment needs protection. This includes all essays for as long as they have an original creation. Besides, when people are conscious of the need to give due credit to their sources, the foundational step to curbing copyright violation would have been laid. Therefore, our position as members of the academia is that there is a close relationship between plagiarism and copyright violation. Both are infringement of someone's intellectual property. It is with this understanding that we intend to present the focus group discussion for this work.

### **Summary of Discussion**

Two research questions guided this work. They are:

1. How do students perceive plagiarism?
2. In what ways can plagiarism among students be curbed?

It is these two research questions that formed the thrust of the focus group discussion. Every one of the discussants confirmed that they had heard about plagiarism. They also came to a consensus on the prevalence of incidence of plagiarism. Indeed, they acknowledged the fact that it is so common that most students in the tertiary institutions engage in the act without an inkling of its implications. For instance, students who write assignments especially under the pressure of much work load simply copy from existing books, journals or even from the assignments already done by their classmates and submit such works as if they were the original authors. Majority of the discussants expressed surprise over the fact that using the works of their colleagues in class assignment could constitute plagiarism. This they humorously termed transfer of knowledge. They likened it to the garment transfer of Elijah to Elisha in the Bible. To them there is nothing wrong with that.

In the course of the discussion, the issue of the internet was raised. They also agreed that the internet has made it easy for student to copy and paste but added that students also copy from books. The situation is even more critical and in fact of a deleterious dimension in recent times with the introduction of the information super highway, where all a student needs to do is hook on to the internet, visit an existing website, and simply type in the topic or catch-phrase of an essay for either an outright location of such an existing essay in any part of the globe or parts of such an essay. Once

located, the student downloads same, writes his or her name on it and submits to the teacher for grades. Quite unfortunately, much of such plagiarized works end up earning the student his or her 'A' grade because the teacher is impressed by what he or she perceives as an in-depth research by a supposedly brilliant student. The discussants identified the fact that term papers requiring lengthy pages could make students to indulge in plagiarism. They argued that it is difficult to expect an undergraduate student write for instance a 20-page essay as term paper without copying from elsewhere. When prompted to identify what could actually make students to contemplate plagiarizing a work, listed the following:

- (i) Fear of failing
- (ii) Careless Attitude
- (iii) Laziness
- (iv) Peer influence (others are doing it let's do it too)
- (v) Wrong course of study as influence by parents. They said if a student is not interest in the course force on him by the parents , he might get involve in plagiarism because of lack of interest in the course to do a bit of research
- (vi) Time pressure which they say some time is linked to laziness
- (vii) The attitude learning not to know but just to pass

For degree projects or long essays which are required for graduation, many of the discussants were of the view that the application of Turn-it-in which the university has introduced could be a deterrent. The implication of this is that the fear of being penalized can serve as a check. Where therefore there is no such check, it is obvious that the students could go to any length to do what they consider an easy way of earning an excellent grade.

On what could be done to curb plagiarism among students as indicated in the second research question, the discussants were of the view that the institutions have great responsibility in this regard. They said they were only being told the implications of plagiarism in their final year, which they said was too late. In fact, they wondered how anyone who had been used to utilizing resources without proper documentation could suddenly know how to do it well just in the final year of study. They were therefore of the view that efforts at teaching students how to make proper use of intellectual resources for one's work should begin from the first year of study. According to them, students should be trained and encouraged to produce original work at 100 level and at another level between 300 level and 400 level. However, they said lecturers too are encouraging students to plagiarize especially when they are encouraging them to go to other universities to take projects and present such as original work. The implication of this is that while institutions are making efforts to educate students, there is a moral obligation on the part of the teachers.

#### **Recommendations/Suggestions**

1. Entrenchment of copyright education in the syllabus of civic education for post primary school system
2. Substantial part of the syllabus for post primary English Language essay writing courses
3. Introduction of two semesters of GEDS on copyright education – emphasis on various components of plagiarism.
4. Introduction of two semesters of critical writing courses with practical applications of the principles of plagiarism – begin second semester of the first year and end first semester of the second year
5. Expansion of the syllabus/course content for research method courses and host the course in the second semester of the penultimate year of study for a degree
6. Compulsory introduction of two semesters of advanced study on copyright education at the postgraduate level. Emphasis on practical applications of the principles and theories.

#### **Conclusion**

At present, many Nigerian universities are using Turn-it-in to evaluate the originality of the theses and dissertations of postgraduate students. This is a welcome development. It is in line with the directives of Nigerian Universities Commission (NUC). In as much as this is a commendable effort, we are of the view that this approach falls short of producing the right scholar who will be conscious of how to appropriately manage intellectual property. The total reliance on the application of this

software as a check on plagiarism seems to be a punitive measure. While penalty may serve as a deterrent, it no doubt is fraught with shortcomings. The application of Turn-it-in should only be an additional effort to proper teaching of the students on how to manage intellectual property. In fact, the application of this software should only be a last measure. When it is being applied, the intention should not be to apprehend a culprit. The intention should rather be to enhance the quality of a student's work in relation to proprietary of intellectual property management.

The university community especially the academia by virtue of its knowledge seeking disposition is placed in a vantage point in ensuring that intellectual properties are utilised appropriately. Growth and career progression are quite often determined by productivity in terms of research and publications. Such publications are either journal articles or books. Whichever is the case, individual effort is mustered to harness the intellectual input in the publication. For this reason, those accessing the publications need to handle them in such a manner that honour is accorded the creators of the works. Without a formal tutelage in intellectual property education, the student of today who eventually becomes the academic of tomorrow would not have encoded enough knowledge on the implications of using the publications of other academics including his or her own other publications. The implication of the above scenario is an unconscious precedence-setting for mediocrity, fraud and indiscretion. Who is in the best position to address this issue but the universities? And the best medium is through the curriculum such that every one that acquires a university degree irrespective of the discipline would have acquired some level of intellectual property education.

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