



[Click to Print](#) or Select '**Print**' in your browser menu to print this document.

Page printed from: [Texas Lawyer](#)

---

# Plagiarism: Following the Rules Can Prevent Litigation

Rogge Dunn, Texas Lawyer

April 19, 2017

We learn at an early age not to copy someone else's paper. Teachers mention this from the time we first learn to write. But plagiarism is more than just a moral or educational issue. Protecting those who create original works from being taken by others without permission or attribution is important to encourage creativity and innovation, as well as research and development. That concept is so important that our founding fathers put copyright protection in the very first article of the U.S. Constitution. (Article 1, Section 8, Clause 8).

The challenge in these high-tech times is that virtually limitless information is available with a few keystrokes. Free and quick access to original content on the internet increases the risks of the old sin of plagiarism—a risky mistake with serious legal repercussions. Copy and paste an expert's words or pass off someone else's research and conclusions as your own and a writer risks scorn, job loss and legal liability—even jail time.

Dictionary.com defines plagiarism as "an act or instance of using or closely imitating the language and thoughts of another author without authorization and the representation of that author's work as one's own, as by not crediting the original author."

## News Involving Plagiarism

Questions over potential plagiarism made national news last year when a future first lady borrowed too heavily from, and attributed too little to, an original work. After Ms. Trump's infamous Republican National Convention speech that appeared to borrow too much from First Lady Michelle Obama, Money Magazine's Alicia Adamczyk highlighted some of the more memorable cases in her article "Notable Cases of Plagiarism ([Other Than Melania Trump's](#))." including:

- Joe Biden's 1987 presidential election hopes were upended when he gave a speech using, without attribution, language from a speech by a British politician.
- Jayson Blair was an up-and-coming reporter with a bright future at The New York Times, until his plagiarism was discovered. While the paper allowed Blair to resign, it later published a front page story entitled, "Times Reporter Who Resigned Leaves Long Trail of Deception."
- Author Alex Haley was sued for plagiarism over his Pulitzer Prize-winning novel "Roots." Haley eventually settled with the author of the book he used as reference material. Yet, Haley's reputation was tarnished and he suffered public humiliation despite his contention that any copying by him had been "unintentional."

## Forms of Plagiarism

Different forms of plagiarism described in the "[Harvard Guide to Using Sources](#)," include:

- Verbatim—copying language word for word
- Mosaic—taking copy and changing some words without identifying their source
- Inadequate Paraphrase—paraphrasing using the same language
- Uncited Paraphrase—using someone else's idea with your own language
- Uncited Quotation—placing source material in quotes without attributing the original author

## Plagiarism Apps

Plagiarism Apps make plagiarism easy to detect and prove. Similar to the app Shazam, which can identify music, plagiarism detection tools such as DupliChecker, CopyLeaks, or PaperRater and Grammarly.com can track original content and identify plagiarism.

## Plagiarism's Economic Impact on the Victim

In some cases, plagiarism and copyright violations can cause economic harm to the creator of the original work.

Google, Yahoo, Bing and other search engines do not like duplicate content. If the search engines believe that the infringing article is authentic and the original work is duplicate content, the infringer is promoting herself at the direct and significant expense of the original author's work.

## Legal Consequences and Penalties

Beyond the public and professional humiliation, plagiarizers put themselves and their employers at risk for significant damages. Infringers can even face jail time.

The damages that can be awarded against a plagiarizer include the actual amount of damages (in terms of profits lost) the copyright owner suffered; or, at the election of the copyright owner, statutory damages of up to \$30,000. In cases involving willful infringement, a court has discretion to increase statutory damages up to \$150,000. 17 U.S.C. § 504.

A court can also issue an injunction to stop the infringing acts and/or impound the illegal works. Criminal penalties include imprisonment for up to 10 years. 18 U.S.C. § 2319.

## Doing the Right Thing Broadens the Audience For Your Works

Ironically, failing to cite sources properly may reduce a writer's reach. The internet-based world is all about connectivity. Citing another's works is an effective and efficient means to disseminate your message and launch a discussion about the same. Thus, taking the time to attribute other sources can lead to all sorts of benefits, including a wider audience and a larger personal network for the writer.

Rogge Dunn of Dallas' Clouse Dunn LLP is an experienced trial attorney who represents companies and C-suite executives in business and employment law matters across the U.S. and ex-pats internationally. He is Board Certified in both Civil Trial Law and Labor and Employment Law by the Texas Board of Legal Specialization. Full disclosure: Rogge Dunn is representing Courtroom Sciences, Inc. in a copyright infringement lawsuit against a competitor.

---

Copyright 2017. ALM Media Properties, LLC. All rights reserved.