



A GUIDE TO COPYRIGHT & PLAGIARISM

Work that is submitted to the Scholastic Art & Writing Awards must not be plagiarized or violate copyright laws. If a submitted work is plagiarized and/or violates copyright law, the work will be disqualified from the Scholastic Awards.

To avoid this from happening, please review these guidelines for submitting your work.

PLAGIARISM IS DIFFERENT FROM A COPYRIGHT VIOLATION

PLAGIARISM is an *ethical* violation. Plagiarism is failing to cite sources and engaging in the act of passing someone else's work or ideas off as one's own.

- If you take another person's words, materials, images, etc. without citing them (i.e. if you pass someone else's work off as your own), the work is plagiarized. This applies even if you have only copied a part, rather than the whole, of another's work.

A **COPYRIGHT** is a property right. Copyright is a form of legal protection prohibiting others from copying one's creative work without permission.

- Just as someone owns a car and another person may not steal it, an artist or writer owns the rights to the creative expression of his/her own original work and another person may not steal it by copying it without permission.
- Copyrights to a work arise as soon as the work is fixed to a tangible form. For example, an idea for a painting is not protected until the idea is actually expressed on a canvas or in another tangible form.

Submissions that contain plagiarism and/or copyright violations should not be submitted to the scholastic awards.

HOW DO I KNOW IF MY WORK IS IN VIOLATION OF COPYRIGHT LAWS?

Most modern pieces of art and writing are protected by copyright law. Copying a protected work without permission is a copyright violation, even if the source has been cited in your submission.

If there is no exact or literal copying, but the average person may notice substantial similarities between the submitted work and the protected work, it is possible that you are still violating copyright laws.

What if the original work is in the public domain—do copyright rules still apply?

Works in the **Public Domain** are those that have expired copyrights or that cannot be protected by copyright law.

- There is a common misconception that if a work is online, then it is in the Public Domain. However, this is NOT true. **Just because a work is on the Internet does not mean that it is in the Public Domain.** In fact, most images, songs, essays, poems, etc. on the Internet are copyright protected.

SUBSTANTIAL SIMILARITY

- Copying a protected work without permission is a copyright violation, unless it qualifies under the Fair Use doctrine.
- If the copying is excessive – that is, a large portion of the original is copied without justification – it may not be considered Fair Use.
- If there is no exact or “literal” copying, but the average person may notice “substantial similarities” between the submitted work and the protected work, it is possible that you are still violating copyright laws.

FAIR USE

In its most general sense, a **fair use** is any copying of copyrighted material done for a limited and transformative purpose, such as to comment upon, criticize, or parody a copyrighted work. Such uses can be done without permission from the copyright owner.

TRANSFORMATIVE WORKS

A new work that adds value, substantially changes, comments on, or gives a new expression or meaning to the copyrighted material. Transformative works may qualify as Fair Use.

IS THE WORK TRANSFORMATIVE?

- If the submission uses the copyrighted work as raw material and transforms the original work by bringing new insights and understandings to the piece, it may be considered Fair Use.
- Changing the medium – for example, creating a painting based on a copyrighted photo – does not make the submission “transformative.”
 - Making substantial changes to the original work could be transformative – does it add something new or alter the message? For example, is it a parody, mimicking the original?

While properly citing work sources shows good faith, simply attributing a work to its author will not protect you when reproducing or sampling works.

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- If the copying is excessive – that is, a large portion of the original is copied without justification – it may not be considered Fair Use.
- If there is no exact or “literal” copying, but the average person may notice “substantial similarities” between the submitted work and the protected work, it is possible that you are still violating copyright laws.



CONSEQUENCES OF A COPYRIGHT VIOLATION

Before participating in the Awards, students sign a form stating that s/he will:

- **Submit original content** that does not infringe someone else's work or idea.
- **Cite the original piece** if the student's art or writing is based on, incorporates, or is derived from another source.

If the Alliance has reason to believe that a submission violates the participation terms, the student submission will be disqualified. In this event, the Alliance may refuse or revoke the grant of an Award, and take such other measures, including the recall or removal of the awarded work, as the Alliance deems appropriate. Bear in mind that this policy is in the interest of both the student and the Alliance, since the display or distribution of an infringing submission could result in financial liability for both the student and the Alliance.

TIPS: Preventing Plagiarism & Copyright Violations

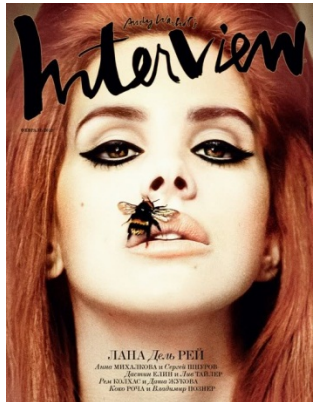
- Educators and students are responsible for educating themselves on plagiarism and copyright issues. This page is only a guide, and you are encouraged to consult additional sources to broaden your understanding.
- If you have any doubt about whether a submission violates the copyrights of another artist or writer, assume that it does and choose not to submit that work.
- If you would like to legally use all or part of a copyrighted work in your own original piece, you must get permission from the artist or writer first. You must also establish under Work Sources that you obtained permission to use the work when registering for the Scholastic Awards online.
 - A basic rule of thumb is that if you use another person's copyright protected work, you need permission, except if Fair Use applies or if it is in the Public Domain.
- Always cite all sources, whether the source is protected by copyright or not.
- No number of words or percentage of a work can be safely assumed to render a work different enough to avoid copyright infringement of the original work.
- Changing the medium of an original work can still be copyright infringement. For example, creating a painting based on an existing photograph would still violate the original photographer's copyrights unless the student received permission and/or if Fair Use applies.
- **EDUCATORS:** if a classroom assignment involves any copying of a protected work, even if it's just for the purpose of practicing and learning, please teach your students to write to the original artist to get permission to use the work if the work is to be copied, distributed or displayed for anything other than educational or classroom or purposes.



EXAMPLE OF COPYRIGHT INFRINGEMENT

Drawings, paintings, and other works copied from published photographs, the internet or existing works should not be submitted and will be disqualified.

DO NOT SUBMIT THIS WORK



Lana Del Rey, Interview Magazine



Lana Del Rey Fan Art

If you are using collaged images the work submitted must include substantial changes to the original work. Changing the medium or adjusting color does not transform the original source material.

DO NOT SUBMIT THIS WORK



Stock image available for purchase



Digital Artwork

Do not base characters and plots on already published comics, books, movies or published series.

DO NOT SUBMIT THIS WORK



Futurama, Comedy Central



Futurama Fan Art



EXAMPLE OF PLAGIARISM

ORIGINAL

There Is a Question I'm Forever Waiting to be Asked

By Ben Kopel

& the only answer
goes something like this—

In the attic of everything
there is a bird
with one wing
& his heart is true
& nothing like mine.

PLAGIARIZED VERSIONS

Self-Portrait as a Philosophical Allegory

By John Doe

and the only answer goes something like this—
In the attic of everything, there is a bird
with one wing, and his heart is true,
and nothing like mine.

The Author Disguised as Wallace Stevens

By John Doe

There is a black bird
with one wing
and his heart is true
and nothing like mine
in the attic of everything.

There Is a Thought I've Been Pondering for Eternity

By John Doe

This is
the sole retort:

In the basement of all,
there is a moth
with only
one wing
and her heart
is real,
unlike mine.