

CINAHL^{news}

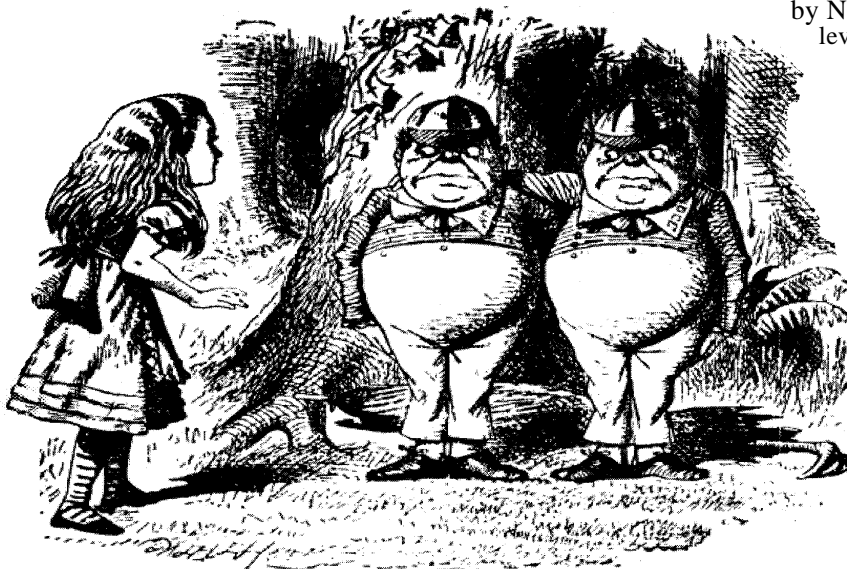
...reaching the world.

THE OFFICIAL NEWSLETTER OF CINAHL INFORMATION SYSTEMS

1998 FALL/WINTER • VOLUME 17 – NUMBER 3, 4

TWEEDLEDUM AND TWEEDLEDEE - PLAGIARISM AND COPYRIGHT

by Neill A. Levy, Esq.
levytm@earthlink.net



Copyright (c) 1865, 1872 by Lewis Carroll (expired), ASCII edition, Copyright (c) 1992 by Michael Hawley, Texinfo edition, Copyright (c) 1994 by Jörg Heitkötter, Reprinted by permission.

They were standing under a tree each with an arm round the other's neck, and Alice knew which was which in a moment, because one of them had "DUM" embroidered on his collar, and the other "DEE." "I suppose they've each got "TWEEDLE" round at the back of the collar," she said to herself,

"I know what you're thinking about," said Tweedledum: "but it isn't so, nohow." "Contrariwise," continued Tweedledee, "if it was so, it might be; and if it were so, it would be: but as it isn't, it ain't. That's logic."

Lewis Carroll, Alice's Adventures in Wonderland.

...continued on next page

A great deal of confusion exists concerning plagiarism. Everyone knows that it is something undesirable like theft, embezzlement and forgery. But beyond associating it with something nasty and unpleasant, most people are not quite sure what it is. If compelled to give the matter some thought, many people, especially students, would describe it as 'handing in someone else's assignment and pretending that it's your own'. However, plagiarism is far broader than merely copying someone else's assignment. It involves more subtle concepts and requires an exercise of judgment if one is to avoid it. Related to plagiarism and often confused with it, is the legal concept of copyright. This also involves copying someone else's work but the concept is very different and so are the consequences. While copyright infringement may result in legal injunctions and damages, the non-legal consequences of plagiarism can be more unpleasant. Plagiarism can cause a member of faculty to lose her job and to be disgraced among her colleagues. It can get a student a failing grade, or in extreme cases, suspension or expulsion from college. Infringement of copyright often involves plagiarism but the reverse is not necessarily true, i.e. plagiarism of someone else's work need not infringe the other person's copyright. If some of you feel like Alice dealing with Tweedledum and Tweedledee, you are not alone. This article will briefly compare plagiarism and copyright, with some remarks on how to avoid both. An in-depth treatment of plagiarism and copyright is beyond the scope of this article. For those conscientious beings who wish to learn more about plagiarism there are several learned articles available on the world wide web.¹

Copyright deals with expression only but plagiarism can also involve copying ideas. Plagiarism is a general description for copying expression or ideas without attribution. More generally, it is presenting 'other [peoples' expression] and ideas as your own.'² It is a form of fraud. On the other hand, copyright infringement often has nothing to do with fraud. Even with attribution, plagiarism can exist if the writer paraphrases excessively or quotes without using quotation marks. Copyright sometimes coincides with plagiarism but often it does not. For instance in the last-mentioned example,

While copyright infringement may result in legal injunctions and damages, the non-legal consequences of plagiarism can be more unpleasant.

copyright infringement can exist if the writer paraphrases excessively or if she quotes excessively, with or without quotation marks.

John Rodgers³ of the Baylor College of Medicine explores the limits of plagiarism, and just how far one can use a source for one's own work without committing plagiarism. He points out that the extent to which one may use quotations or paraphrasing is often a matter of opinion especially in the gray area where legitimate sourcing ends and plagiarism begins. In discussing how many words of a source one may copy without plagiarizing, he points out that this depends on what is being copied. It also depends on the field of study. His illustration from his own personal experience:

I once borrowed the phrase "hurtling toward death" from a fellow undergraduate. It had been used by the originator in a paper on existentialist philosophy. I used this phrase, without attribution, in an in-class exam essay in political science, where it was marked for praise by the instructor. This was a clear case of plagiarism. I had used the metaphor and even specific wording of another and passed it off as my own.

After this outburst of conscience he observes that repeating a three-word expression without providing the source need not be plagiaristic. For example, one may have to repeat a term of art in scientific writing because it is the only acceptable shorthand way of expressing a complicated concept. To use any other term would cause confusion and eliminate effective communication. In these circumstances repeating a three-word term of art without attribution is permissible.

Faculty members of the University of British Columbia point out that copying one's own writings can also be plagiarism. For example, using the same paper for assignments in more than one course is plagiarism unless one receives permission from the supervising professor.⁴

By contrast, copyright issues seem to be much easier to handle. If you paraphrase or quote more than a reasonable amount from a copyright source you infringe the owner's copyright even if you give full attribution. In handling both issues together you first decide if you have quoted or paraphrased more than a reasonable amount. If so, stop there and consider whether there is copyright infringement. If not, go to the plagiarism issue and make sure you place quotation marks around parts quoted and you give attribution for quotations, paraphrasing, and copied ideas.

Of course since nothing in life is ever simple, there are a lot of 'ifs and buts' to my remarks in the preceding paragraph. Firstly, even if you quote or paraphrase more than a reasonable amount you can still escape copyright infringement by determining whether you are making fair use of the material. If so, your copyright infringement is excused by the law. Secondly, you may not escape plagiarism even if you give attribution. This happens when you copy or paraphrase excessively so that the work as a whole is clearly not your own although you give attribution. You are presenting someone else's work as your own.

Here are some rules for avoiding trouble. These are not exhaustive and reference should be made to the sources in the footnotes which give much more detail in regard to plagiarism problems.

1. Give the usual source information (author, title, date, publisher, page or section number) for all direct quotes and enclose the quotes in quotation marks. Indicate internal deviations from the quote in square brackets and indicate omissions by three dots.

2. Give the usual source information (author, title, date, publisher, page or section number) for all paraphrased passages but do not enclose in quotation marks.

3. The above rules apply even if the quoted work is not copyright, e.g. is a United States government work in the public domain.

4. If the work is public domain you may quote as much as you wish without infringing copyright but you must still avoid plagiarism.

5. It is not possible to establish a fixed rule on how much can be quoted or paraphrased without infringing copyright or committing plagiarism. The following points will help with regard to copyright.

6. There are TWO separate stages or tests in determining whether copyright infringement occurs. If you potentially infringe under the first test you still have a chance of escaping infringement under the second test.

7. First test: Have you quoted or paraphrased so much that there is a 'substantial taking' of the work? If the answer is 'no', there is no infringement. If the answer is 'yes' proceed to the second test. The second test is: Even if there has been a 'substantial taking' did you nevertheless exercise 'fair use' of the copyright work?

8. Discussion of the first test: The 'substantial taking' test involves the legal rule that copying is not an infringement until enough is copied either quantitatively or qualitatively so that there is a substantial taking or 'unlawful appropriation'. Note that in this test it helps little to avoid infringement to provide author, title, date, publisher, page or section number. In other words, giving proper attribution to your source will not negate infringement by a 'substantial taking' although it may help prove that you did not intend to infringe.

9. How do you decide in practice whether there has been a 'substantial taking'?

10. One practical test is that your quotes or paraphrasing from a particular source should not be a substantial portion of your work or a substantial portion of the copyright work. This can be measured by quantity (number of words) or quality (relative importance in the copyright work and/or your work of the portion quoted/paraphrased). Quantity

15. Even if there is a substantial taking the infringement can be excused by 'fair use' of the material quoted or paraphrased. Whether there is fair use depends on various factors, including the effect of your quotes/ paraphrasing on the other author's potential market for, or value of, her copyright work; the amount and substantiality of the portion you used; whether your use is of a commercial nature or for nonprofit educational purposes; and the nature of the work used.

16. All four of these factors must be considered. They should be weighed together and not treated in isolation from each other.

17. I shall deal with each of the fair use factors in order of importance:

18. Effect on the other author's market: If your readers stop buying the copyright work because they can get the same information from your work, you may have difficulty in showing fair use.

19. Amount and substantiality of the portion you used in relation to

the copyright work as a whole. This can be

measured by quantity (number of words) or quality (relative importance in the copyright work and/or your work of the portion quoted/paraphrased). Quantity (number of words) is also measured as a proportion of the total number of words in the copyright work and your work. Where charts, graphs, tables, or artwork is used apply a similar test as the above. Instinct and gut feeling play a large part in the process. Generally, ask yourself how you would feel if the roles were reversed and it is your original work that is being used. This test is confusing because it is similar to the 'substantial taking' test (see above).

20. Nature of the copyright work. The more creative the copyright work, the more protection it is given and it is less likely that fair use will be found. The more informational or functional the copyright work, the more likely fair use will be found. Examples of creative work are fictional novels and short stories. You will usually deal with less creative (factual) work.

21. The purpose and character of the use, including whether the use is of a commercial

(number of words) is also measured as a proportion of the total number of words in the copyright work and your work. Note that the test for 'substantial taking' under copyright law is not the same as the test for plagiarism.

11. Where charts, graphs, tables, or artwork are used apply a similar test as the above.

12. Instinct and gut feeling play a large part in the process. Generally, ask yourself how you would feel if the roles were reversed and it is your original work that is being used.

13. If you conclude that there has been a 'substantial taking' you still have a chance to escape infringement by using the second test.

14. Second test: Fair use.

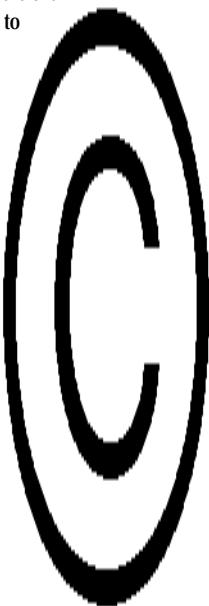
plagiarism
plagiarism
plagiarism

nature or is for nonprofit educational purposes. A fair use defense is more readily recognized when material is copied for purposes of education and research or for some other productive use such as criticism and review. With criticism and review, substantial passages may be quoted because the review merely supplements, but does not replace the function of the work being reviewed. Public policy plays a part. Also, false statements to the copyright owner about your intended use is a factor against fair use.

22. Use after permission is sought and refused can still be fair use. Therefore one should not hesitate to request permission.

23. When in doubt ask the copyright owner for permission.

24. Summary: Put yourself in the copyright holder's position. How would you feel if you were the copyright holder? Consider the first 'substantial takings' test. If you do not pass that test, go on to the 'fair use' test. Again put yourself in the copyright holder's position. Above all use your commonsense.



1 Use the Alta Vista or Northern Lights search engines and key in 'plagiarism'.

2 Sharon Williams, Avoiding Plagiarism accessed at <http://www.hamilton.edu/academic/resource/we/AvoidingPlagiarism.html>

3 John Rodgers, PhD, Plagiarism and the Art of Skillful Citation accessed at <http://condor.bcm.tmc.edu/micro-immuno/courses/ig/plagint.html#top.of.page>

4 Colin Gordon et al, Plagiarism, What It Is and How to Avoid It, accessed at <http://www.bcu.ubc.ca/bpg/plagiarism.htm>

FOR THE RECORD

In the 1998 Summer issue of the CINAHLnews, we inadvertently omitted the author of the article entitled "The CINAHL® database - Australian experiences in outsourcing an educating." The article was written by Graham Spooner of the New South Wales College of Nursing Library. We apologize for the omission.

RESEARCH INSTRUMENTS

Descriptions of the following research instruments are included in the CINAHL® database. ONLY when the copyright owner has given us their permission have we included the instrument in full text.

(Those included in full text are tagged with an * asterisk)

Adolescent Coping Orientation for Problem Experiences (A-COPE)

Adolescent-Family Inventory of Life Events and Changes (A-FILE)

Affect Balance Scale*

Arthritis Impact Measurement Scales (AIMS2)*

Barthel Index (BI)*

Bech-Rafaelsen Melancholia Scale (BRMES)

Beck Depression Inventory, Revised Edition (BDI)

Beck Hopelessness Scale (BHS)

BEM Sex Role Inventory (BSRI)

Bradén Scale for Predicting Pressure Sore Risk

Brief Pain Inventory (BPI)

Brief Symptom Inventory(tm) (BSI)

Caregiver Strain Index (CSI)*

Center for Epidemiological Studies Depression Scale (CES-D Scale)*

Child Behavior Checklist (CBCL)

Coping Health Inventory for Parents (CHIP)

Coping Strategies Questionnaire (CSQ)

Critical Care Family Needs Inventory (CCFNI)*

Death Anxiety Scale*

Death Depression Scale (DDS)*

The Dempster Practice Behaviors Scale (DPBS)

Denver II

Dyadic Adjustment Scale (DAS)

Exercise of Self-Care Agency Scale*

Eysenck Personality Questionnaire-Revised (EPQ-R)

Fall Risk Assessment Tool

Family Celebration Index (FCELEBI)

Family Crisis Oriented Personal Evaluation Scales (F-COPES)

Family Hardiness Index

Family Inventory of Life Events and Changes (FILE)

Family Inventory of Resources for Management (FIRM)

Ferrans and Powers Quality of Life Index (QLI)*

Functional Assessment Inventory (FAI)

Gosnell Pressure Sore Risk Assessment Scale (Gosnell Scale)

Hamilton Rating Scale for Depression (HRSD)

Health Perceptions Questionnaire (HPQ)*

Hendrich Fall Risk Model (HFRM)

Impact of Event Scale (IES)

Jalowiec Coping Scale (JCS)

Job Descriptive Index (JDI)

Marlowe-Crowne Social Desirability Scale (MCSDS)*

McGill Pain Questionnaire (MPQ)*

Memorial Pain Assessment Card (MPAC)

Morse Fall Scale*

Multidimensional Health Locus of Control (MHLC) Scales: Forms A, B and C

NIH Stroke Scale (NIHSS)

Norbeck Social Support Questionnaire (NSSQ)*

OARS Multidimensional Functional Assessment Questionnaire (OMEFAQ)

Perlow Self-Esteem Scale (PSES)*

Personal Resource Questionnaire (PRQ-85)

Power as Knowing Participation in Change Tool (PKPCT)

Profile of Mood States, Revised (POMS)

Psychiatric Symptom Index

Psychosocial Adjustment to Illness Scale (PAIS)

Revised UCLA Loneliness Scale

Rosenberg Self Esteem Scale (RSES)*

Self-Directed Learning Readiness Scale (SDLRS)

Self-Esteem Inventory (SEI)

Self-Rating Depression Scale (SRDS)

Short Portable Mental Status Questionnaire (SPMSQ)

The Sickness Impact Profile (SIP)

Symptom Checklist-90-Revised(tm) (SCL-90-R)*

Symptom Distress Scale (SDS)

Ways of Coping Questionnaire (WCQ)

Wechsler Adult Intelligence Scale-Revised (WAIS-R)

Wechsler Memory Scale-Revised (WMS-R)

Wong-Baker FACES Pain Rating Scale (FACES)

JOURNAL TITLES

The following journal titles were added for indexing in the CINAHL database in 1998. We currently index 1,216 journal titles.

Adolescent Medicine: State of the Art Reviews
Aging & Mental Health
Aids and Behavior
Alcohol Health & Research World
Allergy Alert
Ambulatory Child Health
American Journal of Managed Care
Asia Pacific Journal of Speech, Language and Hearing Assignment
Athletic Therapy Today
Australasian Journal of Neuroscience
AWHP'S Worksite Health
British Homoeopathic Journal
British Journal of Sports Medicine
Canadian Journal of Human Sexuality
Cancer Prevention & Control
Changing Childbirth Update
Clinical Bulletin of Myofascial Therapy
Clinics in Laboratory Medicine
Community Practitioner
Contemporary Hypnosis
Cost & Quality Quarterly Journal
CRJ: Chiropractic Research Journal
Current Opinion in Otolaryngology & Head and Neck Surgery
Diabetes Self-Management
Emergency: The Paramedic's Magazine
Endocrinology and Metabolism Clinics of North America
Essential Drugs Monitor
European Journal of Classical Homeopathy
European Nurse
Evidence-Based Nursing

Executive Solutions for Healthcare Management
Health Care in Later Life
Health Care Innovations
Health Informatics Journal
Healthweek (Texas)
Home HealthCare Consultant
Hong Kong Journal of Sports Medicine and Sports Science
Infusion
International Digest of Health Legislation
International Journal of Drug Policy
International Journal of Health Care Quality Assurance
International Journal of Language & Communication Disorders
International Journal of Occupational and Environmental Health
International Quarterly of Community Health Education
Journal for Nurses in Staff Development
Journal of Aging and Physical Activity
Journal of Alcohol and Drug Education
Journal of Applied Biomechanics
Journal of Chiropractic Humanities
Journal of Elder Abuse & Neglect
Journal of Ethics, Law and Aging
Journal of Gender, Culture, and Health
Journal of Housing for the Elderly
Journal of Human Behavior in the Social Environment
Journal of Intellectual & Developmental Disability
Journal of Public Health Management and Practice
Journal of Sports Chiropractic & Rehabilitation
Journal of Strength and Conditioning Research
Journal of Women & Aging
Latex Allergy News
Los Angeles Times
Magnetic Resonance Imaging
Clinics of North America
Managed Care Interface
Managed Care Quarterly
Medical Interface
MIDIRS Midwifery Digest
Midwifery Today with International Midwife
MMWR: Morbidity and Mortality Weekly Report
National Library of Australia News
Neurologic Clinics
NLM Newsline
Nursing Spectrum (New England Edition)
Occupation
Online Journal of Clinical Innovations
Pan American Journal of Public Health
Patient Care Nurse Practitioner
Physical Therapy Case Reports
Physiotherapy Singapore
Practical Diabetes International
Practising Midwife
Pulsebeat
Quality Management in Health Care
RCM Midwives Journal
Regional Anesthesia and Pain Medicine
Remington Report
Research Activities
Research Nurse
Rivista Dell Infermiere
Seminars in Anesthesia, Perioperative Medicine and Pain
Seminars in Colon Rectal Surgery
Seminars in Ophthalmology
Seminars in Pediatric Neurology
Seminars in Respiratory Infections
SIECCAN Newsletter
Strength and Conditioning
Turning Points
Urology Nurses Online
USC Health
Vaccine & Immunization News
Vital Signs

The Online Journal of Clinical Innovations

EVIDENCE-BASED CLINICAL SOLUTIONS

COMPREHENSIVE BIBLIOGRAPHIES

SUMMARIES ON THE CINAHL® DATABASE

NEW KNOWLEDGE TO IMPROVE PRACTICE

CINAHL INFORMATION SYSTEMS

1-800-959-7167 US

1-818-409-8005

ANNUAL SUBSCRIPTIONS

The cover features a large, stylized yellow 'OJCI' logo on a dark background with faint architectural drawings and a red grid. The text is arranged in a vertical column on the right side of the cover.

CINAHLnews

1998 Fall/Winter • Volume 17 – Number 3, 4

CINAHLnews is published quarterly for subscribers and online searchers of the CINAHL® database by Cinahl Information Systems. It is mailed free of charge to subscribers at their current mailing address. If you would like to receive a personal copy of CINAHLnews, please write to: CINAHLnews, P.O. Box 871, Glendale, California 91209-0871, call toll-free 800-959-7167, or email cinahl@cinahl.com.

CINAHLnews now available online.

As part of Cinahl's website development, CINAHLnews is being made available in Adobe Acrobat PDF file format. You can now view, download, and print current and past issues of CINAHLnews directly from the Cinahl website at: http://www.cinahl.com/data/res_cntr.htm. The Adobe Acrobat Reader (required for viewing) is available free from Adobe (www.adobe.com) and available from links within the Cinahl website.

Call the Cinahl Sales Department today for information on the latest enhancements to CINAHL on CD-ROM and online systems.

800-959-7167

CINAHL ELECTRONIC DATABASE VENDORS

Aries Knowledge Finder
200 Sutton Street
North Andover, MA 01845
tel: 508-975-7570
fax: 508-975-3811

DATA-STAR
One Commerce Square
2005 Market St., Suite 1010
Philadelphia, PA 19103
tel: 800-221-7754
fax: 215-587-2147

CINAHLdirect® online service
1509 Wilson Terrace
Glendale, CA 91206
tel: 800-959-7167
fax: 818-956-7663

EBSCO Publishing
10 Estes Street
PO Box 682
Ipswich, MA 01938
tel: 800-653-2726
fax: 508-356-9372

Healthgate
380 Pleasant Street, Suite 230
Malden, MA 02148
tel: 800-434-4283
fax: 781-321-2262

OCLC
6565 Frantz Road
Dublin, OH 43017-3395
tel: 800-848-5878
fax: 614-764-1460

OVID Technologies
333 7th Avenue, 4th Floor
New York, NY 10001
tel: 800-950-2035
fax: 212-563-3784

PaperChase
350 Longwood Avenue
Boston, MA 02115
tel: 800-722-2075
fax: 781-277-9792

SilverPlatter
100 River Ridge Drive
Norwood, MA 02062-5043
tel: 800-343-0064
fax: 781-769-8763

June R. Levy
executive editor

Elizabeth Caminas
John Shureen
editorial and production assistance

Ernest R. Razo
art director/production



Cinahl Information Systems
1509 Wilson Terrace
Glendale, CA 91206