

Section 4

Plagiarism and copyright infringement

Plagiarism and copyright infringement are both offences liable to punishment. They are closely related, yet not completely the same.

	Plagiarism	Copyright violation
Nature	<i>Intellectual</i> dishonesty	<i>Legal</i> offence
Who enforces it	Intellectual peers, e.g., Academic Board, professional	The courts
How to avoid it	<i>Cite</i> the original author	<i>Get</i> the authorization from the copyright owner
Threshold of violation*	Very stringent	Fair dealing allowed

- This is probably a source of confusion, and a reason why students sometimes commit plagiarism without realizing it.
- Plagiarism. To avoid plagiarism, there are very strict rules. Sometimes using only a few words, or even adopting some concepts without using any of the exact words, could amount to plagiarism. See [the last section](#) for details.
- Copyright infringement. There is the principle of fair dealing: it is possible to use a reasonable amount of a published work without violating copyright.

Several (extreme and perhaps silly) examples will illustrate the difference between plagiarism and copyright infringement.

Example 1

Student A copies a sonnet from Shakespeare and submits it as his own work. This is plagiarism. However this is not an infringement of copyright, because the law only protects copyright for a certain period of time. In the case of Shakespeare, copyright has lapsed and anybody can re-publish the original texts of Shakespeare for free.

Example 2

Professor A has published a book of 300 pages. Student B publishes another book, the content of which is

Professor A has written "(copy 300 pages)". This is a wonderful book.

This would not constitute plagiarism, because Student B has made it very clear, by the use of quotation marks, that the material is not his own original work. But this would be an infringement of copyright, and the publisher of Professor A's book will sue Student B.

Example 3

Professor A has written a book, and assigned the copyright to Publisher B (in return for royalty payments). He subsequently uses one chapter of the book in another publication. In this instance he would not be guilty of plagiarism, since it is his own work intellectually; but he would have infringed copyright – the copyright is legally owned by Publisher B.

In terms of copyright, the Copyright Law of the People’s Republic of China provides certain limited exemptions to copyright for learning, such as using a work for the purpose of the user’s own private study, research, self-entertainment, comments, news reporting, or for use by teachers or scientific researchers in classroom teaching or scientific research.

For additional information, please visit www.xwcbj.gd.gov.cn/news/html/zcfg/index.html and refer to the following laws and regulations:

- *Copyright Law of the People’s Republic of China*
- *Implementing Regulations of the Copyright Law of the People’s Republic of China*
- *Computer Software Protection Regulations*
- *Publication Administration Regulations*
- *Measures for Implementation of the Administrative Punishment of Copyright*
- Other policies and rules relating to copyright

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