



Institut Mines-Télécom
Business School

October 17th 2019

COPYRIGHTS AND PLAGIARISM

MEDIATHEQUE

Clémentine GOVAERT
English translation on October 2020

CONTENTS

1. Texts

- 1.1 Patrimonial rights
- 1.2 Moral rights and related rights
- 1.3 Creative commons licenses
- 1.4 Quotation right
- 1.5 Plagiarism

2. Images

3. Videos and music

4. In short

5. Webography



Image under CC BY-NC-ND 4.0



1. TEXTS

FRENCH INTELLECTUAL PROPERTY CODE

Can I use a text, an image or a video for my report or my website?



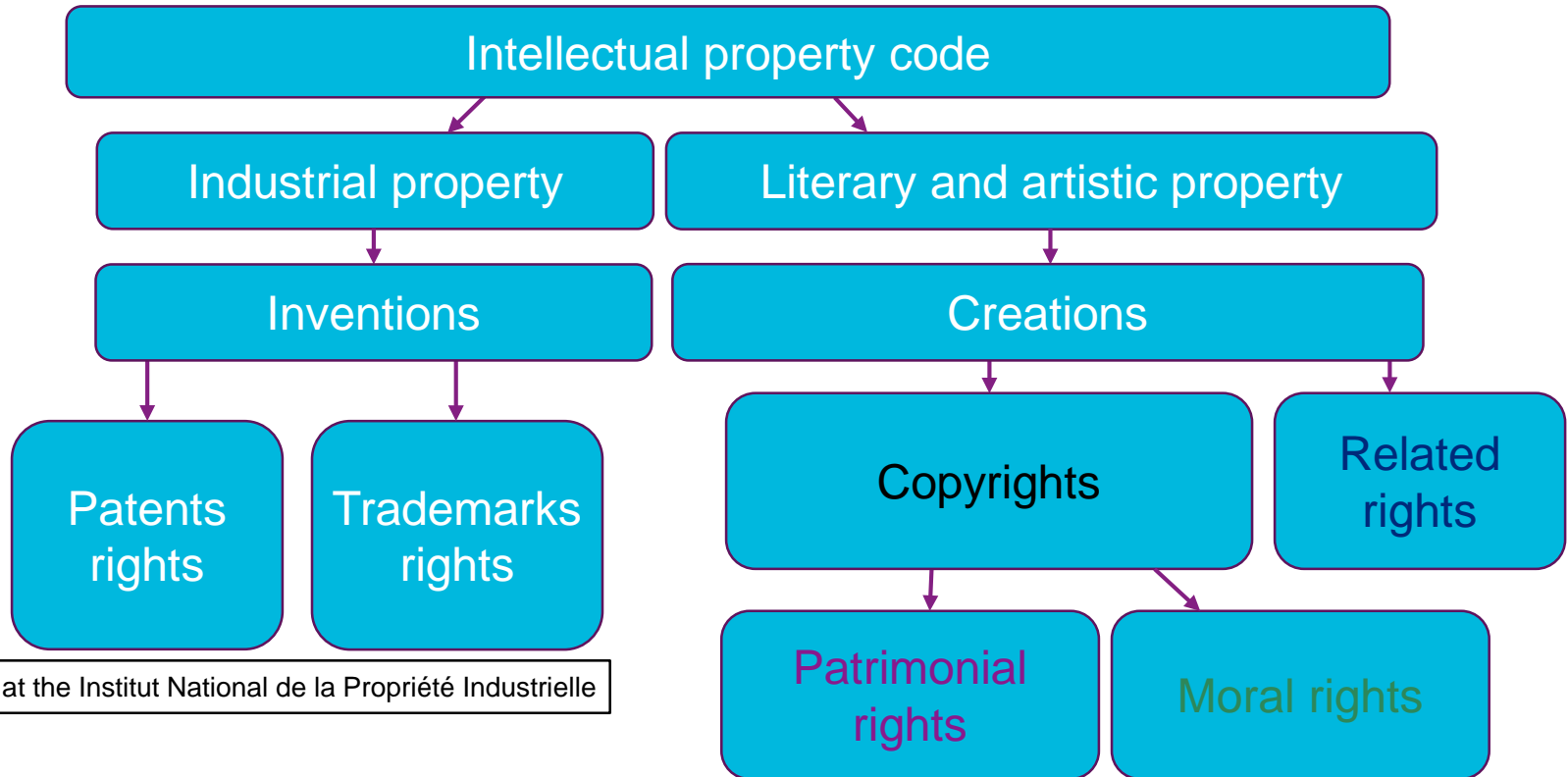
FRENCH INTELLECTUAL PROPERTY CODE

In France, when someone creates an artistic or literary work, this one is **protected by rights**, according to the **L.111-1 article** from the **French intellectual property code**.



Cartoon by Nina Paley who created the series Mimi and Eunice

FRENCH INTELLECTUAL PROPERTY CODE



Deposit at the Institut National de la Propriété Industrielle



1.1

PATRIMONIAL RIGHTS



INTELLECTUAL PROPERTY CODE : PATRIMONIAL RIGHTS



Popeye the Sailor by E. C. Segar
fell into public domain in 2009

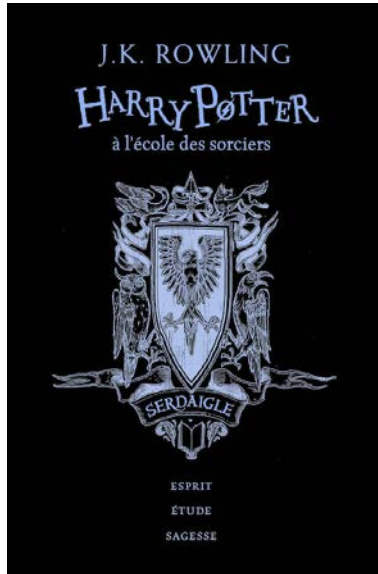
According to the L122-1 article, **patrimonial rights** correspond to a **work's exploitation rights**, either via a distribution right or via a reproduction right. **The author is paid each time that his work is being exploited.**

This right is transferable, negotiable and limited in time.

In France and in Europe, it lasts throughout the author's life up to **70 years after his/her death.**

It is then considered that his/her work falls into 'public domain'.

INTELLECTUAL PROPERTY CODE : PATRIMONIAL RIGHTS



Cover from the book *Harry Potter à l'école des sorciers* by J.K. Rowling, 20 years' edition: Ravenclaw, edited by Gallimard.

When an author sells his patrimonial rights on his works, he gets fees called **'royalties'**. **The author may transfer his/her rights or grant a license.**

In this last case, the buyer have the right to perform certain things for a given period and a limited purpose. For instance a producer with a film adaptation from a novel.



Poster from the film *Harry Potter à l'école des sorciers* directed by Chris Columbus and produced by Warner Bros.



1.2

MORAL RIGHTS AND RELATED RIGHTS



INTELLECTUAL PROPERTY CODE : MORAL RIGHTS AND RELATED RIGHTS

Works are also protected by **moral rights**. According to the L121-1 article *‘An author shall enjoy the right to respect for his name, his authorship and his work. This right shall attach to his person. It shall be perpetual, inalienable and imprescriptible. It may be transmitted mortis causa to the heirs of the author. Exercise may be conferred on another person under the provisions of a will.*

Moral rights gather :

- right of authorship = citing the author,
- right of integrity= respecting the original work,
- right of disclosure or divulgation = disseminating or publishing the work,
- right to reconsider or of withdrawal = waiving to the diffusion of one’s creation.



INTELLECTUAL PROPERTY CODE : MORAL RIGHTS AND RELATED RIGHTS



© Iconfinder/Aha-Soft

Since 1985, **related rights have been created** which enable performers, phonogram or videogram producers and broadcasting firms to be remunerated.

(Cf. Article L211-4 article from the Intellectual property code)



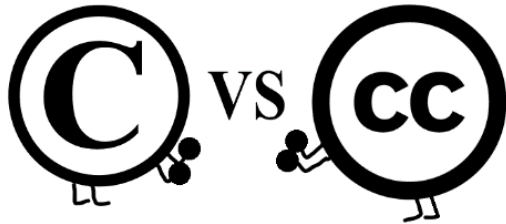
1.3

CREATIVE COMMONS LICENSES



THE AUTHOR CAN GIVE UP SOME PARTS OF HIS COPYRIGHTS...







... notably with **Creative Commons Licenses**





CREATIVE COMMONS LICENSES OVERVIEW FOR STUDENTS AND TEACHERS



ATTRIBUTION REQUIRED

 BY You can use the work and do whatever you like with it as long as you give attribution.	 BY-SA If you add to or change the work, you must share it with the same BY-SA license.	 BY-ND You can use the work as long as you don't change it in any way.	 BY-NC You can use the work and add to it or change it but you can't make money from it.	 BY-NC-SA If you change the work, you must share it with the same license and you can't make money from it.	 BY-NC-ND You can use and share the work but you can't change it or sell it.
Least restrictive			Most restrictive		

ATTRIBUTION FREE OPTIONS

 PUBLIC DOMAIN You can use the work however you like without permission or attribution; the copyright has expired.	 CREATIVE COMMONS ZERO You can use the work however you like without permission or attribution; the creator has released it to the public.
--	--





1.4

QUOTATION RIGHT



QUOTATION RIGHT



I have the right to rephrase an idea or to cite a part from a text between quotation marks and by mentioning the name of the author and my source.

The L122-5 article from the intellectual propriety code authorizes *‘on condition that the **name of the author and the source** are clearly stated : analyses and short quotations justified by the critical, polemic, educational, scientific or informatory nature of the work in which they are incorporated.’*

Within a report, you need to add a bibliography which cite documents upon which your work is based upon. It needs to be standardized (norm Z 44-005-2 and ISO 690-2), but free bibliographical software exist such as Zotero, with which you can generate it automatically from a model.



1.5

PLAGIARISM

PLAGIARISM

Beware plagiarism !



Copying a text and giving oneself credit for it is plagiarism! This is called counterfeit, this notion includes plagiarism



It doesn't matter, I don't risk anything



WRONG! IMT-BS administration or justice might punish you !

You signed a **non plagiarism charter with IMT-BS:**

whatever work found guilty of plagiarism will get a 0/20 grade. Any kind of recurrence will lead you to a disciplinary board.

IMT-BS has an **anti-plagiarism software:** if a professor has a doubt, your paper will be analyzed.

PLAGIARISM

Articles L.335-1 to L.335-9 from the intellectual property code detail consequences for each offense :

Fee in euro	Prison	Motive
3750		Altering protection systems from a work
30 000	6 months	Providing others with equipment enabling to counterfeit
300 000	3 years	Making counterfeiting and creating means to do so
750 000	7 years	Counterfeiting as an organized gang (example: Team Alexandriz with ebooks)



2

IMAGES



IMAGES



Have I the right to use images found on the Internet?

The Eiffel Tower?



Paintings ?

Mona Lisa by Leonardo da Vinci ?

The Scream by Munch ?



Strangers in the street ?





Have I the right to use images found on the Internet?

IMAGES

Photographs are also protected by copyrights. Therefore a photographer may decide to exploit his/her work or not.

The Eiffel Tower ?



Pixabay license

I can take a picture of the Eiffel tower and use that image, because it is not protected by patrimonial rights anymore. But not during the night, because it is enhanced by a lighting company that could assert its copyrights.

Paintings ?

Mona Lisa by Leonardo da Vinci ?

The Scream by Munch ?



Wikipédia – Public domain

Paintings fallen into public domain may still be subject to copyrights: a photograph of a work may indeed be owned by a living photographer (L122-4 article).

Some museum also exercise a 'right of access' upon their art collections by negotiating the use of devices with which a good photography quality is obtained (tripod, flash, etc.)

Rights of use are visible in a website legal mentions or in the terms and conditions.



Photo Munchmuseet

The Munch Museum (Oslo, Norway) authorizes the reproduction of their photographs :

All images are released with a → **CC BY 4 license**. They are free to use, please credit with "Photo: Munchmuseet".

Strangers in the street ?



Pixabay license

It is referred as 'publicity rights' in the **penal code. Articles 226-1 and 226-2** forbid the capture of a person's picture without his/her assent in a private place. Failure to comply with this rule may lead to a **one-year prison sentence and a fine of 45 000 euros.**

Article 9 from the Civil Code indicates that everyone has the right to respect for his private life. An authorization needs to be asked from the moment that a person might be recognized or you need to blur the image so that it is impossible to identify the person.

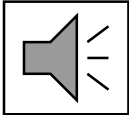


3

VIDEOS AND MUSIC



VIDEOS AND MUSIC



<https://www.youtube.com/watch?v=ohlkzNiTQNI>
Video from Institut Mines-Télécom Business School rebranding evenings on 22nd and 23rd of May 2018 at Evry campus and at the Elyseum in Paris.



Have I the right to use videos or music ?

Clip best of soirées rebranding - Imt-bs

403 vues · Ajoutée le 31 mai 2018



Institut Mines-Télécom Business School

731 abonnés

Vidéo des meilleurs moments des soirées de lancement de Institut Mines-Télécom Business School, le 22 mai sur le campus d'Evry et le 23 mai à L' Elyséum à Paris.

Catégorie [Éducation](#)

Musique utilisée dans cette vidéo

En savoir plus

Écoutez de la musique sans publicité avec YouTube Premium

Titre	Believer
Artiste	Imagine Dragons
Album	NRJ Hit List 2017
Auteurs-compositeurs	Mattias Larsson, Dan Reynolds, Robin Fredriksson, Ben McKee, Justin Tranter, Daniel Platzman, Daniel Wayne Sermon
Concédé sous licence à	UMG (au nom de Warner Special Marketing (France)); BMI - Broadcast Music Inc., Broma 16, LatinAutor - UMPG, UMPI, UMPG Publishing, ASCAP, UNIAO
YouTube par	BRASILEIRA DE EDITORAS DE MUSICA - UBEM, CMRRA, LatinAutor - Warner Chappell, PEDL, LatinAutor, Warner Chappell et 11 sociétés de gestion des droits musicaux

MUSIC



With the **standard Youtube license**, users concede their **work** to the platform, and give their assent to certain **terms and conditions**.

Everyone is allowed to embed youtube videos on their websites or social networks.

More information about copyright permissions :



MUSIC

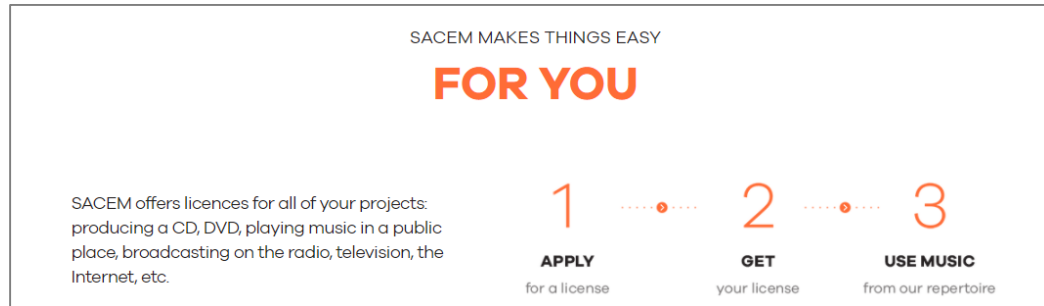
Copyrights apply to any kind of work.

The rights' owner needs to be found if you wish to use part of his/her work protected by copyrights or related rights.

His/her permission is obligatory and is also not free.

Cooperative entites exist, making link between authors and users, collecting fees, detecting and empeaching unauthorize use i.e the SACEM (Société des auteurs compositeurs et éditeurs de musique) or the SCELFF (Société civile des éditeurs de langue française).

A list has been established by the Agence du Patrimoine Immatériel de l'Etat : [Droit d'auteur, droit à l'image: les étapes essentielles pour utiliser un contenu](#))



Screenshot from the Sacem's website (2020/10/28)



4

IN SHORT

IN SHORT

Before using contents from a work, you need to check:

- ✓ the distribution medium (report, blog, ...),
- ✓ permissions allowed (terms and conditions, website legal mentions, creative commons, license),
- ✓ indicate the authorship et respect the original work,
- ✓ be careful with recognizable people and objects.





5

WEBOGRAPHY

WEBOGRAPHY : OPEN RESOURCES

- ✓ **Image** Search engines [LibreStock](#) (Pexels, Pixabay, Picjumbo, Magdaleine...) or [Photos for Class](#) (Flickr)
- ✓ **Music** Search engines [Dig CC Mixer](#) or [CC Trax](#) for Creative Commons sounds
- ✓ **Videos** [Coverr](#) and [Pexels Videos](#)
- ✓ **Books** [Projet Gutenberg](#) or [Gallica](#) (French National Library website)
- ✓ **Movies** [Archive.org](#) or <https://publicdomainmovies.info/>



WEBOGRAPHY : TEXTS

Law

- ✓ Légifrance : Code la propriété intellectuelle
- ✓ Légifrance : Code Pénal
- ✓ Légifrance : Code Civil
- ✓ Commission nationale de l'informatique et des libertés (autorité administrative)

Institutions

- ✓ WIPO - World Intellectual Property Organization:
- ✓ Institut national de la propriété industrielle : patents and trademarks
- ✓ Agence du patrimoine immatériel de l'État : national service with relevant publications on contents and images, intellectuel property, trademarks, domain names...