COPYRIGHTS AND PLAGIARISM

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1. TEXTS
Can I use a text, an image or a video for my report or my website?
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.
1.1

PATRIMONIAL RIGHTS
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'.
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.
1.2 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.
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**

**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.

**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
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 informative 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
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:

<table>
<thead>
<tr>
<th>Fee in euro</th>
<th>Prison</th>
<th>Motive</th>
</tr>
</thead>
<tbody>
<tr>
<td>3750</td>
<td></td>
<td>Altering protection systems from a work</td>
</tr>
<tr>
<td>30 000</td>
<td>6 months</td>
<td>Providing others with equipment enabling to counterfeit</td>
</tr>
<tr>
<td>300 000</td>
<td>3 years</td>
<td>Making counterfeiting and creating means to do so</td>
</tr>
<tr>
<td>750 000</td>
<td>7 years</td>
<td>Counterfeiting as an organized gang (example: Team Alexandriz with ebooks)</td>
</tr>
</tbody>
</table>
2 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?

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?

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.

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

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.

Strangers in the street?

Pixabay license

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

Photographs are also protected by copyrights. Therefore a photographer may decide to exploit his/her work or not.
3

VIDEOS AND MUSIC
VIDEOS AND MUSIC

Have I the right to use videos or 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 Elyseeum in Paris.
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:
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 entities exist, making a link between authors and users, collecting fees, detecting and preventing unauthorized use i.e. the SACEM (Société des auteurs compositeurs et éditeurs de musique) or the SCELF (Société civile des éditeurs de langue française).

A list has been established by the Agence du Patrimoine Immatériel de l’État: [Droit d'auteur, droit à l'image: les étapes essentielles pour utiliser un contenu](https://www.sacem.fr/fr/professionnels/droit-auteur-droit-a-limage)
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 and 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 Mixter](http://www.digccmixter.com) or [CC Trax](http://www.cc-trax.com) for Creative Commons sounds

✓ **Videos**  
[Coverr](http://www.coverr.org) and [Pexels Videos](http://www.pexels.com/videos)

✓ **Books**  
[Projet Gutenberg](http://www.gutenberg.org) or [Gallica](http://www.bnf.fr/gallica) (French National Library website)

✓ **Movies**  
[Archive.org](http://www.archive.org) or [https://publicdomainmovies.info/](http://www.archive.org)
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…