

# Intellectual property

**By the end of this unit you should be able to:**

- Explain the concept of intellectual property
- Describe the rights that are protected by intellectual property laws
- Explain the concept of copyright
- Explain the concept of plagiarism
- List guidelines to avoid plagiarism

## Unit at a glance

- The term 'intellectual property' denotes the specific legal rights of people who produce, gather or disseminate ideas and information, including inventors, authors, singers, film makers and journalists.
- Moral rights protect the integrity and reputation of the author from misrepresentation or misquoting of the work.
- Economic rights involve the payment for use of a product by a third party.
- Copyright enables the producer of a work to control the use of the material in a number of ways including:
  - Making copies and issuing them to the public.
  - Publishing the work online.
  - Broadcasting or performing the work in public.
- Plagiarism is the use of another person's intellectual property without clearly acknowledging the source of the ideas.
- To avoid plagiarism you should:
  - Use the information to develop your own ideas.
  - Obtain approval for the use of the work of another person.
  - Use a bibliography to cite all sources of information.

These days we have access to technology and websites that mean we can make exact copies of work such as disks, books, songs or movies that have been produced by others. The United Nations has set up the World Intellectual Property Organization (WPO) to define and establish guidelines that govern the use of work produced by others. This unit summarises some of these guidelines.

## Intellectual property

The term **intellectual property** denotes the specific legal rights of persons who produce, gather or disseminate ideas and information including inventors, authors, singers, film makers and journalists. Their work is the product of the mind and involves their creativity, innovation and self-expression.

Table 28.1 shows some terms commonly used in connection with intellectual property.

Intellectual property protects the way in which the ideas and information are expressed and not the ideas themselves. For example, two authors may write about the same topic without infringing intellectual property. However, if one author uses words, scenes, a plot or characters from the other's work then intellectual property has been violated.

Intellectual property protects the economic and moral rights of the owner of the work.

Table 28.1 Intellectual property terms

Term	Exclusive rights of owner
Copyright	To control reproduction or adaptation of creative and artistic works for a certain period of time. Copyright protects works such as music, books, software, films, paintings and photographs
Industrial design right	To own and use the style or form of appearance of an industrial object such as the patterns on a carpet, the design of furniture or parts of a machine
Patent	To commercially exploit (produce and sell or rent) a new invention, whether it is a product or a process, for a certain period of time (usually 20 years). The patent holder must register the product to obtain this right

Term	Exclusive rights of owner
Plagiarism	To be clearly acknowledged as the source of ideas and words used in written or performed work including speeches
Trade secret	To hold secret information concerning the commercial practices or knowledge of a business, for example KFC's 11 herbs and spices or Angostura's bitters recipe
Trademark	To use a distinctive sign to differentiate the products or services produced by a particular business. Trademarks must be registered

Economic rights involve the right to receive payment for use of the product. The owner of the property can control the way in which it is used. For example, if you write and film a play, you have the right to be paid if it is broadcast on television.

Moral rights protect the integrity and reputation of the author from misrepresentation or misquoting of the work. This means that a person should not isolate sections from a work and then put them together in such a way that it distorts the writer's original message. Moral rights include not having a work falsely attributed to the author.

## Copyright

Copyright occurs automatically when there is some record of what has been created. For example, if you compose a poem, letter or email then you automatically own the copyright of that document. Copyright enables the producer of a work to control the use of the material in a number of ways. A copyright holder may permit or prohibit the following:

- Making copies by any means including typing, photocopying, scanning into a computer, taping live or recorded music and copying CDs or DVDs.
- Issuing copies of the work to the public. However, if a legal copy is already in circulation then that copy can be sold. Copyright holders can control the rental of their product. For example, if a DVD is sold for home use only, then renting it out at a video club would be illegal.
- Publishing the work on the Internet or making it available online for download to a computer.
- Broadcasting or performing the work in public.

People affected by copyright include the following:

- **Producers or owners** are the people who own or control the material and receive financial reward from those who publish or use their work.
- **Publishers or distributors** are the people or organisations who make legal agreements with the producers to print, film or record the work and distribute it. The agreement seeks to secure financial

rewards for both the producer and the publisher and prevents the unethical use of the work.

- **Consumers or users** are those who can access and use the work of the copyright owner. The consumer must acknowledge the source of the information. If a substantial part of the work is being used in another published work, the user must seek permission from the producer through the publisher. A fee may be charged for the use of the work.

## Plagiarism

**Plagiarism** is the use of someone's intellectual property without properly acknowledging the source. This includes the close imitation of a work. The aim of plagiarism is to unfairly get credit for someone else's work. For example, a student may take a source document and change a few words or alter the sequence of the ideas and then pass it off as their own. This is plagiarism.

The following guidelines will help you to avoid plagiarism:

- Read the source documents and make notes in your own words.
- Use the information to develop your own ideas.
- Use several different sources of information rather than relying on one or two texts.
- Acknowledge the source of any ideas, opinions or theories that are not your own.
- Indicate when you are quoting or paraphrasing another person's words.
- Obtain approval from the producer before using a substantial part of any work. A substantial part may be as small as a verse from a poem or a paragraph from an essay. For example, using the chorus from an existing song when composing a calypso may be considered a substantial part. However, if you are

doing an analysis or discussion of a work you may quote as often as you wish from that work. For example, if you are analysing Shakespeare's *Romeo and Juliet* then you may quote liberally from the play. However, even then you must obtain permission if you quote more than 50 words in one block.

- State the source of any pieces of information that are not common knowledge including statistics, graphs, charts, drawings and photographs.

## References and bibliographies

References and bibliographies must be used whenever you prepare a document that includes information that you have obtained from someone else's work. Several styles are used to create bibliographies. However, it is recommended that you use the **APA style** for your CSEC documents. The APA style, developed by the American Psychological Association, offers the following guidelines.

### Books

- Use a hanging indent of three spaces (approximately ¼ inch).
- List the author, surname first with initials for given names. When there are two authors separate their names with an ampersand (&).
- Type the year of publication within parentheses followed by a full stop.
- Type the title of the book in italics or underscored.
- Capitalise only the first word of the title and subtitle and proper nouns.
- Type the place of publication followed by a colon, then type the publisher's name.
- Where you use two or more works by the same author, cite them chronologically.

### Example

Jacob, A. & Augustine, A. (2012). Electronic document preparation and management. Cheltenham: Nelson Thornes.

## Internet

- List the author, surname first with initials for given names. When there are two authors separate their names with an ampersand (&).
- For online newspapers or magazines type the year of publication followed by a comma, then the month and day in parentheses followed by a full stop.
- Type the title of the article with initial capitals for major words.
- Type the name of the book, journal or complete work and volume number in italics or underlined, if that information is provided, followed by a full stop.
- Type the word **Retrieved** followed by the date of access and the source followed by a colon.
- Type or paste in the URL.

## Example

Caines, K. (2005, May 12). Library and Research Skills Explained. Trinidad Library Online. Retrieved 3 December 2011 from the World Wide Web: <http://www.trinilib.edu/resskill.pdf>

The American style for typing dates is as follows: Month/Date/Year, for example May 5, 2012. In the Caribbean the UK style is more commonly used: Date/Month/Year, for example 5 May, 2012.

## My glossary

### Write definitions of the following terms.

Copyright	Patent
Consumers	Plagiarism
Economic rights	Producers
Industrial design right	Publishers
Intellectual property	Trade secret
Moral rights	Trademark

## Examination-type questions

- Explain the concept of intellectual property. (3 marks)
    - What rights are protected by intellectual property? (3 marks)
  - What is the difference between plagiarism and copyright violation? (3 marks)
  - You have to prepare a research paper. Outline the steps that you will follow to ensure that you do not commit plagiarism. (6 marks)
- Define the following terms as they relate to copyright:
  - Producers.
  - Publishers.
  - Consumers. (3 marks)
- Write out the following reference in APA style: The book called *Writing Winning Letters* was written by Peter Evans, Robin Mahabir and Jenny Choo and published by International Publishers of Bridgetown Barbados in 2010. (2 marks)