



Copyright and Plagiarism

Professional speakers need to be aware of issues surrounding copyright and plagiarism. Not only can this help them prevent their own material being stolen, but it can also help them keep out of trouble by mistakenly breaching copyright laws.

This document is not intended to be used as a source of definitive legal advice. You should ask your own lawyer for specific advice that is tailored to your particular situation. This document is merely designed to help raise awareness of the issues.

General copyright theory

In general terms copyright is granted to anything that you create which is either written down or stored in some manner or in some other way unique, such as a public performance. It means, for example, that your shopping list written on a scrap of paper is actually protected by copyright law. This generalised theory of copyright extends to the 167 countries in the world who have accepted the Berne Convention on Copyright. It means that if your shopping list found its way to the United States, for instance, it would still be protected even though the “work” was originated in the UK. For speakers, this means that anything you produce in some potentially permanent form is protected by copyright throughout most of the world. This also means, of course, that anything produced by people in other countries is protected by copyright here in the UK, even if the “work” was created elsewhere. The notion behind this international agreement is that intellectual property is global, not local.

General plagiarism theory

Plagiarism is different to copyright. Plagiarism is hard to define, but is considered more of an ethical breach than a legal one. It is generally considered to be the use of the “language, thoughts, ideas or expressions” of someone else. In academic circles, for instance, this would mean simply paraphrasing the ideas of another researcher, rather than coming up with your own thoughts and ideas. In the world of professional speaking, where many individuals will be speaking on similar topics, it is comparatively easy to make such an ethical breach. Can you remember where those ideas or expressions you use in your talks actually came from? If they were originally said by someone else you have potentially plagiarised them.

The legal situation

In the UK the law is defined by the Copyright, Designs and Patents Act 1988 (which had some minor updates in 1990 and 1991). This Act protects literary, dramatic, artistic or musical works as well as the typographical arrangement of a published edition, a sound recording, a film, or a broadcast. If anyone infringes the Act, then penalties come into operation if a legal case is successful. Punishments can be from 3 months to 10 years in prison and/or fines of up to £50,000. In addition, civil claims for compensation can be sought, with unlimited damages being available. Further information on the law covering copyright is available at the Government’s Intellectual Property Office at <http://www.ipo.gov.uk>.

What the law means in practice

The law means that you must either own outright or own the rights to use anything that is protected by copyright and which you use in your business. So, for example, you might have created a document summarising your talks, for which you will have received automatic copyright protection. But you might give that document to a speaker bureau, for example, who will have acquired certain rights to distribute that document for you. Similarly, you may have downloaded some images from a stock library on the web, the licence of which will have given you some rights, such as the use of the image in a presentation or on your website. Essentially, it means that you should be sure that anything that is protected by copyright which you use in your speaking business is either your own, or you have a licence to use it.

How to protect your material

You do not need to sign up for any copyright protection. Everything you produce, such as handouts, your website, even your talk in public gains automatic protection. You do not need to pay any kind of agency to “register” your copyright. Registration is granted automatically by the law. However, you might like to demonstrate to the unaware that the material is your copyright by use of the © symbol, the date of production as well as your website address and contact details.

You might also want to include within your speaking contract clauses which prevent clients from copying your materials without permission. Also, remember that your talk is protected, so you may wish to prevent it from being recorded without some licence fee being paid.

There will be some people who will want to copy your material to hand out to others or include on their own website. You may wish to provide information that permits this kind of sharing in exchange for a link, for example. In other words you can even encourage use of your copyright materials in return for some gain. Essentially, you are licensing your material.

However, there will be some people who take your materials and pass them off as their own. If they have not copied your protected items literally, but have merely used them as the basis of their own material, this is usually outside the scope of the law and is plagiarism. For example, you may have written a book about presentation skills and someone reads your book and uses the ideas and concepts to create their own training course. That is not a breach of copyright, but it could be considered plagiarism.

Protecting yourself from such things happening is notoriously difficult to do. One way which may help is to make sure that your name is associated with your tools, techniques and so on. That way, your branding would be enough to put people off because it would be obvious they are using your ideas. For example, there are many people who teach mind mapping, but they tend to acknowledge Tony Buzan in some way whose name is synonymous with the system. You could not start a training course on mind mapping and pretend it was all your own idea; the branding of the Buzan system is too well-known. It doesn't stop other people teaching mind mapping, of course, but people know it is not “theirs”. Many such brands “licence” people to speak on their systems. Creating a licenced system is one way of dealing with the potential for plagiarism.

How to avoid being taken to court yourself

Whilst many speakers may wish to protect their own materials, it is possible they are stealing other people's copyright material inadvertently. For instance, when you download images from stock libraries on the web do you check the licence? Some of the licences only allow you to use the image on your website. If you have bought the image and thought that means you can use it in your presentation, think again, the licence may not have covered that and so you could be taken to court. Similarly, what was the licence arrangement between you and the photographer who took your publicity shots? You may have only paid for using them on your own website – not to distribute them to other websites, such as a bureau. In reality, what this all

means is that you need to check the licences of any materials that you use so that you can be sure you are using them in acceptable ways.

There is a simple method of avoiding being taken to court – if you have any doubts about whether or not you can use something, then don't use it. Alternatively, seek the permission of the copyright owner.

Also, do not fall into the trap of thinking that because something is in the public domain that it can be copied. Just because an image is on the web, for instance, does not mean you can copy it. You can only use images or text for which you have the rights.

How to avoid plagiarising other people

It is easy to plagiarise without realising it. Can you recall where you picked up that tip that you now pass on? It might not be protected by copyright, but the originator could be rightfully upset that you are passing their idea as though it were your own. The way to avoid upsetting people by using their material as though it were your own is to have a system of collecting information that allows you to see the origin. One good way of doing this is with Evernote (www.evernote.com). This system allows you to create "notebooks" where you can collect all kinds of things from your handwritten notes, web pages, audio clips, presentations, PDFs, scanned documents and so on. With such a system in place you can easily see the origins of the information, helping you prevent inadvertent plagiarism. Of course, you could also use your own database or even a clever paper-based filing system. But whichever method you choose the "trick" to preventing being accused of plagiarism is to have a system, so that you can easily see where you got the ideas or information from.

Plagiarism and Ethics

The Professional Speaking Association's Code of Ethics has a specific clause regarding plagiarism. This states that all grades of membership "should avoid using materials, titles and themes originated by others, either orally or in writing, unless approved by the originator". If anyone who has any grade of membership of the PSA is deemed to have flouted this ethical requirement of membership then the Ethics Committee and the Board of Directors have the power to impose penalties, which can include downgrading of membership level or even expulsion from the PSA.

Key points to remember

- Copyright infringement is both a civil and criminal offence and you can face fines of up to £50,000, up to 10 years in prison and unlimited amounts of compensation.
- Plagiarism is not punishable in law. It is an ethical issue. You could lose your PSA membership if you plagiarise.
- Check all materials for the licence agreement so that you know your intended use is acceptable.
- Never assume you own the rights to anything.
- Have a system to store your own learning, so that you can avoid plagiarising others.