

## PLAGIARISM AND INTELLECTUAL PROPERTY RIGHTS: CURRENT TREND AND CHALLENGES

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### Abstract

Plagiarism has become a threat to both the integrity of education and intellectual property right. This has given concern to stakeholders in education and creators or inventors globally. With the fact that, it is research and development that produce new products and innovation that is sustaining the development of the world. This paper critically exploited available literature to contribute to the discourse of plagiarism and intellectual property right. Thus, the paper discussed the concept of plagiarism, types of plagiarism, anti-plagiarism/detection software and the root causes of plagiarism. Also discussed, is intellectual property right and the various types (copyright, patent and trademarks) used in protecting owners of innovations, inventions and original works. The study also examined the trend and challenges of plagiarism and made some recommendations in preventing plagiarism and violation of intellectual property right.

**Keywords:** Plagiarism; Intellectual property right, Anti-plagiarism/detection software; Copyright policy; Patent/trademarks.

### Introduction

Plagiarism is the act of using someone's idea as one's own personal idea. In academic perspective, plagiarism is regarded as gross misconduct in education sector, and it is not a new phenomenon. Perhaps, the origin could be traced back to the advent of printing, and recently made rampant with the advent of Information and Communication Technology (ICTs) and Internet. Today, it has become a threat to the integrity of education globally. This has raised several questions concerning the concept, cause, impact and solution to plagiarism in the education system. To have a clear understanding of the concept and to contribute meaningful to the discourse of plagiarism, some authors described plagiarism as presenting someone else's work as one's own, emphasizing deceptive intention (Pecorari and Petric, 2014; Sousa-Silva, 2014 as cited in Tran, Hogg and Marshall, 2022) and stealing and passing off the idea of another, or from an existing source, as one's own without crediting the source.

This is considered as a serious type of scholar misconduct and one of the most severe breaches of academic integrity (Keohane, 2009; Merriam-Webster, 2009 as cited in Clarke, Chan, Bukuru, Logan and Wong, 2022). However, plagiarism is in different categories, and as well the degree of committing plagiarism vary from one to another. Hence, plagiarism generally can be classified into two categories; intentional and unintentional. Intentional plagiarism refers to situation where person copied

writing idea or section from other sources and fail to acknowledge the sources with proper citation but rather submits it as their original work. While, unintentional plagiarism occurs when due to lack of adequate academic writing skills individuals' present materials that is borrowed from other sources without proper citation (Levine and Pazdernik, 2018). This unpalatable situation is on increase in higher institution, posing threat to intellectual property right.

Intellectual Property is defines as “the sum of the rights to literary, artistic and scientific, the interpretations of the performers and executions of artists performers, phonograms and broadcasts, the inventions in all fields of human activity, to scientific discoveries, industrial designs, trademarks industrial, commercial and services, as well as the commercial firms and trade names, the protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary and artistic heritage" (World Intellectual Property Organization (WIPO), 2015 as cited in Posigha and Seimode, 2018). Thus, with this definition, committing or endorsing in plagiarism could be regarded as an intentional or unintentional act of abusing intellectual property right which protect owners of original works and creators of ideas from unguided or unpermitted use of their works.

With the increasing importance of knowledge, private firms and public institutions such as universities, colleges and research institutes have discovered the importance of intellectual property rights (IPR) (Hanel, 2006). For the past decade or more, instructors in all disciplines and at all level of education are worried about the increased students' misconduct and plagiarism (McDonald and ADL, 2019). The increased and worried of plagiarism has led many universities to adopted various means to minimize plagiarism among students and staff. One of these means is by subjecting scholarly works produced by both staff and students to plagiarism detection software (Halgamuge, 2017 as cited in Kavulya, Kiilu and Kyengo, 2022). Today, several free and commercial plagiarism detection software have been developed and used in higher institutions all over the world to reduce or minimize plagiarism. In spite of these free and commercial anti-plagiarism software used in various institutions globally, several challenges are still eminent regarding to efficacy of the software, policies, methods of assessment, etc.

### **The Concept of Plagiarism**

The term plagiarism originated from Latin word “plagium”. In other words, the term has been associated with Plagium, which means “Kidnapping” (Shin, 2019). Since, the origination of the term plagiarism, it has been in wide discourse and as well a great concern among academia, educational institutions, government and her agencies, etc. which perhaps has led to diverse definitions, opinions and increase awareness of it impact on educational integrity. Considering the magnitude of negative impact it has on the integrity of educational institutions, some authors resolved to described plagiarism as scholastic misconduct and transgression (Clarke, et al, 2022; Caldwell, 2010 as cited in McDonald and ADL, 2019, Pecorari and Petric, 2014). Similarly, several other definitions were used by different authors to deeply enlighten and educate students and researchers about the entire concept of plagiarism and it impact on education. One of such definition is from,

Tran, Hogg and Marshall (2022) when they defined plagiarism as “presenting someone else’s words and/or ideas as one’s own without proper attribution, either advertently or inadvertently”. In the same vein, the Merriam-Wester (2017) defines plagiarism as the act of appropriating other people’s work and presenting it as one’s own in literary works such as journal articles, term papers, and other essays, textbooks, speeches, as well as photographs, songs, and even ideas and concepts. In throwing more light on plagiarism, the Black’s Law Dictionary, 2009 as cited in Togam and Jadhav (2022) defines plagiarism as ‘the deliberate and knowing presentation of another person’s original ideas or creative expressions as one’s own, but it further explains if the plagiarist has copied the original express without permission only then it may violate copyright laws or the plagiarized work is copyright protected. From these definitions, two or three things can easily be deduced from the definitions. First, all the definitions emphasized on the use of someone else invention or idea without proper acknowledgement or citation. Secondly, it is a deliberate claiming of another person’s idea and presenting it as one’s personal idea. Thirdly, such act is either intentional or unintentional. Thus, the level and method of using someone else original work or idea can vary from person to person, which eventually may result to categorizing plagiarism into different types.

### **Types of Plagiarism**

In identifying the various types of plagiarism, Levine and Pazdernik (2018) affirmed that generally plagiarism is divided into two categories; intentional and unintentional and, Kavulya, Kiilu and Kyengo (2022) further categorized plagiarism into several categories to include: translation; copy and paste; disguised plagiarism; mosaic plagiarism; structural plagiarism; idea plagiarism: self-plagiarism, and purchase of scholarly papers. Similarly, Nandkishor and Umesh, (2021) also identified some types of plagiarism to include the following:

1. Deliberate Plagiarism
2. Paraphrasing
3. Patchwork Paraphrasing
4. Bluffing
5. Stitching Sources
6. Using a Copy of your work
7. Mosaic Plagiarism Accidental Plagiarism
8. Buying Assignments
9. Inaccurate Authorship

### **Causes of Plagiarism**

There is no doubt that several factors may have responsible for the recent surge of plagiarism in the academic world. However, from the available literatures on plagiarism, the causes of plagiarism among students are either internal or external factors. In the internal cases, the student may lack the skills of writing, lack of information literacy skills, lack of awareness of plagiarism, lack of intellectual property laws, etc. while external causes are situation where the students were given excess workload by lecturers with limited time of submission, emphasis on assessment for performance, lack of plagiarism

policies, advent of Internet which makes it very easy for coping and pasting, etc. In affirmation to above assertion, some authors outlined some causes of plagiarism in academic world to include:

1. **COVID-19:** During the COVID-19 pandemic period, plagiarism and other forms of academic dishonesty increased drastically due to the shift of education, research, and other operations to virtual environments as a result of the prolonged COVID-19 lockdown (Gregory, 2020).
2. **Excess workload:** Students with excess workload and under immense pressure to produce pieces of academic writing which may drive them to commit plagiarism (Ocholla and Ocholla, 2016; Pupovac, Bilić-Zulle and Petrovečki, 2014 Catacutan, 2021 cited in Kavulya, Kiilu and Kyengo, 2022).
3. **Internet:** Many students and researcher easily commit plagiarism because the characteristic of Internet facilities that enhances access to unlimited information resources. In his contribution Ndebele, 2020 cited in Kavulya, Kiilu and Kyengo, 2022; Buchanan and McKay, 2018), argued that the spread and availability of information technologies and easy access to electronic information resources in form of e-journals, e-books, etc. encourage copying, cutting, pasting, and editing to suit their research purposes, and evolving ethos among communities of users and providers who share open-source media and, partly, to misleading models, such as Internet sources that offer information without crediting authors.
4. **Lack of Policies and Punishment:** Lack of policies and, even when there are policies, lack of enforcement of policies may result to increase committing of plagiarism among students and lecturers. In an environment where culprits of plagiarism are not caught or go unpunished due to a lack of policy or lack of its enforcement are likely to propagate all types of plagiarism (Ramzan, Munir, Siddique and Asif, 2012 and Gullifer and Tyson, 2014 as cited in Kavulya, Kiilu and Kyengo, 2022).
5. **Assessment and Performance:** For students to attain good academic performance during assessment, they can go any length to impress themselves and their lectures. According to Youmans, 2011 as cited in Kavulya, Kiilu and Kyengo, (2022) plagiarism occurred in the context of the assessment of learning which is geared towards gauging academic performance and revealing the level of knowledge obtained by the students.
6. **Determination towards Promotion:** This is common among lecturers, because of the bid to have required numbers of publication for promotion, many lectures endorse in copying and pasting, paraphrasing, self-plagiarism and other forms of plagiarism.
7. **Attitude Towards Plagiarism:** To large extend, attitude towards something determine the state of how one will address or approach the thing. It was reported

that students' poor attitude towards plagiarism resulted in a high level of plagiarism (Rugira, 2015).

8. **Lack of training:** Perhaps, some students many have not had any form of training on how to cite or acknowledge the original sources of a work they used. Hence, higher education institutions around the world are undertaking efforts to educate students by offering them guidance and training to how to cite, explain the types and consequences of plagiarism, as well as how to avoid it (Clarke et al., 2022).

### **Anti-plagiarism/Detection Software**

Researchers should understand that “plagiarism detection and verification is largely based on text-matching search engines and computer software that report similarity scores. The advanced software is integrated with numerous publishers and online platforms to allow scanning of potential overlaps among countless open-access and subscription literature items Shama and Verma, 2019 as cited in Olema and Armen, 2012). In other to minimize plagiarism in academic institutions, there are many types of free or commercial antiplagiarism software that are currently in used to detect and discourage plagiarism. These anti-plagiarism software include the following: Turnitin, Plagscan, Copyleaks, Whitesmoke, Paperrater, rammarly, Essay Toolbox, Article Checker, Plagiarism Check, Dustball, Copyscape, search engine reports, Plagiarisma, Viper, Plagtracker, among others (Chanderc, et al, 2021; Sabech and Khaled, 2021; Ahmed, 2015; Aarthi Rajagopal, 2018; Saini, Bahl, Kumari and Singh, 2016; Lukashenko, Graudina and Grundspenkis, 2007; Ali, Abdulla and Snael, 2011 as cite in Kavulya, Kiilu and Kyengo, 2022).

### **Open-Source Anti-plagiarism Software**

Open-source anti-plagiarism software are free software that are widely used in Web pages. What these software does is to compare a work to billions of works in Web pages at a glance. Togam and Jadhav (2022) identified some of these software to include the following:

**Google- Originality Check:** It Compare student work against hundreds of billions of web pages and over 40 million books with a single click and highlight potential plagiarism and link to external sources within your grading interface. You will get answers quickly and avoid manually searching for web matches. This tool enables students to check their own work for recommended citations up to three times before submitting. It helps students to learn to build on outside ideas and properly incorporate them into their work. It also compares student-to-student matches against your domain-owned repository of past work when you sign up for the Teaching and Learning Upgrade or Google Workspace for Education Plus (Togam and Jadhav, 2022).

**Plagiarism Checker X:** This tool is easy to use and perfect scanner for plagiarism test. It will allow the bulk documents comparison for any intellectual contents i.e., research papers, conceptual documents, Ph.D. thesis etc. It supports for docx, doc, pdf, html and rtf formats. This tool support for multilingual languages like English, Italian, Spanish, French (Togam and Jadhav, 2022).

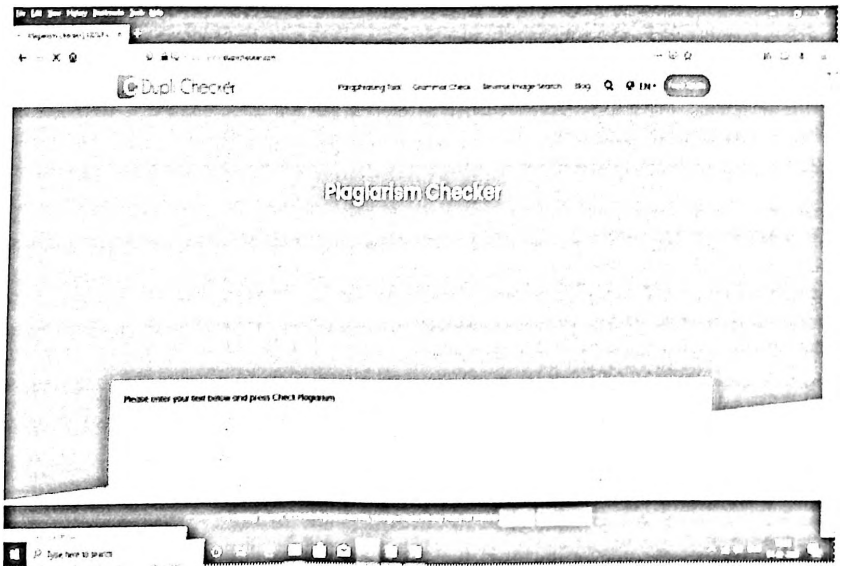
**Pro-Writing Aid:** This software has enabled for searching the web pages and academic papers to ensure uniqueness. With the help of add-in, it allows the run plagiarism with online mode. This tool has various features i.e., integration with word file, Chrome, Google Docs, Gmail. It supports to different file formats docx, doc, pdf, html: Self-editing is possible with this tool (Togam and Jadhav, 2022).

**Grammarly:** Popular tool for grammar corrections and plagiarism checking. It is also search different search engines for duplicate contents. It provides plagiarism alerts when text matches with online texts or in the databases. This tool will calculate overall originality score for the document (Togam and Jadhav, 2022).

**Copyscape:** CopyScape is a cloud-based tool that allows you to search for plagiarism and find various instances of content theft. It can be easily used by typing the URL of the original content. It is one of the best free plagiarism checkers that allows you to perform unlimited scans for web page copies (Togam and Jadhav, 2022).

**PlagTracker:** PlagTracker is a unique checking algorithm that scans content for plagiarism. It is fast and easy to use. We ensure our system will find any content that has been plagiarized, along with a list of all the sources, to make is easier for you to correct (Togam and Jadhav, 2022).

**Dupli checker:** Dupli Checker just automates a process that the user could do himself. Below is the home page of Dupli checker



Source ( Nandkishor and Umesh, 2021)

Plagiarism detector: It is a Plagiarism Detection Software to check for Plagiarism in text documents. It is a fast and reliable Plagiarism Checker (Togam and Jadhav, 2022).

Quetext: Quetext's plagiarism checker analyzes your text to identify plagiarism, resolve other writing issues, and build citations with ease. You wouldn't want to write without it (Togam and Jadhav, 2022).

PlagScan: Counterfeiting discovery device for the two people and organizations that checks writings against online substance, logical diaries and the client's records too (Nandkishor and Umesh, 2021)

### **How do the Anti-plagiarism Detection Software Work?**

There may not be two anti-plagiarism and detection software that function in the same way but they are all aims to detect and reduce the increase occurrence of plagiarism in our everyday writing. As a matter of facts, anti-plagiarism detection software is not panacea to the solution of plagiarism but reduce plagiarism and prevent the integrity of education. What may come to mind is how these software work to detect plagiarism? Generally, according to Togam and Jadhav (2022) anti-plagiarism software prevents plagiarism through the following processes:

1. Identify the fragments of text borrowed from other sources (Dodigovic and Jiaotong, 2013; Gosavi and Deshmukh, 2021; Tsatsaronis,Varlamis, Giannakouloupoulos and Kanellopoulos, 2010; Gosavi& Deshmukh, 2021 as cited in Togam and Jadhav, 2022).
2. Show written falsification rate through a similarity index (Gosavi and Deshmukh, 2021 as cited in Togam and Jadhav, 2022).
3. Provides an “originality report which suggests the percentage of the author's work that matches other academic sources in an online database (Davis and Carroll, J. (2009 as cited in Togam and Jadhav, 2022).
4. Indicate the percentage of matching text for each named source and presents these in a ranked list in order of quantity. With each author's text, the reviewer can click on a matched section and see the suggested 'original' text side-by-side for an instant comparison between the two texts” (Togam and Jadhav, 2022).

### **Intellectual Property**

The discussion on plagiarism will be incomplete without mentioning intellectual property. This is because plagiarism is regard as a threat or violation of intellectual property right. The original works or ideas plagiarized by users of information are in most cases protected by intellectual property right. Intellectual property right usually is tailored towards safeguarding the exclusive right to owners of invention for a period of time. Intellectual property as incorporeal or intangible objects which come into existence through the mental activity of a person but which once created have an independent existence. Such creations become valuable assets similar to the physical assets ... (UNISA MRL 4801 Study Guide, 2016), hence intellectual property needs to be protected to prevent unauthorized users from making or using it without the authority of the owner.

Among the compelling reasons why intellectual property was promoted and protected were: (i) the progress and well-being of humanity rested on its capacity to create and invent

new works in the areas of technology and culture; (ii) the legal protection of new creations encouraged the commitment of additional resources for further innovation; (iii) the promotion and protection of intellectual property spurred economic growth, created new jobs and industries and enhanced the quality and enjoyment of life. These views and the fact that the information age was fast-growing such that high technology products protected by patents, copyrights and trademarks were fast becoming important resources in the modern economy was an indication that the uses of intellectual property should be thoroughly investigated. (Mania, 2017; Munari et al., 2011; Erdenechimeg, 2016 as cited in Kadare, 2020).

Generally, patents, trademarks and copyrights are the three laws in which intellectual property is protected. In other words, the ownership of an idea or concept is either patented if it is an innovation or copyrighted if it is, for example, literary work such as music (Kadare, 2020). According to Borges, Araujo, Lima and Ghesti (2020) intellectual property is conventionally divided into three groups: copyright, industrial property and sui generis protection. Under Brazilian law, copyright includes rights of copyright, neighboring rights and computer programmes. Industrial property are the rights related to trademarks, patents, industrial designs and geographical indications. Sui generis protection concerns the protection of integrated circuit topography, cultivars and traditional knowledge. Arising from the above discussion, it revealed that intellectual property is intangible assets that are protected with intellectual property rights which include: copyright, patent, trademark, etc.

**Copyright.** Copyright is an intellectual property right which prevents others from the production of a copyrighted work without authority. Copyright is a right which entitles the author in his relationship to his work to secure remuneration for the use of the work. In particular, copyright is a right to property. Copyright is essentially a negative right (a right not to be subjected to an action of another person). It is the right to prevent anyone from exercising rights which are exclusive to the author (Gordon, 2013). Copyright protects works such as books, pictorial, graphic and sculptural works, music, photographs, movies and computer programmes (Kop, 2021). However, “fair use” law as an exception to infringement allowed one to use copyrighted materials. This simply means that one can use copyrighted material without authorization from the owner for an expression purpose (Posigha and Seimode, 2018).

**Patent.** A patent is the grant of exclusive rights by the state for an invention. For example, Thomas Edson found that an electric current passed through a tungsten filament in a vacuum produces light and he used that finding to develop a light bulb. This invention entitled him to the grant of a patent, (Sachs, 2013 as cited in Kadare, 2020; Kop, 2021).

**Trademarks:** Trademarks are distinctive signs which identify certain products or services as those manufactured or provided by a specific person, or enterprises allowing the customer to differentiate them from goods or services of others. (WIPO, 2012; Grodman, 2019; Kenton, 2018 as cited in Kadare, 2020; Kop, 2021).

Trend of Plagiarism and Intellectual Property Right

Plagiarism and intellectual property right have become a major concern to academic institutions, researchers, government agencies and librarians. This is because of the continue surge of the rate of committing plagiarism and violation of intellectual

property right by both students and lecturers in academic institutions. In Nigeria universities for example, because of plagiarism grievous negative impact on the integrity of the university education, the committee of Vice-Chancellors of Nigeria University (CVCNU) developed a plagiarism detection software called “EagleScan plagiarism software” 2021 to address detect all form of plagiarism. The goals and objectives of the project are:

1. To address the gaps noticed in the use of the foreign developed plagiarism detection software currently subscribed for by Nigeria universities;
2. To serve as a tool to promote and strengthen originality and quality of research carried out in Nigeria university and
3. To enable Nigeria universities leverage on the present executive orders 3 and 5 and showcase its competencies to developed and commercialize local products (Gotala, 2022).

Reporting on the present trend of plagiarism in the global communities, a literature review indicates that, in recent years, the practice of plagiarism has taken an upward trajectory (Reyneke, Shuttleworth and Visagie, 2021; Ison, 2018 as cited in Kavulya, Kiilu and Kengo, (2022). Similarly, in every year, the number of researches devoted to plagiarism related topics and intellectual property right in all parts of the world is on geometry increase. This is evident when I conducted a search on Google scholar using the terms “plagiarism in higher institutions” and “intellectual property right protection” to determine the number of studies in 2010/2011 and 2020/2021 to affirm the present trend of plagiarism and intellectual property right. For clarity the search result is presented in the table below:

S/N	Google Scholar Search Terms	Year Under Review	No. of Studies Published
1.	Plagiarism in higher institutions	2010-2011	769
2.	Plagiarism in higher institutions	2020-2021	29,000
3.	Intellectual property right protection	2010-2011	102,000
4	Intellectual property right protection	2020-2021	66,400

The search with the term “plagiarism in higher institutions” revealed that 2010 – 2011, 768 papers were published on plagiarism in higher institutions. While, in 2020 – 2021, 29,000 the papers were published on the subject matter. This shows that, there is actually high level of concern among academia, increase plagiarism offence and high rate of discourse on plagiarism which, eventually resulted to the 2.6% to 97.4% increase in publications.

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Similarly search with the term “intellectual property right protection” revealed that 2010 – 2011, 102,000 papers were published. And in 2020 – 2021, 66,200 papers were published. The search result shows that is drastic decline in publications within 2010/2011 and 2020/201. This shows that, there is little or no concern among academia, lack of interest and low discourse on intellectual property right protection, which eventually resulted to the decrease from 60.5% to 39.5% in publications. In other words, the decrease in publication could be the fact that, there is already awareness and little or no violation or abuse of the intellectual property right.

### Challenges of Plagiarism/Intellectual Property Right

Experience shows that the emergency and increase violation of intellectual property right and high rate of plagiarism have resulted several challenges among students, lecturers and academic institutions. Some these challenges are:

1. Lack of awareness of plagiarism and intellectual property right among students;
2. Inadequate training programmes on writing skills, citation and referencing and,
3. Lack of plagiarism policies and punishment in most higher institutions (Kavulya, Kiilu and Kyengo, 2022).

Similarly, Hanse and Anderson (2015) identified the following as challenges of plagiarism:

1. Low rate of apprehension of plagiarizing university students;
2. The rise of plagiarism-related e-commerce and,
3. Treatment of students as consumers rather than learners.

Also, Player (2001) indicated some challenges regarding to patent to include the following:

1. Misunderstanding of what the words of the patent document mean and what is the claimed invention;
2. The challenge of how to help trial judges, as well as ourselves, to understand what is being claimed so that there is less room for misunderstanding and,
3. The cost and delay in patent-enforcement litigation.

### Conclusion

Plagiarism is regarded as educational misconduct that has adversely impacted on the quality of research, integrity of education, and as well a threat to intellectual property right. Therefore, plagiarism has become a growing concern among librarians, head of higher institutions and government at various levels. This concern has resulted to several initiatives from government and head of institutions in Nigeria and other parts of the world to tackle the menace. Therefore, in search for solution to eradicate or reduce the menace of plagiarism has given birth to the development of free and commercial plagiarism detection software that are widely used in all parts of the world. However, the fact still remains that,

there are several causes (COVID-19 pandemic, excess workload, Internet, etc.) of plagiarism and violation of intellectual property right. Not until these causes are addressed, plagiarism and violation of intellectual property right will still pose serious challenges to higher institutions in particular and the government in general. Today, the discourse on plagiarism among academia is increasing while, that of intellectual property right is decreasing drastically.

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