

Copyright and Plagiarism: A Guide for Students & Educators

Work that is submitted to the Scholastic Art & Writing Awards must be original work created by the student. If a submitted work is copied from another artist or writer or is plagiarized, the work will be disqualified from the Scholastic Awards. To avoid this from happening, please review these guidelines before submitting your work.

Scholastic Awards Policy

By participating in the Awards, students agree to the Scholastic Awards [participation terms](#). This means that the student agrees to submit “*original work*” to the Awards.

What is Copyright & Plagiarism?

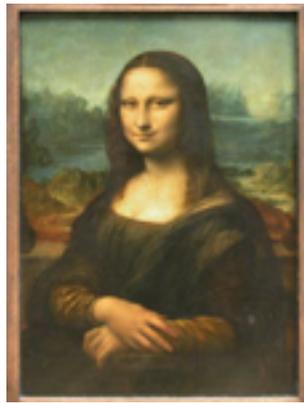
Copyright is a form of legal protection prohibiting others from copying one’s creative work without permission. A copyright is a property right. Copyright law grants the creator of an original work the exclusive rights for its use and distribution.

Plagiarism is an ethical violation resulting from failure to cite sources and engaging in the act of passing someone else’s work or ideas off as one’s own. This applies even if you have only copied a part, rather than the whole, of another’s work.

How do I know if my work is original?

An original work is one that is new and different from what others have created. This means that you are the author of the work, and the work is not copied from someone else’s original work.

Even if there is no exact or literal copying, but the average person may notice substantial similarities between the submitted work and the source material, it is possible that the work is not considered original and should not be submitted to the Awards. For example, a pencil drawing that directly copies a celebrity portrait that was taken by another artist or a piece of writing that simply rearranges the words of someone else’s writing is not original work.



Mona Lisa, Leonardo da Vinci
c. 1503-1509
Oil Painting



Example submission
Drawing

Example: Mona Lisa, Leonardo da Vinci compared to example submission

In this case, a student would have been required to cite Leonardo da Vinci’s Mona Lisa painting when registering the drawing online for the Scholastic Awards. If a student submitted the drawing without citing the original painting, the submission would have been disqualified. The drawing is not likely to be a copyright violation because the copyright to the original Mona Lisa painting has expired and falls under the Public Domain (see below for an explanation of Public Domain). Note, however, that the student’s drawing could be a copyright violation, if copied from a copyrightable photograph or reproduction of the original painting.

Even if the submission were cited correctly, Scholastic Awards judges would view this work unfavorably because it is not original.

Can I use someone else's work if I make changes to it?

If your work transforms the source material, then it may be considered original. Transformative work is a new work that adds value, substantially changes, comments on, or gives a new expression or meaning to the source.

- If the submission uses another artist or writer's work as raw material and transforms the original work by bringing new insights and understandings to the piece, it may be submitted to the Scholastic Awards.
- Changing the medium—for example, creating a painting based on a photo that was taken by someone else or creating a poem by rearranging the lyrics to a song—does NOT make the work transformative.
- Cropping or resizing an image does NOT make the work transformative.
- Changing the order of the lines in a poem or adding a few words to a sentence written by another author is NOT transformative.

What if I cite my sources? Can I use another person's work if I give them credit?

You may use limited portions of another's work if you cite your source and if the final product is still an original idea. For example, you can quote another author in a critical essay if you cite the author in the works cited section of your submission.

There is no formula, specific number of words, or percentage of someone else's work that is acceptable to use when submitting your work to the Scholastic Awards. What is important is that your finished work is something new and different from your source.

Consequences of Copyright & Plagiarism Violations

If the Alliance has reason to believe that a submission violates the participation terms, the student submission will be disqualified. In this event, the Alliance may refuse or revoke the grant of an Award, and take such other measures, including the recall or removal of the awarded work, as the Alliance deems appropriate. Bear in mind that this policy is in the interest of both the student and the Alliance, since the display or distribution of an infringing submission could result in financial liability for both the student and the Alliance.

What if I find a work that was submitted to the Scholastic Awards that isn't original?

If you suspect that a work was copied from another source or was plagiarized, please let us know by emailing us at info@artandwriting.org. We will investigate to determine if the work violates our participation terms. Because of student privacy concerns, we will not follow-up with you to report on the outcome of our investigation.

Identifying Plagiarism & Copyright Issues

The Alliance for Young Artists & Writers uses online resources, search databases, and certain available software to investigate all art and writing that is considered for Awards. If work is identified as plagiarized or to constitute a copyright violation, any Award will be revoked, the work will be removed from display and/or publication and all scholarship consideration will be rescinded.

Tips: Preventing Copyright & Plagiarism Violations

- Educators and students are responsible for educating themselves on copyright and plagiarism issues. This page is only a guide. There is no formula for creating an original work.
- If you have any doubt about whether a submission is original, choose not to submit that work.
- Always cite all sources, whether the source is protected by copyright or not.
- Even if you have permission to use a work or if the work is in the public domain, the work that you submit to the Scholastic Awards must represent a new, original work.
- No number of words or percentage of a source can be safely assumed to render a work original.
- Changing the medium of an original work is not considered transformative. For example, a painting or drawing of a photograph taken from the Internet or a magazine is not considered original and should not be submitted to the Scholastic Awards.
- Changing the order of the lines in a poem or adding a few words to a sentence written by another author is not considered transformative. For example, a poem comprised of rearranged or paraphrased song lyrics is not considered original and should not be submitted to the Scholastic Awards.
- Educators: if a classroom assignment involves any copying of a another artist or writer's work, even if it's just for the purpose of practicing and learning, please direct students not to submit these works to the Scholastic Awards.

Definitions

- Plagiarism – failing to cite sources and engaging in the act of passing someone else’s work or ideas off as one’s own.
- Copyright – a form of legal protection prohibiting others from copying one’s creative work without permission.
- Fair Use – if use of copyrighted material is deemed “fair” based on the nature of the original work, how much of the original is copied, whether the new work is transformative, etc., it is legally permissible.
- Transformative – a new work that adds value, substantially changes, comments on, or gives a new expression or meaning to the copyrighted material. Transformative works may qualify as Fair Use.
- Derivative Work – a work that is “derived” from an existing work. For example, a picture based upon a photograph; a statue based upon a painting; or a song based on an existing novel. The author or creator of the existing original work is also protected by copyright against others’ making derivative copies.
- Appropriation – deliberately borrowing images to make new art. Appropriation artists generally want viewers to recognize the original in their work.
- Parody – a piece that mocks the original by modifying elements of the original and/or mimicking its style may be permissible under the Fair Use Doctrine if it successfully differentiates the original.
- Satire – submissions that use existing work for the purpose of general irony, sarcasm, ridicule, criticism and commentary of society or anything other than the existing work itself are not likely to be legally permissible under the Fair Use Doctrine.
EXAMPLE: Dr. Seuss Enterprises, LP v. Penguin Books, 109 F.3d 1394, 1400-02 (9th Cir. 1997) (use of the style and phrasing of Dr. Seuss’s “The Cat in the Hat” in a humorous work targeted at the O.J. Simpson trial and NOT at “The Cat in the Hat” itself was satire, not parody, and thus, did not qualify as a Fair Use).

Additional Resources

General Copyright Law Information

- Copyright Alliance
www.copyrightalliance.org
- The United States Copyright Office
www.copyright.gov/records
- Cornell Copyright Information Center
www.copyright.cornell.edu/public_domain
- FA©E (Friends of Active Copyright Education) and The Copyright Society of the U.S.A.
www.csusa.org/face & www.csusa.org/face/stilim
- History of copyright and registration basics geared for educators and students
www.loc.gov/teachers/copyrightmystery
- Copyright basics and FAQ’s. Help determining if work is still in copyright or Public Domain; Copyright Term and the Public Domain in the U.S.
www.copyright.gov

Public Domain & Fair Use

- Article about Fair Use from Good Magazine
<http://www.good.is/post/ask-a-lawyer-what-s-fair-in-fair-use/>
- Cornell Copyright Information Center
www.copyright.cornell.edu/public_domain
- University of North Carolina (helpful chart to determine whether a work is in the public domain)
<http://www.unc.edu/~unclng/public-d.htm>

Photography & Copyright

- Professional Photographers of America (helps photographers protect and register their copyright)
www.ppa.com
- Editorial Photographers (general information, a copyright primer & relevant links to further information)
www.editorialphoto.com/copyright
- Advertising Photographers of America (FAQ’s and forms for registering copyrights located in their Business Manual link)
www.apanational.com
- American Society of Media Photographers
www.asmp.org/commerce/legal/copyright

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