



January 2019

The purpose of this guidance is to raise awareness of the two related issues of plagiarism and copyright infringement and to ensure that the EEA avoids these issues across its activities.

Context: the 'right of quotation'

The Berne Convention (WIPO, 1967) confirms an author's 'right to quote' from previously published material. The Convention also describes the conditions that apply to quotations as follows:

(1) It shall be permissible to make quotations from a work, which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries.

(2) It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice.

(3) Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source and of the name of the author if it appears thereon.

Interpreting the rules

The Publications Office of the European Union is clear in terms of its guidance:

Any third-party material we want to publish (or show in a presentation) in any format (textual, images, figures, illustrations, video, audio (including music), etc.) are protected by copyright. **The agency (rather than an individual) must acquire all the necessary rights to use third-party material.**

- The permission to use this type of material must specify the intended use (e.g. reproduction in one of our reports), the extent of the adaptation (to fit our corporate style guidelines, for

example) and the media in which it will be used (printed product, online, dissemination material, etc.).

- It is strongly advised to make the distinction between online use (internet) and social media use (Facebook, Twitter, LinkedIn, and so on) clear when obtaining permission.
- Third-party works should always be acknowledged; however, acknowledgment alone does not equal permission to use. Permission should always be sought from the owner of the intellectual property (the creator or publisher). Without this permission, the work may not be reproduced.
- Copyright and data protection laws overlap, particularly when they refer to images (photographs or video footage) in which individuals may be identified. It is important to make a distinction here, because the participant may hold the copyright of the material, but the person(s) featured in it may not have agreed to having their image disseminated.

The EEA copyright permission form will be updated accordingly to be used by staff in relation to all requests to reuse material.

It is important to remember that permission granted by the EEA to reuse material does not apply to content supplied by third parties. Therefore, for documents for which the copyright lies with a third party, permission for reproduction must be obtained from the copyright holder.

Citing and referencing

Guidance on how to quote, cite and reference existing material in your work is outlined in the *EEA Writing manual*. The Manual defines the following:

- A citation is a quotation from, or reference to, another author's work that you mention in the body of your work. The citation must always be complemented with a complete reference in the bibliography at the end of the publication in which it appears. The *EEA Writing manual* shows different types of citations and examples of their use.

- A bibliography or reference list is the complete list of citations made in your work that must always appear at the end of the publication. It should contain references to any work cited or quoted within the text.

What is plagiarism?

Plagiarism refers to the use of intellectual property belonging to someone else without acknowledging their ownership. Plagiarism includes any form of 'borrowing', paraphrasing or copying of material (data, text or images, for example) without sufficient acknowledgement of the ownership of this material by correct citation and bibliographical referencing.

What is copyright infringement?

Plagiarism is not a criminal offence. However, the act of plagiarism can infringe the intellectual property rights of others and can lead to legal action for 'copyright infringement' 'or 'trademark infringement', which in turn can bring about legal charges, significant costs and reputational damage.

Even with correct citation and referencing, copyright infringement can occur if too much text is reused. A modest amount of text (fewer than 100 words) may be copied and pasted verbatim from another source, provided that you:

- acknowledge the source in the text (citation);
- use quotation marks (or indentation for longer extracts);
- provide a full reference in the reference list.

For example, the *EEA Writing manual* prescribes the following approach to verbatim quotes:

- Quotes up to four lines should be placed in single quotation marks within the text:

Crutzen (2002) states that 'we have recently entered a new geological epoch: the Anthropocene.'

- Longer quotations should be introduced by a colon followed by an empty line and should appear without quotation marks. They should also be indented from the left margin by three tab spaces and include the appropriate reference at the end of the quotation:

What is clear, however, is that transforming key systems such as the transport, energy, housing and food systems lies at the heart of long-term remedies. We will need to find ways to make them fundamentally sustainable, by decarbonising them,

making them much more resource efficient and making them compatible with ecosystem resilience. Also relevant is the redesign of the systems that have steered these provisioning systems and have created unsustainable lock-ins: finance, fiscal, health, legal and education. (EEA, 2015, p. 7).

Reusing European Commission material

Under the terms of the so-called 'Reuse [Decision](#)' (EC, 2011), we have the right to reuse published material from the European Commission without having to formally request permission, as long as it is correctly cited and referenced.

This Decision does not apply to documents for which the Commission is not in a position to grant reuse permission, e.g. in view of third party intellectual property rights.

Any reuse of European Commission material should be short and relevant. If you intend to reuse material from other agencies, check their websites or ask them for advice.

Reproducing methodologies

Methodologies or other technical texts may be quoted verbatim, provided that you:

- acknowledge the source in the text;
- use quotation marks (or indentation for longer extracts);
- provide a full reference in the reference list.

However, extensive quotations of methodologies and/or technical detail can distract the reader. Consider using proper referencing to steer the reader to the original text or reproducing the methodology in an annex if full reproduction is required

Self-plagiarism

An organisation's or individual's own previous work should also be referenced. Not referencing such works is known as self-plagiarism and is considered bad practice. The EEA insists that previous work by contributors to an EEA product or from a published EEA product be cited and referenced properly.

Reproducing legislation

Legislation may be reproduced verbatim, usually referenced as a footnote. However, this practice should be limited — our audience does not access our material to be confronted with large tracts of legislation. Use a quote from the relevant legislation to make a point and then refer the reader to the

original legislation for more information.

Reproducing visuals and audiovisuals

Visuals and audiovisuals (including graphs, photographs, equations, infographics, video, music, etc.) are covered by the copyright of the person who made the original or the 'copyright' holder if the image has been sold to a publisher, for example.

Reproduction of a visual/audiovisual is permitted, provided that written permission has been obtained from the copyright holder and this 'ownership' is acknowledged. This often costs money and reproducing any image without paying the necessary fee will lead to legal issues.

This is important to remember when you are making presentations for yourself or a colleague. Any modification of images and charts must also be acknowledged by clearly stating in the caption that the item has been 'adapted from' an original by '*copyright holders' details.*' We also need permission to make these adaptations.

Creative Commons

The Creative Commons organisation is a not-for-profit group that aims to 'facilitate the free sharing of "creativity and knowledge" through copyright licenses and tools that forge a balance inside the traditional "all rights reserved" setting that copyright law creates within the boundaries of copyright law' (Creative Commons.org, 2017).

Permission is not required for items with a Creative Commons (CC-BY) licence but proper 'attribution' is required. The EEA often uses images accessed through Creative Commons licensing, for example ⁽¹⁾.

Fair use

The American concept of 'fair use', whereby certain copyright restrictions are waived to allow limited use of copyrighted material for certain purposes, such as education, as long as the copyright owner is acknowledged, does not apply within the EU. While there are exceptions to copyright restrictions within the EU, they differ at national level and can be difficult to apply. It is, therefore, important to have copyright permission for material.

⁽¹⁾ As mentioned above, we should avoid images of individuals who may have been photographed without their permission.

Bad practice

Poor or inaccurate attribution and 'lazy paraphrasing' are hugely problematic and can leave you and the EEA open to claims of plagiarism and copyright infringement.

Follow the guidelines in the *EEA Writing manual*. If your product is badly referenced, it will be stopped in the production process and held there until all of the issues are resolved.

What are the common forms of (plagiarism) copyright infringement?

The [European Food Safety Authority](#) lists the common forms of copyright infringement as:

- citing text from another source and not properly referencing it by:
 - crediting the source;
 - enclosing the text in quotation marks or formatting it by other means, such as indenting or italicising the text;
 - providing a full reference;
- secondary source plagiarism: using text from a secondary source (e.g. meta-analysis or previous risk assessment from another organisation) but only citing the primary source, i.e. not acknowledging the work of the authors of the secondary source;
- poor paraphrasing in which the words of the originator and the writer are conflated, i.e. it is unclear who said what;
- self-plagiarism: recycling text from your own previously published work or a previous EEA output without citing the source, using quotes and providing a reference;
- publishing an image or similar visual without the copyright holder's permission;
- inappropriate image manipulation without the author's consent and without indicating that the reproduced image has been altered.

What is the EEA doing to avoid plagiarism?

To limit the risk, the EEA is:

- raising awareness among staff and external contributors;
- providing centralised support and guidance — the *EEA Writing manual* and this document;
- implementing 'plagiarism checking' with iThenticate anti-plagiarism software.

Anti-plagiarism software

The EEA has procured a plagiarism/referencing detection subscription named iThenticate. Providing access to their checking system, iThenticate — owned by Turn-It-In — compares your document with

an array of documents worldwide for comparison. It allows the EEA to check the reliability and originality of written material before publishing it.

For more information, please go to www.ithenticate.com

How does iThenticate work?

Files are uploaded to the iThenticate system, which searches its extensive library of documents, web pages, magazines and books while carrying out a plagiarism check. Once the check is complete, a report is generated showing what percentage of the text appears elsewhere with a link to the original source material.

Workflow for iThenticate anti-plagiarism check

- Receive draft report (as it is sent to Eionet/external consultation)
- Save in COM1 editing folder
- Run plagiarism check
- Save iThenticate report in relevant COM1 folder (same as above)
- Evaluate iThenticate report
- Brief project manager
- Project manager responsible for making adjustments
- Check referencing during copy-edit
- Report any issues to Head of COM

References:

EU, 2018, Regulation 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295/39, 21.11.2018).

Hugenholtz, P. B., 2013, 'Law and technology: fair use in Europe', *Communications of the ACM* 56(5), pp. 26-28 (https://www.ivir.nl/publicaties/download/Communications_ACM.pdf) accessed 11 December 2018.

WIPO, 1967, Berne Convention for the protection of literary and artistic works, of September 9, 1886, completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at

Berne on March 20, 1914, revised at Rome on June 2, 1928, revised at Brussels on June 26, 1948, and revised at Stockholm on July 14, 1967, Article 10, 'Certain Free Uses of Works: 1. Quotations; 2. Illustrations for teaching; 3. Indication of source and author, United International Bureaux for the Protection of Intellectual Property, now referred to as World Intellectual Property Organization, Geneva (http://www.wipo.int/treaties/en/text.jsp?file_id=283698) accessed 10 November 2017.