



AUSTRALIAN PHOTOGRAPHIC SOCIETY INC.

(Incorporated in the ACT on 7th May, 1962)

ABN: 22 688 698 261

Plagiarism and Ethics Issues

**By Patricia Beal FRPS APSA PPSA FAPS HonFAPS
Chairman
Plagiarism Sub Committee**

While they may not know exactly what it means, the term Plagiarism, and what it implies, has been a worry to many thoughtful photographers for some time. Similarly, the last Management Committee were concerned enough to establish, around May 2005, a Plagiarism Sub Committee to investigate and recommend on the issues involved. We reported in October 2005, and MC has carefully considered our recommendations and approved our main findings. Some minor details have still to be decided, but it's time that members are informed about the main issues.

Firstly, I'd like to acknowledge the work of the members of the Plagiarism Sub Committee who contributed greatly to the preparation of our Report.
They are:

Barbara Galvin LLB (Hons) NSWIT, Assoc. Dip. Crim. Just. MCAE, Churchill Fellow, APM; and
Barbara Smith B.Sc. (Hons) Melb, M.Sc, Melb, Assoc. Dip. Art (Photomedia) ANU, Grad. Dip. Prof. Comm. Wrtg U.C.

We need to be clear exactly what is involved, hence the following definitions.

Plagiarism of a Photograph is the use of another's photograph or portion of a photograph when done without proper acknowledgement of the original source.

Appropriation of a Photograph refers to the borrowed elements of another's photograph in the creation of new work.

Copyright Law protects exclusive rights of creators of 'artistic works' (including photographs) to reproduce, publish, and communicate their photographs to the public, and moral and personal rights such as – the right to be attributed; the right not to have work falsely attributed; and the right to have the integrity of the artist's work respected.

Copyright is bestowed automatically when an image is created, it does not depend upon registration.

Plagiarism is, of course, in direct conflict with the rule which states that the use of others' images is not allowed by APS, in competitive competitions run under APS approval, for single submitted images, which may be composites of a number of single images, all of which must have been taken by the person who enters them. Nor is it allowable by copyright law, for images so covered.

Management does concede that appropriation (suitably acknowledged, and with copyright permission if necessary) may be necessary or thought desirable by the author, for **Audio Visuals**. For instance this may be as part of a historical or documentary AV where it is impossible for the 'author' of the AV to have personally taken suitable images. The extent of such allowable, and suitably acknowledged, appropriation is yet to be decided by MC. The issue of informing judges of any such appropriation is also under discussion. **Contemporary** photography is another area where appropriation might be appropriate. Contemporary Division does not run any competitions where this might be an issue. Non-competitive display exhibitions are a context where authors would be expected to acknowledge any appropriation.

Photographers can read about copyright law on the Australian Copyright Council website: www.copyright.org.au It will also be the topic of a future article. Please note that any legal issues involving copyright law are between the submitter of the work in question and the person who queries ownership. It is not APS's role to get involved in such legal matters.

However there are circumstances where APS may have a role. If someone becomes aware (or believes) that plagiarism has occurred, for example in an exhibition with APS approval, that would obviously be unfair to other entrants. If APS is informed, there is an investigation procedure now established, so that the truth or otherwise of any allegations can be established. All involved will have



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the opportunity to state their cases. Having said that, APS believes that the vast majority of members wish to do the right thing, once they are clear as to what the right thing is. We all hope that the procedures won't be used, but they are available. Those who attended the recent AGM in Mildura would be aware that our Constitution has now been amended to set out, under Management Committee direction, the investigative process and allow certain penalties, as well as an appeal process, for members found to have offended.

We prefer to think that our members are ethical, once ethical behaviour is clearly defined. To that end MC has also approved the following statements of ethics and behaviour which are expected of APS members. Once again, I'm sure these will not be different to what we would all expect from our fellow members.

APS Ethics Statement

A member of the Australian Photographic Society shall act in accordance with all APS policies. A member shall be ethical in making and presenting photographic images.

A member shall be honest in performing and reporting service to the Society. Members not in compliance with this ethics statement will be subject to loss of APS membership and/or awards and honours.

To enlarge on this statement, we have described the standards we should follow, many of which are already clearly stated in exhibition rules. Also, basically we would expect all people gaining any APS honours to have earned those honours honestly, so that the value and respect we give them is maintained.

APS Ethics Standards

- 1) a) Images submitted for competition shall originate as photographs by the entrant on photographic emulsion or acquired digitally, i.e. images to which the submitting entrant holds copyright. By virtue of submitting an entry, the photographer certifies the work as his/her own and affirms that he/she holds copyright.
 - b) Any image accepted in an APS-recognised exhibition shall not be re-entered in the same or different format in any section of that exhibition, either under the same title or using a different title. A like in-camera duplication or a reproduction duplication, or an image so similar as to be confused with the original work, are likewise not to be subsequently entered. An accepted image may not be re-titled for entry in the same or other section of any other APS-recognised exhibition.
 - c) Images submitted in internal (APS members only) competitions, folios and the like shall strictly follow these standards, both written and as obviously intended, without reservation.
- 2) Information included in skill honours proposals shall be exact and true. Nominators and seconders for service honours and awards, when signing such forms, shall be conscious of the fact that they are vouching for the accuracy of the information supplied.
- 3) Material and photographs submitted for possible publication in "Image" and/or the APS Website shall be the work of the author(s), who must hold copyright for such photographs and written material. Quotations from other authors' work, or the use of other authors' photographs, may only occur if permission is obtained from the copyright holder and also the author/copyright holder is acknowledged.

Management has also decided that the Plagiarism Sub Committee should continue. We will be available to advise MC on plagiarism issues, and also to continue to liaise with allied overseas associations so that a consistent and worldwide stance is taken against plagiarism. It should be noted that such overseas bodies have mostly already considered the issue, and come to similar decisions and policies as APS.