

About Plagiarism

Andy Warhol, Johnny Cash, Gucci, Bob Dylan, Shepard Fairey, and Roy Lichtenstein. What do all these famous artists have in common? They have all been accused of plagiarism. In fields that elevate creativity and originality, artists of all forms have been known to emulate, reference, and alter other's work. We find the concepts of originality and plagiarism to be two sides of the same coin.

What is Plagiarism?

Plagiarism is defined by Dictionary.com as, “an act or instance of using or closely imitating the language and thoughts of another author without authorization and the representation of that author's work as one's own, as by not crediting the original author.” Writing isn't the only thing that can be plagiarized though. Plagiarism of images is really no different than plagiarism of words, music, or any original work.

What is Copyright?

A related concept is copyright. All writing and artwork are protected by copyright automatically. In other words, a person does not need to do anything to receive copyright protection to their original work. A copyright lasts for the author or artist's life and 70 years beyond. Copyright protection allows the artists to profit from the artwork they create. For example, the artist may make reproductions of their artwork or sell the original work. So, if you plagiarize someone's original work and profit from it, you could be in legal trouble.

Not long ago a well known artist, Shepard Fairey, became embroiled in a controversy over a piece of his art that was created from a photo of President Obama. It was eventually settled out of court but it is an example of the possible ramifications to using another artist's imagery. You can read more about the case by clicking [here](#).



The AP photo, left, and the Shepard Fairey poster.
MANNIE GARCIA/SHEPARD FAIREY / AP

What is Acceptable?

It is acceptable to reference art. For example, you might reference photographs of lizards to create an illustration of a dragon. That is not copying but rather referencing which is fine.

A concept called “Fair Use” allows portions of copyrighted materials without permission for purposes of education, commentary, or parody. Great examples of parodies on famous pieces of artwork exist. Check out some parodies of famous artwork [here](#).

About Plagiarism cont.

Summarizing the Differences

Take a look at these definitions from the The Council Chronicle for English teachers:

Plagiarism is using someone else's work without giving proper credit - a failure to cite adequately.

Copyright infringement is using someone else's creative work, which can include a song, a video, a movie clip, a piece of visual art, a photograph, and other creative works, without authorization or compensation, if compensation is appropriate.

Schools would concern themselves with plagiarism in most instances. The courts enforce copyright infringement. Neither are situations anyone desires to be involved in. Both famous and common people have been publicly embarrassed, had work discredited and even been fired. Academic institutions usually have policies on plagiarism and consequences may include failure of an assignment, grade reduction, or course failure, suspension or probation.

Concepts in Action

You will see instances where masterpieces are copied by art students to practice a technique. If that is the assignment, this falls under fair use. It is a great learning tool but a student or teacher could never enter the works in an art competition. You can even sell reproductions of work that is beyond copyright but you can only sell it as a reproduction.

If a teacher does a unit on cartooning and asks students to develop a character, a student would be plagiarizing if he or she turned in a work that included SpongeBob SquarePants EVEN if the student proudly drew it freehand. The idea of SpongeBob Square Pants is the idea of animator Stephen Hillenburg, not the student.

A student creates a t shirt for the track time that utilizes the Nike swish. That is copyright infringement and should not be approved. Usually a printing company would refuse to print a blatant copyright infringement.

A teacher may be concerned about submitting a still life which displays the Coca-Cola logo on a bottle in the larger still life as part of a portfolio to the Advanced Placement exam. For academic purposes and for part of a portfolio, this would most likely fall under "fair use." The reference is apparent, the artist is not trying to say she designed the logo. If the student were to sell the artwork, that would fall into a more gray zone.

Conclusion

Issues of authenticity are not always black and white as Shepard Fairey taught us. Yet, it's important that we have at least a working knowledge of plagiarism and copyright infringement. Schools and teachers are often the first gatekeepers to these complex issues. Many resources exist today that help institutions spot plagiarized work. Art plagiarism has no place in the art room; instead, students artists should learn to build their own unique artistic voice and skills.