Plagiarism v Copyright Infringement Defined

• Plagiarism = The act of appropriating the literary composition of another, or parts or passages of his writings, or the ideas or language of the same, and passing them off as the product of one’s own mind. If the material is protected by copyright, such act may constitute an offense of copyright infringement.

• Copyright infringement = a finding by the court that the use of someone else’s work, even with attribution, violates one or more of the copyright holders exclusive rights.

Black’s Law Dictionary, 6th edition
Plagiarism and Infringement overlap

Here’s one way both plagiarism and copyright infringement can occur together.

• Let’s say that you are writing a book in your field of expertise. You do a great deal of research. When the book comes out, it turns out that you have quoted several times from a prominent fellow researcher in your field (whose book came out in 1990).

• There are no quotes surrounding the words in your book that are taken from his book, and there is no cite to the prominent researcher’s work.

• A claim of plagiarism may be made by that original author.

• In addition, the prominent researcher holds the copyright in his book and may make a claim of infringement.
Now let’s look at an example of how plagiarism can take place without copyright infringement.

You, as a high school teacher of creative writing, have asked your students to write a short first act of a play. In addition, they are to develop an outline of the play in its entirety. You begin correcting a paper and recognize that it has a very familiar beginning. A few minutes into the assignment, you realize that the student has given you the first act of Shakespeare’s “As You Like It.”

The play is in the public domain, so there is no copyright infringement. However, there is plagiarism!
Infringement Plain and Simple

An author quotes from the letters of J.D. Salinger, whose letters can be found in the Archives of Princeton University. She cites extensively but she does not have Salinger’s estate’s permission.

She shouts “Fair Use,” but the courts find for Salinger and she is enjoined from the use of the quotes.

No plagiarism, but definitely a copyright violation