

THE SCIENTIFIC RESEARCH ACTIVITY OF THE DOCTORAL STUDENT DURING THE DOCTORAL INTERNSHIP AND THE OBLIGATION TO CAPITALISE ON THE RESULTS OF THIS ACTIVITY. PLAGIARISM AND SELF-PLAGIARISM IN THE ACTIVITY OF WRITING DOCTORAL THESES IN RELATION TO THE OBLIGATION TO CAPITALISE ON THE RESULTS OF RESEARCH ACTIVITY

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Abstract

In the content of the article you will find a connection of contemporary plagiarism with plagiarism forms from ancient times, from the time of the Greek philosophers. You will also find several definitions of plagiarism and self-plagiarism, as well as the obligation to capitalise on the results obtained from scientific research, and opinion of the illustrious Romanian and international professors, in the field of copyright and intellectual property.

Also in this essay I have investigated how the use of the Internet and modern systems of publishing articles, the use of AI has contributed to a greater extent to the creation of works through the use of plagiarism or the use of computer technology has contributed to a greater great measure in unmasking some works in which plagiarism was used.

Keywords: *study, plagiarism, self-plagiarism, evolution, sanctions in Romanian legislation, education.*

1. Introduction

In this study I proposed to address the topic of plagiarism, self-plagiarism, as well as the importance of accurately citing the works that were the basis of the study.

This material is relevant for those who want to deepen their university studies, by going through some forms of higher didactic education, such as master or doctorate. Also, the work is a source of information for those who want to know more details about plagiarism and what are the forms of liability provided by the current legislation, regarding the violation of intellectual property rights.

To answer these questions, we have consulted the specialised legislation, as well as the works of authors who have published works in the field of copyright protection.

The study makes a comparison between the existing plagiarism since the time of the Greek philosophers in relation to the modern ways of writing a work and the growing volume of information existing on the Internet, as well as the perspective of using AI in the realisation of studies and research in a certain field.

Last but not least, the study launches an original hypothesis regarding the correlation between the traditional way of conducting primary, secondary, high school and university education, which may be a cause of the large number of plagiarised works discovered in Romania compared to the average of existing plagiarised works in western countries.

2. The notion of plagiarism and self-plagiarism. The obligation to capitalise on the results obtained in the course of scientific research

The Explanatory Dictionary of the Romanian Language defines plagiarism as „the action of plagiarism, plagiarism. Literary, artistic or scientific work of someone else, appropriated (in whole or in part) and presented as personal creation” (<http://dexonline.ro/definiție/plagiat>).

Another definition says that „plagiarism is the action of taking over and presenting a person's thoughts, writings or other creations as his own products” (Devlin, 2006, p. 58) and in the simplest terms plagiarism is „the act of presenting another person's work as your own achievement” (Yeo, Chien, 2007, p. 188).

The term plagiarism is used to refer to the theft of words or ideas beyond the limits of what would generally refer to the general baggage of knowledge (Park, 2003, p.472). Incidentally, the word derives from the Latin *plagarius* meaning thief. The concept of „plagiarism” emerged with the intellectual revolution brought about by the Enlightenment, which emphasised concepts such as individual autonomy, rationality, personal intellectual merit (originality), and equality of those who participate in a forum for intellectual debate. Following these

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intellectual developments, the first copyright law appeared in Great Britain, in 1710 (Larkham, Manns, 2002; Middleton, Trager, Chamberlin, 2002).¹

Naturally, many pages have been written and will be written about plagiarism on this subject. To a large extent, plagiarism is encountered in the field of scientific research, in the university and academic environment, being encountered on a smaller scale in the field of artistic creations, paintings, works, sculptures, etc. This is because scientific papers are subject to specific anti-plagiarism checks. In this regard, I will present, as it is too beautifully and cursively written, for me to intervene with additions, a fragment about the history of plagiarism and the ramifications over time, enunciated in the essay „Plagiarism – an endemic academic plague. Brief considerations” written by George Pelican, who in turn quotes V. Roş, C.R. Romiţan, A. Livădariu, „Doctorates in France. Plagiarism and self-plagiarism in French universities”.

Recognized in doctrine² as a concept, existing since the ancient times of the Greek and Roman worlds, plagiarism is not limited to a certain field of reference or to a certain method of committing it, for easily understandable reasons. However, in this paper only plagiarism regarding written works is to be treated, which is of particular importance in terms of its incidence. In this context, it will be emphasised in particular, that this phenomenon has experienced a remarkable magnitude especially during the last 10 years, consolidating, without a doubt, a constant leading position among topics of public interest, our country being no exception to this factual situation. In particular, it should be pointed out that the intensification, especially public, of the phenomenon does not derive in any way from the sudden increase in the number of plagiarists with the passage of time, but from the number of plagiarisms discovered, by virtue of the permanent development of the technological field, especially due to the creation and continuous improvement over the last decade of a multitude of software and programs capable of detecting plagiarism.

Extremely relevant in this regard is the mention of the latest statistics³ made at European level on the phenomenon of plagiarism, according to which two painfully pertinent conclusions are drawn, namely that Romania has the highest rate of plagiarism discovered in the Union, namely 26.1% of all verified works, a value almost double compared to the European average(i), and that the incidence of plagiarism is much higher in countries in the Eastern European region, countries whose standards of living and education are considerably lower than in Western countries (ii). Also, according to another and more recent study⁴, this time at global level, Romania is the country with the highest number of scientific articles removed from specialized publications as a result of non-compliance with the rules of conduct in scientific research, in relation to the total funds allocated for research (i) and also, ranks second among the countries with the highest number of withdrawn articles compared to the total published articles, following the discovery of plagiarism (II). However, it should not be forgotten that the results of such statistics can often be misleading, since, as has already been pointed out⁵, in many countries they prefer to cover up plagiarism scandals.

Historically, the first suspicions of plagiarism attested in the literature concern⁶ a series of poems by Homer, who allegedly copied orally other poets of antiquity, but the accusations are, for understandable reasons, devoid of material evidence. In relation to printed works, the initial suspicions of plagiarism refer to the philosophical writings of the renowned scholar Aristotle, which were, in fact, only a series of slightly developed copies of the works of Plato, and the latter was, however, in turn supposed to have been inspired by the theories of Socrates. Later⁷, in modern times, the creations of genius personalities such as the writer William Shakespeare, the „father” of French drama Moliere or the philosopher Georg Wilhelm Friedrich Hegel, as well as many other prominent figures of the time were not safe from criticism or doubt about originality. However, in the absence of any regulation of plagiarism or copyright until the second half of the nineteenth century, the aforementioned cases could not antagonise liabilities or other legal consequences for the authors, remaining at the stage of mere controversial issues regarding dignity or honor. In the history of our country, besides the plethora of unproven accusations of plagiarism brought against some personalities of the nineteenth and twentieth centuries,

¹ Anti-Plagiarism Guide - Essay.

² For developments, see E. Walterscheid, Early Evolution of the United States Patent Law: Antecedents (Part 1), in J. Pat. 1 Off. Trad. Soc'y, no. 76, 1994, p. 697 *et seq.*, especially p. 702, apud. R. Dincă, *The legal nature of intellectual property rights*, 2007, in Romanian Journal of Private Law no. 3, article fully available on the www.idrept.ro platform.

³ Statistics valid for the year 2014, presented in the content of the material available at the internet address http://famp.ase.ro/wp-content/uploads/2017/02/Cabanis_RO_mapa-conferinteiAWRUAP.pdf, last accessed on 04.04.2021.

⁴ The study is available in full at <https://www.sciencemag.org/news/2018/10/what-massive-database-retracted-papers-reveals-about-science-publishing-s-death-penalty>, last accessed on 04.04.2021.

⁵ For further explanations, see V. Roş, C.R. Romiţan, A. Livădariu, *Doctorates in France. Plagiarism and self-plagiarism in French universities*, <https://www.universuljuridic.ro/doctoratele-in-franta-plagiata-si-autoplagiata-in-universitatile-franceze/>, last accessed on 04.04.2021.

⁶ See, in this regard, B. Florea, *Reflections on plagiarism*, Hamangiu Publishing House, Bucharest, 2018, p. 9.

⁷ *Idem*, p. 12-13.

especially in the field of literature (e.g., Mihai Eminescu, Dimitrie Gusti, Lucian Blaga, George Coșbuc and others), there have been at least two staggering plagiarism scandals – the bachelor's thesis of the renowned jurist Constantin Hamangiu (*n.n.*, ironically, the object of the paper was even on intellectual property, and the author was even the artisan of the first general legal framework on plagiarism in Romania), considered by part of the doctrine⁸ as a gross plagiarism, indisputable after the doctoral thesis of an illustrious French jurist (*n.n.*, but remained at the stage of simple unfounded allegation, in the absence of any litigation on this subject), respectively the plagiarism process lost⁹ by playwright I.L. Caragiale in connection with the novella „Năpasta”, the latter being succeeded by the unproven accusations regarding the plagiarism of the novella „Kir lanulea”. Analysing the evolution of plagiarism cases in the last decade, suspected or demonstrated, both domestically and internationally, it is noticed that public attention has been constantly captured especially by plagiarism in the field of scientific research, more precisely by the subject of copying doctoral theses, being thus revealed, with the help of modern tools for detecting the degree of similarity, an impressive number of supposedly original works, but, in fact, transcribed more or less in „copy-paste” regime, belonging to important personalities, especially from the political world.

By reference to the hypotheses previously presented, this time recent cases of plagiarism have generated, besides the natural stigmatising effect on the person of the plagiarist, various consequences, both legal – attracting civil, administrative-disciplinary or, as the case may be, criminal liabilities as a result of non-compliance with plagiarism legislation or violation of intellectual property regulations, as well as non-legal, but equally important, such as the moral obligation to resign from an elective office, under the influence of voters' opprobrium (we mention, by way of example, the case of plagiarism belonging to Pal Schmitt, who resigned in 2012 from the office of President of the Republic of Hungary, following the withdrawal of his doctoral degree, or that of Karl-Theodor zu Guttenberg, a German politician who tendered his resignation as German Minister of Defense in 2011 for the same reasons).”

Only one conclusion can be drawn from these clarifications, namely that the temptation to reproduce texts, concepts, ideas and present them as one's own creation has existed since ancient times and will continue to exist. Regarding the large, almost double number of plagiarisms discovered in Romania, compared to the average number of plagiarisms discovered in the European Union states, I express my doubt about this aspect, and I embrace the opinion expressed by Professor Viorel Ros, PhD, which mentions that „France has long been the center of European culture and civilization and is the country to which Romania owes many models of laws, including in the field of intellectual property and which French authors claim are inspired by the scientific productions of others who are silenced. In France there has been a lot of creation and plagiarism and many French creators have been plagiarised. The state of affairs in France, in this matter, is very similar to that in Romania. The difference seems to be only quantitative: while France ranks second in academic honesty, according to Andre Cabanis, Romania ranks last. But we believe that we have more accusations than plagiarists, and France has more plagiarists than proven accusations.”

Certainly, the diversity, the phenomenal amount of data that can be accessed and the easy way of processing information on the Internet, lead to the retrieval and processing of data, texts, including through or with the help of AI. This ease, which did not exist in the past, leads to a greater temptation to plagiarise, by rephrasing, rearranging and saying in other words the ideas that have been said previously and on which you can build a material, on a chosen theme. I am not claiming that there are now more plagiarists, but only that access to information is unlimited, which did not exist in previous years, when viewing and reading could not be done online, on the Internet and creation was limited to handwriting on drafts, notes and typewriting (typing) did not include copy-paste option. Another temptation is virtual libraries and writings in all languages, which are now easily accessible through the „Google translate” tool and AI that has developed a lot in recent years. This powerful computer-assisted intelligence has the ability to build an essay in seconds, thus creating a temptation that is hard to contain, especially for younger generations. That is why intellectual work, originality of writings must be protected by law and copyright must be granted to those who have worked and made intellectual effort to reach a result, idea, concept, etc. and, equally, those who without right and without the author's consent have unjustly appropriated someone else's work and toil.

⁸ As an example, we indicate M.-C. Ghenghea, *Two cases of plagiarism in nineteenth-century Romania*, in M. Bălan, G. Leancă (coord.), *Legal culture, state and international relations in the modern era. Homage to Professor Corneliu-Gabriel Bădărău*, Univ. A.I.C. Publishing House, Iași, 2016, p. 146. In the same vein, A. Dobrescu, *The moralistic wolf: Const. N. Hamangiu*, in *Adevărul literar și artistic*, year XIV, no. 754, 08.02.2005, pp. 10 and 13.

⁹ V. Roș, *Plagiarism, plagiomania and deontology*, https://www.juridice.ro/essentials/475/plagiatul-plagiomania-si-deontologia#_ftnref18, last accessed on 04.04.2021.

3. Definitions. The seat of matter

As mentioned before, plagiarism has been talked about since ancient times, with an acceleration of this phenomenon in recent years, due to or because of the facility to access information.

The definition given by the legislator can be found in the provisions of Law no. 206/27.05.2004 on good conduct in scientific research, technological development and innovation, in art. 4 para (1) letter d), according to which „Plagiarism is the exposure in a written work or oral communication, including in electronic form, of texts, expressions, ideas, demonstrations, data, hypotheses, theories, results, or scientific methods extracted from written works, including in electronic form of other authors, without mentioning this and without reference to the original texts.”¹⁰

In the next paragraph, the same normative act also defines self-plagiarism¹¹ as „the exposure in a written work of or an oral communication, including in electronic format, of texts, expressions, demonstrations, data, hypotheses, theories, results or scientific methods extracted from written works, including in electronic format, of the same author or authors, without mentioning this and without referring to the original sources”.

The textual analysis of the provisions mentioned in Law no. 206/2004 reveals the essential features of plagiarism, as well as some peculiarities. Thus, the essential requirements necessary to be met, cumulatively, are:

- Exposition, in one's own work, of texts, expressions, ideas, demonstrations, data, hypotheses, theories, results or scientific methods, taken from the works of other authors;
- The texts should be retrieved without mentioning from which work they were taken, without clearly delimiting their own contribution to the work from the cited source;
- Another aspect refers to the fact that the retrieval of passages or texts from other works was done without specifying the original source, the name and surname of the author, the title of the work or book, the publishing house, the page according to the usage in the matter of citation;
- The act must be committed by a person who has the status of university professor or doctoral student, or a person who carries out research activities in the field of research and development.¹²

Concluding with the essential requirements, I will focus on the details of the above list, namely that in order to plagiarise it is not necessarily a written work, but it can also be an oral communication, including in electronic format, by which I mean that it can also be speeches, communications, presentations or conferences made on certain fields of activity, which can be found in video format in the online environment. The question I am thinking about now is this: if, from an artistic film, which can be considered a cinematographic masterpiece, is reproduced in an article, press release or scientific research material, a certain phrase or hypothesis, should it appear in the footnotes? In order to provide a concrete answer to this question, I will refer directly to the provisions of Law no. 8/1996, with subsequent additions and amendments, which in art. Art. 14 states that „reproduction within the meaning of this Law means the making, in whole or in part, of one or more copies of a work, directly or indirectly, temporarily or permanently, by any means and in any form, including the making of any sound or audiovisual recording of a work, as well as its permanent or temporary storage by electronic means” provision covering the cases in which quotations may be used, including in the case of cinematographic, musical and literary creations. For example, I will refer to the data found in jurisprudence, where it was decided that it is abusive to quote 13 lines of a poem that had 35 lines in total¹³, the use of an extract from a film lasting 17 minutes in a 58-minute broadcast¹⁴, or the use of 343 quotations in 86 consecutive pages of General de Gaulle's speeches, without the approval of the family, in a book dedicated to him and which has a total of 320¹⁵, or the reproduction in an article of the entire preface of a book.¹⁶

The idea of plagiarism is antithetical to the idea of originality, an essential condition in publishing doctoral theses or scientific research papers.

Even if the divine imprint has given us a DNA that is unique, yet the convenience or ease of taking already

¹⁰ Law no. 206/2004 on good conduct in scientific research, technological development and innovation.

¹¹ *Ibidem*.

¹² *Idem*, art. 1 para. (2) and (4). See also Law no. 319/2003, art. 6, art. 24, art. 26; Law no. 681/2011, art. 17 para. (5) letter e) and art. 20 para. (3).

¹³ CA Paris, 17.03.1970, RIDA, January 1971, no. 67.

¹⁴ Grand Court Paris, 14.09.1994, RIDA, April 1995, p. 407.

¹⁵ In this regard, C. Colombet, *op. cit.*, p. 173. The author illustrates his argument with considerations taken from a judgment delivered by the Paris Grand Court, in a lawsuit that pitted General De Gaulle's heirs against Andre Passeron, author of the book „De Gaulle 1958-1969”. The General Court held that the fact that the quotations are short is not sufficient for them to be regarded as lawful. The fact of having used 343 quotations and thus composing The first 86 pages of a 320-page book constitute an abuse of rights... their use demonstrates that we are before an anthology for which the consent of De Gaule's heirs is required.

¹⁶ V. Ros, *Right to citation*, in Revista Română de Dreptul Proprietății Intellectuale no. 3/2009, p. 5.

existing concepts, ideas or constructions is a common trait of a significant number of people, when it comes to making written materials, whether they are publications, manuscripts or scientific papers.

In this sense, referring to the originality and scientific value of the doctoral thesis, distinguished professor Viorel Ros, states in his work, *Doctorates in France*¹⁷, that „a clear distinction must be made between originality and the value of a doctoral thesis. And that's because copyright law protects intellectual creations that meet the condition of originality regardless of their value and even unfinished¹⁸. However, the title of doctor cannot be awarded on the basis of a work which satisfies the condition of originality but which lacks scientific value. And even more so he will not be able to grant copyright protection for his unfinished doctoral thesis. In other words, the lack of scientific value of the thesis represents, like plagiarism, an absolute reason for refusing to award the title of doctor to any aspirant, but the lack of value does not necessarily come from the lack of originality.

Originality (condition of protection of works by copyright having Henri Desbois¹⁹ as parent) is examined in terms of form of expression, personal imprint of the author and this has as synonyms individuality, fantasy. The opposite of originality is banality, which is characteristic of the common thing, it is the good made without creative input from the author and which does not constitute a counterfeit of a previous work. In order to be protected by copyright, a work may be original even if it is inspired by a pre-existing work or by a common idea, or in the case of doctoral theses (scientific works in general), Taking on another's idea is tantamount to plagiarism, although copyright law (French as well as Romanian) excludes from protection ideas, which, according to French doctrine (and with which we agree) are free to follow, are available to everyone. The ideas are according to a statement by Henri Desbois, whom no one contradicted „par essence et par destination (...) de libre parcours”.

As far as the seat of matter is concerned, it finds its regulation in Law no. 206/2004 on good conduct in scientific research, technological development and innovation, Law no. 319/2003 on the status of research and development personnel, GD no. 681/2011 on the approval of the Code of doctoral studies, amended and supplemented by GD no. 134/2016, Law no. 1/2011 on national education, with subsequent completions and amendments, Law no. 8/1996 on copyright and related rights, with subsequent completions and amendments, GO no. 57/16.08.2002 on scientific research and technological development, Law no. 64/1991 on patents, Regulation (EC) no. 129/1992 on design protection.

4. What does the obligation to capitalise on a scientific paper mean

Before discussing what the obligation to capitalise on the results obtained from a scientific research activity means, I would like to specify the rights that the author of a work has in relation to his work, rights that are protected by the law on copyright and related rights.

In accordance with the provisions of art. 10 of Law no. 8/1996 on copyright and related rights, the author of a work has the following moral rights:

- the right to decide whether, how and when the work is to be made public;
- the right to claim recognition of authorship of the work;
- the right to decide under what name the work will be made public;
- the right to demand respect for the integrity of the work and to oppose any alteration, as well as any damage to the work, if it damages its honour or reputation;
- the right to withdraw the work, compensating, where appropriate, the holders of rights of use, damaged by the exercise of the withdrawal.

Regarding the obligation to capitalise on the results of scientific research, this can be materialised through an article, essay, doctoral thesis that is published in writing, at a publishing house or in the online environment. Without making known the result of the research, it cannot be taken into account by other researchers, which is contrary to ethics and morals in scientific research.

An enumeration of instruments for evaluating the results of scientific research is carried out by:

- number and value of research grants/contracts won through national and/or international competition, completed or ongoing;

¹⁷ V. Roş, C.R. Romiţan, A. Livădariu, *Doctorates in France. Plagiarism and self-plagiarism in French universities*, op. cit., loc. cit.

¹⁸ Art. L112-2 of the French Intellectual Property Code provides that „The work is considered to have been created, independently of any public disclosure, by the mere fact of the realisation, even if unfinished, of the author's conception". Art. 1 para. (2) of the Romanian Copyright Law (no. 8/1996) provides, similarly, that „(2) The work of intellectual creation shall be recognized and protected, independently of public disclosure, by the mere fact of its realisation, even in unfinished form”.

¹⁹ Henri Desbois (1902-1985) was a professor at the Pantheon-Assas University of Law, Economics and Social Sciences. The prestige enjoyed by this author and his works around the world is immense. An intellectual property research institute integrated into the University of Paris II bears his name. However, subsequent studies have shown that the notion of originality was used in jurisprudence as early as the nineteenth century.

- articles „*in extenso*”, published in specialised journals with impact factor, indexed by ISI (Institute of Scientific Information), or in other journals indexed in international databases (ISI, Medline, Embase, Scopus, etc.), or in specialised journals indexed in databases recognized by CNCSIS (B or B +);
- books, treatises, monographs with scientific content, published in the country in publishing houses recognized by CNCSIS or in prestigious international publishing houses;
- scientific communications at international or national level, published as abstract in specialised journals with impact factor, indexed by ISI, or in specialised journals indexed in other international or national databases (CNCSIS B or B +);
- completed doctoral theses;
- patents or other products with intellectual property rights;
- awards obtained at national or international level for published or communicated research results;
- final research reports submitted to the Department of Grants and Scientific Research and posted on the web.

The results of the research belong to the contractors, unless otherwise specified by contract, according to the legal provisions.²⁰

According to GO no. 57/16.08.2002 on scientific research and technological development, in Chapter VII Results of research and development activities, in art. 74 para. (1) states:

For the purposes of this ordinance, the results of research and development activities obtained on the basis of a contract financed from public funds, hereinafter referred to as research results, shall mean:

- documentation, studies, works, plans, schemes and the like;
- patent rights, licenses, certificates of registration of industrial designs and the like;
- technologies, processes, computer products, recipes, formulas, methods and the like;
- physical objects and products made within the framework of the performance of the respective contract.

(2) Acquisitions made in order to execute the provisions of a research contract shall not be part of the research results, except for acquisitions that are included in one of the research results included in the categories provided for in para. (1).

(3) The executing legal person shall be considered the legal person that obtained any of the results of the research provided for in para. (1), directly and indirectly.

Also, capitalising on research results leads to final results. They must be harnessed. Valorisation represents the action, but also the attitude by which new discoveries are imposed, through which they are introduced into the circuit of scientific knowledge, in scientific language, in theory and practice.

Any scientific research activity must lead to some conclusions. They will represent, in a synthetic, concise manner, the scientific results obtained. From these conclusions, future scientific theories will be built or practical action projects in the respective field can be carried out.

The data resulting from scientific research will have to be disseminated, brought to the attention of specialists in the respective field. They will be made known to the scientific media through scientific communications, through articles or monographs published on the topic of the respective research, through public conferences.²¹

5. Plagiarism. Self-plagiarism. Sanctions that can be applied

Taking into account the rumour caused by the confirmation of plagiarism of a work, which, depending on the notoriety or public function of the author, causes a wave of news, being intensely publicised and which remains for a long time imprinted in the collective memory. Since ancient times paginate attracts public opprobrium as plagiarists are taken to court and condemned as thieves and shamefully banished from the fortress.²²

Nowadays, plagiarism is sanctioned by the provisions of art. 2¹ of Law no. 206/27.05.2004 on good conduct

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https://www.google.com/search?q=Obliga%C8%9Bia+de+valorificare+a+rezultatelor+ob%C8%9Binate+%C3%AEn+cursul+cercet%C4%83rii+%C8%99tiin%C8%9Bifice.&dq=Obliga%C8%9Bia+de+valorificare+a+rezultatelor+ob%C8%9Binate+%C3%AEn+cursul+cercet%C4%83rii+%C8%99tiin%C8%9Bifice.&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCjI5NjUwajBqMTWoAgCwAgA&sourceid=chrome&ie=UTF-8#vhid=zephyrhttps://umfcd.ro/wp-content/uploads/2018/10/regulament_cercetare_2012.docx&vssid=collectionitem-web-desktophttps://umfcd.ro/wp-content/uploads/2018/10/regulament_cercetare_2012.docx&ip=1-, last accessed on 29.01.2024.

²¹ <https://www.upet.ro/cercetare/doc/ETICA%20IN%20CERCETARE.pdf>, last accessed on 29.01.2024.

²² Essay - „the right to citation”, author prof. dr. V. Roş, who in turn quotes C. Hamangiu, op. cit., no. 47, with reference to Aristophan, a great comedian of antiquity who succeeded in a public contest in exposing poets who recited verses not written by them, aspects that emerge from the work of Marcus Vitruvius Pollio in his work „De architectura”.

in scientific research, technological development and innovation, which contains deviations from the rules of good conduct in scientific research.²³

Also, in art. 4 para. (2) of the same normative act provides for other deviations, which can be found in art. 310 of Law no. 1/2011 – National Education Law. Also, in art. 4 para. (2) of the same normative act provides for other deviations, which can be found in art. 310²⁴ of Law no. 1/2011 – National Education Law.

In order to coordinate and monitor the application of the rules of moral and professional conduct in research and development activities, the National Council for Ethics of Scientific Research, Technological Development and Innovation is established, hereinafter referred to as the National Ethics Council, an advisory body, without legal personality, to the state authority for research and development²⁵. The composition, duties and mode of operation is set out in Chapter II of Law no. 206/2004, art. 5 *et seq.*

Last but not least, deviations from the rules of good conduct in scientific research activity can be applied by the management of the unit or institution coordinating the activity of the research and development staff, one or more of the following sanctions²⁶:

- written warning;
- withdrawal and/or correction of all published works in violation of the rules of good conduct;
- reduction of the basic salary, cumulated, when applicable, with the management, guidance and control allowance;
- suspension, for a determined period of time between 1 year and 10 years, of the right to register for a competition for a higher position or a position of management, guidance and control or as a member of competition committees;
- dismissal from the management position in the research and development institution;
- disciplinary termination of the employment contract;

6. The position of specialists in deontology and intellectual property law. Unanimous opinion

Taking into account that scientific research activity is a creative process, the publication of an article, of a doctoral thesis, must also meet the character of originality and the value of the study or conclusion must bring its own vision or an element of novelty in the field in which the scientific work was elaborated. To what extent the right of summons extends and from where this right begins to erode the intellectual toil of the author and turn into plagiarism, this is a topic about which countless lines will be written, the competence resting with those entitled to rule in such cases.

The opinion of specialists on the subject of plagiarism is direct, radical and leaves no room for interpretation, describing in the most severe terms the action of plagiarism (plagiarism is not only an ugly disease, but it has also become a political weapon, a weapon to eliminate those unpleasant to power or services (themselves over the powers of the state that have shamefully allowed themselves to be brought to their knees) even in his absence (accusation is enough to put him at the pillar of infamy, no need for evidence) an anti-plagiarism law is now needed. A law to heal us from this shameful plague. A law to make things right²⁷). From the enunciated text there can be no doubt about the feeling caused by this reproduction or retrieval of texts without the consent of the rightful authors.

²³ (1) Deviations from the rules of good conduct provided for in art. 2 lit. a), insofar as they do not constitute criminal offences under criminal law, include: a) the production of results or data and their presentation as experimental data, as data obtained by numerical calculations or simulations on the computer, or as data or results obtained by deductive analytical calculations; b) falsification of experimental data, data obtained by numerical calculations or simulations on the computer, or data or results obtained by analytical calculations or deductive reasoning; c) deliberately hindering, preventing or sabotaging the research and development activity of other persons, including by unjustifiably blocking access to research and development spaces, by damage, destruction or manipulation of experimental equipment, equipment, documents, computer programs, electronic data, organic or inorganic substances or living matter necessary for other persons to carry out, carry out or complete research and development activities. Para. (2) Deviations from the rules of good conduct provided for in art. 2 letter b), insofar as they do not constitute crimes under criminal law, include: a) plagiarism; b) self-plagiarism; c) inclusion in the list of authors of a scientific publication of one or more co-authors who did not contribute significantly to the publication or exclusion of co-authors who contributed significantly to the publication), inclusion in the list of authors of a scientific publication of a person without consent; e) unauthorised publication or dissemination by authors of unpublished results, hypotheses, theories or scientific methods; f) introducing false information in grant or funding applications, in application files for habilitation, for university teaching positions or for research and development positions, para. (3) and para. (4).

²⁴ Law no. 1/2011 with subsequent additions and amendments, art. 310. The following constitute serious deviations from good conduct in scientific research and academic activity: a) plagiarism of results or publications of other authors; b) fabricating results or replacing results with fictitious data; c) introducing false information in grant or funding applications.

²⁵ Art. 5 para. (1) of Law no. 206/2004.

²⁶ Art. 11¹ of Law no. 206/2004 introduced by GO no. 28/2011, published in the Official Gazette of Romania no. 628/02.09.2011.

²⁷ V. Roş, C. Romitan, *Some ideas about... ideas, hatred, blasphemy, plagiarism and education (or about the need for common sense and an anti-plagiarism law)*, essay.

7. Conclusions

Although in the study of literary works, scientific, artistic creations, one can, in some cases, resort to original texts, students or doctoral students often appropriating the opinion of those who have already deepened the chosen field for study and research, it is necessary for each student, researcher to assume their own position in relation to the chosen topic, to make, with originality and creative power, a study, report, article or scientific work that adds value to ideas and concepts already known.

Without looking for any guilt, I believe that the lack of originality is also induced in terms of the way in which the school curriculum is organised, where, from the earliest ages, we are encouraged to learn by heart, texts already written, stanzas or entire poems, comments of established critics, works of illustrious Romanian writers. Or as a student, all this development of memorization capacities, with emphasis on reproducing original texts as accurately as possible, leads, from my point of view, to a blurring of creative capacity, spontaneity and critical spirit, leading to the rank of absolute superlative literary creations studied or studied. Or, any personal opinion expressed with arguments or even vehemently in front of a teacher, and I am not referring here to idiotic opinions, but to pertinent ones, will be drastically sanctioned by the teacher through didactic methods more or less recommended in psychopedagogy.

Or this form of presentation, deeply imprinted in the collective subconscious, since school, has the effect of reducing the creative capacity and imagination of young people who can no longer have different approaches, because they will be marginalised by the collective. In other words, cultivating this way of machine learning leads to obedience, in the sense of alignment with what has been said previously and to inhibition of creative capacities, imagination, and free thinking.

Of course, I do not want to put in an unfavorable light the education system in Romania or the way and manner in which it takes place, but I just want to point out that, the lack of originality and the desire to read and be inspired before publishing an article or essay on a certain topic, I think it can be a psychological problem, implanted in our subconscious, in our education, from the earliest ages, from the moment we begin to unravel the mysteries of writing. Later, after we reach adulthood and become aware of this fact, we try to get creative again.

Last but not least, this method of reproducing texts, the so-called machine learning, could also be a consequence of the higher number of plagiarised works discovered in our country, compared to the average of plagiarism discovered in other European states.

Instead of conclusion, I prefer to ask a question: What would be the result of debating a poem, encouraging the personal opinions of pupils or students, and after they are exhausted, the opinion of art critics or other established authors regarding the poem and poet in question will also be presented?

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