

# THE USE OF BIBLIOGRAPHIC RESOURCES IN DOCTORAL THESES. THE RIGHT TO A CITATION WITH SPECIAL REFERENCE TO COURT RULINGS. THE USE OF INFORMATION PROVIDED BY AI TOOLS

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## Abstract

*Using bibliographic resources and quoting court judgements in academic works requires maximum attention to legal and ethical aspects, especially in the emergence of AI tools such as ChatGPT. This study analyses the challenges and recommendations regarding the correct integration of sources, observing specific citation rules (ISO, APA, or institutional guidelines) and copyright provisions. In the case of court judgements, the emphasis is on identifying the essential elements: ECLI code, file number, court, and date to ensure transparency and verifiability, but with the anonymisation of the identification data of the participants to ensure compliance with personal data.*

*Regarding ChatGPT, the dilemmas related to copyright over AI-generated content are examined, given their lack of legal personality. Information and data provided exclusively by algorithms do not benefit from copyright protection, as deduced from the lack of such a provision in copyright law. At the same time, the risks of plagiarism and the need to explicitly declare the use of AI in research are highlighted.*

*The paper highlights the importance of adapting academic and legal practices to technological developments, promoting a balance between innovation and legal compliance. Recommendations include updating quotation guidelines, awareness campaigns, and monitoring legislative frameworks in AI.*

**Keywords:** *bibliographic resources, quotation, copyright, ChatGPT, AI.*

## 1. Introduction. General considerations on the use of bibliographic resources

Scientific research through doctoral studies continues my legal professional activity up to this point. It constitutes an immense challenge, as it requires rigorous legal knowledge management at an academic level and a high-quality standard to achieve excellence in research. It is also an opportunity to prove to myself the experience I have gained and to capitalise on my practical expertise and knowledge in scientific work.

The appropriation of another's intellectual work is an ancient practice, as the phenomenon was well-known in antiquity. Many important authors were accused of violating the rights of others (in Athens, for example, even the Socratics were not spared such accusations). In some cases, such acts were punished more severely than today. In Alexandria, for instance, penalties were imposed similarly to those for thieves, including „banishment from the city“. Ancient authors frequently drew inspiration from their predecessors' works and appropriated the creations of others, often being publicly denounced, either orally or in writing – such as in Martial's famous epigrams. Terentius Afer, the author of *The Girl from Andros* and *The Eunuch*, was not only accused of plagiarism (a charge he refuted by echoing Ecclesiastes: „*There is nothing that has not been said before*“) but also became, across centuries, a victim himself of plagiarism by great French dramatists such as Molière (*Le Petit Larousse en couleurs*, p. 1708). However, some ancient authors responded to their accusers with irony – like Aelius Donatus, a Latin grammar scholar and the teacher of Jerome (the author of the Vulgate Bible), who famously declared: „*May all those perish who have written the same as us before us.*“<sup>1</sup>.

The printing press turned plagiarism into a lucrative profession. However, modern means of creation, fixation, reproduction, and dissemination of works have significantly multiplied the methods and techniques of illegally using others' intellectual labour. However, in analysing the originality of scientific work, a remarkable conclusion emerges from an article by a contemporary theologian, stating that *The only genuinely original Author's right belongs to God, as He is the only one who never repeats Himself in anything He creates.*<sup>2</sup>

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<sup>1</sup> J.-L. Hennig, *Apology for plagiarism*, Art Editorial Group, Bucharest, 2009, p. 5. Also see *Apologie de plagiat*, Paris, Editions Gallimard, 1997.

<sup>2</sup> G. Butuc, *Copyright, Reflections*, at: <https://doxologia.ro/dreptul-de-autor>, last consulted on 16.01.2025.

In recent years, there has been a rightful and increasing emphasis on professional ethics, which must be strictly observed alongside good faith in scientific research to ensure professional and academic responsibility.<sup>3</sup>

The Higher Education Law<sup>4</sup> in its current form, this law refers exclusively to university education, unlike the previous regulation, which encompassed both pre-university and university education) addresses several values, among which, in the context of our analysis, we highlight integrity, which entails the promotion of ethics in education and research<sup>5</sup>.

We note that ethics is the science that deals with the theoretical study of fundamental principles and concepts in any field of thought and practical activity<sup>6</sup>.

On the other hand, morality is defined as the entirety of rules governing human conduct<sup>7</sup>.

Although the two concepts are defined differently, both are related to the criteria a scientific work must meet, including originality and scientific character.

## 2. Special legislation regarding doctoral studies, ethics, and integrity in drafting documents related to scientific research

In analyzing the study, starting from the national legal framework for organizing doctoral studies is essential, particularly the Higher Education Law no. 199/2023. Even at the beginning of the law, reference is made to the vision of this normative act, specifically to integrity, through the provision of value benchmarks and the promotion of ethics in education and research, as well as professionalism, by maintaining high standards in the training of teaching staff and, implicitly, in the preparation provided to students, doctoral students, and trainees<sup>8</sup>. Starting from the definition of the university space provided by this law<sup>9</sup>, we observe that this space includes, therefore, platforms, even documents in electronic format or published on other platforms. This space is protected by the explicit mention in the law that it is inviolable, with access being regulated by the provisions of the law and the University Charter. We appreciate that this space grants copyright and protects, as a work, the course materials provided to students and master's students by the university and does not grant the right to reproduction without citing the source, namely, being taken from the university's website.

Considering university autonomy, universities have adopted provisions within their internal regulations regarding ethics and university deontology to avoid undesirable situations where their students may find themselves violating ethics in scientific research, including cases of plagiarism.

„Nicolae Titulescu” University has adopted the Code of Ethics and University Deontology<sup>10</sup> which includes the principles of moral and professional integrity and moral, social, and professional responsibility as its main ideas. The Charter defines plagiarism and self-plagiarism to highlight their importance.

It includes texts referring to doctoral students, postdoctoral researchers, or trainees regarding the ethical and deontological standards,<sup>11</sup> which state that they are obligated to:

- respect the copyright of others in the works they produce;
- respect the university community's general ethical and deontological standards.”

All these documents draw attention to the importance of respecting copyright, which includes both the citation method and the indication of the bibliography.

<sup>3</sup> O. Ungureanu, C. Munteanu, *Civil Law. Introduction*, 7<sup>th</sup> ed., Rosetti Publishing House, Bucharest, 2005, p. 35-36, *apud* A. Tabacu, *Ethics, integrity and rules of conduct in the university environment, Basic course*, Universul Juridic Publishing House, Bucharest, 2023, p. 5.

<sup>4</sup> Law on Higher Education no. 199/2023, published in the Official Gazette of Romania no. 614/05.07.2023, in force since 03.09.2023, and the consolidated version from 02.10.2024, includes modifications brought by the following acts: GEO no. 72/2023 approved by Law no. 427/2023; GEO no. 115/2023; Law no. 98/2024; GEO no. 95/2024; GEO no. 112/2024.

<sup>5</sup> The Law on Higher Education no. 199/2023, art. 2 letters c), e).

<sup>6</sup> I. Coteanu, L. Seche, M. Seche (coord.), *The Explanatory Dictionary of the Romanian Language DEX*, Univers Enciclopedic Publishing House, Bucharest, 2009, p. 363, *apud* A. Tabacu, *op. cit.*, pp. 6.

<sup>7</sup> O. Ungureanu, C. Munteanu, C., *Civil Law, General Part, in the Regulation of the New Civil Code*, Universul Juridic Publishing House, Bucharest, 2013, p. 56.

<sup>8</sup> Law on Higher Education no. 199/2023, art. 2 letters c), e).

<sup>9</sup> Law on Higher Education no. 199/2023, art. 13 para. (1): The university space, including the online environment, consists of platforms or groups for teaching, extracurricular activities, and research organised within the higher education institution.

<sup>10</sup> „Nicolae Titulescu” University of Bucharest, *Code of Ethics and Professional Deontology for Universities*, available at <https://www.univnt.ro/index.php/comisia-de-etica/>, last consulted on 22.12.2024.

<sup>11</sup> *Idem*, art. 16.

In analyzing international documents related to the subject, we believe that a vital document is the *European Charter for Researchers*<sup>12</sup> where „the responsibility of the researcher towards society” is emphasized<sup>13</sup>.

One of the principles of this international document refers to the responsibility of the researcher, stating that: „*Researchers will make every effort to ensure that their research is useful to society and will not copy previously conducted research.*”

The conclusions of the Council of Europe on research integrity<sup>14</sup> It should be considered from December 1, 2015, as they state that the researcher's responsibility for research integrity lies. However, we believe that the document refers to the opportunity to establish institutional norms and standards set by academic centres through institutional procedures and best practices to prevent fraud in research works.

Respecting good conduct in scientific research is also a matter of morality. According to art. 1 of Law no. 206/2004, good conduct in scientific research activities is based on a set of ethical norms,<sup>15</sup> In other words, it is about rules universally accepted by the academic community, which are grounded in moral standards for coexistence and professional development.

### 3. The development of the topic regarding the use of bibliographic resources

We will attempt a theoretical analysis by identifying the essential rules for citation and identifying sources of inspiration, ensuring the integrity of the research outcome by respecting the rights of authors from whom the information is taken. In other words, how do we cite and use bibliographic resources?

**Integrity** means the quality of being or remaining intact, whole, honest, and probity<sup>16</sup>.

Taking a text or an idea without indicating the author is called plagiarism.

In this study, we aim to find answers to the following questions: How do we cite and use bibliographic sources without committing plagiarism?

The very notion of **citation** is defined as „*to reproduce exactly what someone has said or written; to give a quote*”<sup>17</sup>.

A citation is a reference to an information source. More precisely, it is a correct and honest acknowledgement that information communicated by another author or author is being used.

To avoid plagiarism, it is important to know the citation rules. „*Citations should be as brief as possible, in the form of a fragment from the idea being borrowed*”<sup>18</sup>, the borrowed text must be placed within quotation marks. Even so, the information must be taken carefully, and identical word-for-word copying of the text should be avoided.

Before outlining a few minimal citation rules, which are recommended to avoid plagiarism, we mention the opinion of Professor Viorel Roş, who summarized an essential rule in this field, stating that: „*In the case of scientific works, ethics in scientific research obliges author-researchers to exhibit loyal and fair behavior toward their peers, to whom they must acknowledge the authorship and/or priority over ideas, theories, data, hypotheses, methods, and thus authorship over what Law no. 8/1996 on copyright and related rights excludes from protection.*”<sup>19</sup>.

How citations are made and bibliographies are compiled follows the rules imposed by the academic environment, which can differ depending on the writing style, university, or publication for which one is writing. It is impossible to present these rules here fully.

Because clear citation rules exist, this essay cannot introduce original ideas. It is challenging to fully explain citation rules without the risk of plagiarism. In other words, since these rules are already established, they cannot be replaced with personal ideas.

<sup>12</sup> Commission Européenne, *Charte européenne du chercheur*, available at [https://www.frs-fnrs.be/docs/Charte\\_europeenne\\_du\\_chercheur.pdf](https://www.frs-fnrs.be/docs/Charte_europeenne_du_chercheur.pdf), last consulted on 02.12.2024.

<sup>13</sup> E.E. Ştefan, *Ethics and Academic Integrity*, 3<sup>rd</sup> ed., Pro Universitaria Publishing House, Bucharest, 2023, p. 394.

<sup>14</sup> Source: <https://data.consiliu.europa.eu/doc/document/ST-14853-2015-INIT/en/pdf>, last consulted on 02.12.2024.

<sup>15</sup> Law no. 206/2004 on good conduct in scientific research, technological development and innovation, published in the Official Gazette of Romania no. 505/04.06.2024, with subsequent amendments and completions.

<sup>16</sup> DEX online, available at <https://dexonline.ro/definitie/integritate>, last consulted on 22.12.2024.

<sup>17</sup> *Ibidem*.

<sup>18</sup> V. Roş, *The Right to Cite*, in RRDPI no. 3/2009, pp. 19-20, *apud* A. Tabacu, *Ethics. Integrity and Rules of Conduct in the University Environment, Basic Course*, Universul Juridic Publishing House, Bucharest, 2023, p. 67.

<sup>19</sup> V. Roş, A. Livădăriu, *The Condition of Originality in Scientific Works*, in RRDPI no. 2/2014, p. 11, *apud* E.E. Ştefan, *op. cit.*, p. 351.

Despite this concern, we will present the main rules related to the topic being analysed.

Scientific documentation is crucial in a research paper. Without scientific documentation, if the work only contains personal opinions, it may be original and not plagiarised, but there is a risk that it will lack scientific value.

The sources from which ideas are taken are indicated in the footnotes of each page. The footnotes are numbered starting from 1 until the paper's end.

When borrowing an idea, it is important to know the rules for preparing footnotes, specifically the initial of the first name and the full name of the author, the title of the work, edition, volume, place of publication, publisher, year of the edition, and page(s).

A footnote should be formatted as:

Initial of first name, last name, title of the book, place of publication, publisher, year of publication, p. (if the reference concerns multiple pages, pp. is used).

When the same reference is used again, the footnote should be cited as follows: the author's last name, op. cit., p.

For citation from a journal, the initial of the first name, the full name of the author, the title of the work, the name of the journal, the article's page range, the issue number, the year of publication, and the page from which the idea is taken should be noted.

For the author, include the first name initial, last name, and the title of the article/chapter in quotation marks. The title of the publication should be written in italic bold, followed by the page numbers, issue number/year, and the page being referenced.

An example of a citation could be: A. Fuerea, „Decision no. 2019/1023 on the restructuring of companies in insolvency”, in *European Journal of Insolvency*, pp. 12-15, no. 1/2024, p. 13.

When citing legislation, it is important to include the issuing authority, the act's name, the number, and the date of issuance, with the mention of publication in the Official Gazette (no. and date). We also suggest including the source of the legislative act, whether it is from the internet or a legislative program used.

The Romanian Academy provides some footnote rules in the *Revista de Filosofie*, and we present them below:

- „The footnote should be inserted immediately after the sentence period if the reference concerns the content of an entire sentence. We note that the author's name and the year of the work from which the citation is taken should not be written in the text, even in parentheses. These should be in the footnote, although the Word software, when inserting a bibliography reference, notes the initial of the author and the year after the text where the citation is inserted;
- Notes referring to quotes should be placed immediately after the closing quotation marks;
- If the citation contains more than 50 words, it should be highlighted by indenting, spacing above and below, and using a smaller font size without quotation marks. The footnote should be inserted immediately after the final period;
- Any modification within a quote (addition, omission, comment) must be noted using square brackets<sup>20</sup>, as in the following example: ‘to these questions (...) the juvenile delinquent does not have developed analytical, comprehension, observational, and critical skills necessary to understand the situation that has arisen’;
- We add a few more rules regarding the notation of footnotes for citation:
  - If the cited work has an editor (coordinator), their name (or names) will be indicated, followed by the word „(coord.)”.
  - If multiple works by the same author (or the same authors) are cited, they will be listed in the bibliography in chronological order, starting with the oldest. If multiple works by the same author (or authors) were published in the same year, the year of publication would be followed by a letter symbol („a”, „b”, „c”, etc.) based on the order in which the respective works are cited in the text.
  - The first letter of the cited work's title is always capitalized.<sup>21</sup>
  - Book titles are written in italic format.

<sup>20</sup> Romanian Academy, „Citation Style (Examples)”, in *Philosophy Magazine*, available at <https://www.institutuldefilosofie.ro/files/downloads/Revista%20de%20filosofie/Revista%20de%20filosofie%20-%20stil%20de%20citare.pdf>, last consulted on 15.01.2025.

<sup>21</sup> Online marketing magazine, Guide for compiling a bibliography, available at <https://rmko.ro/biblio.html>, last consulted on 15.01.2024.

It is observed that, in the practice of drafting academic papers, a series of abbreviations are commonly used, and we indicate the most frequently used ones:

- *op. cit.* is used when citing a work by an author for the second time. The first footnote should include the author's name and surname, the title of the work, the edition, the year, and the publisher. For subsequent references to the same work, the abbreviation *opus citatus* (cited work), shortened as *op. cit.*, is used.
- *ibidem* is used when making successive references to the same author and work. If the reference is to a note on a different page, the page number should be added after *ibidem*. *Ibidem* is no longer valid if another note is inserted between the first and subsequent references.
- *idem* is used when an author has multiple works. This term avoids repeating the author's name, followed by only the titles of the works or articles.
- *apud* (at) is used when a citation in the text comes from a work or text that is not directly quoted but is taken from another source, which must also be mentioned in the footnote.<sup>22</sup>

Even when citing, one should use as many of their own words as possible rather than those of the source. To clearly distinguish between borrowed ideas and original contributions within a paper, in addition to strictly noting the sources of the text, supplementary indications are necessary:

- writing the quoted text in quotation marks,
- underlining the text,
- formatting the text differently,
- paying attention to paraphrasing a text<sup>23</sup>: When paraphrasing an author (*i.e.*, rewording what, for example, Prof. Boroi or Prof. Georgescu says), it should be noted as a footnote, which may take the following form: (See ..... followed by the author's name and the work's details as outlined above).

Regarding the citation of internet sources, they are also considered sources of inspiration and should be recorded as follows:

- author's last name, first name;
- title of the document, the name of the work from which it may have been extracted, and the document's date;
- reference to the identifying details of the webpage (*e.g.*, „http” or „ftp”);
- the date the webpage was accessed.

There are several recognised formats for preparing and citing sources, depending on the research subject<sup>24</sup>, which can be used:

- „APA (American Psychological Association) – for psychology, education, social sciences;
- MLA (Modern Language Association of America) – for literature, art, and humanities;
- Chicago (The Chicago Manual of Style) – for books, journals, newspapers aimed at the general public;
- AMA (American Medical Association Manual of Style) – for medicine and biological sciences.”

The bibliography is a crucial tool in any academic or research work. In other words, when writing an article or a doctoral thesis, it is almost impossible that no one from anywhere on this Earth has had a similar idea or has not discussed the theme at hand. This could mean that there is insufficient scientific documentation regarding the subject of the work. Most often, an author or multiple authors have had an idea about the subject. What must be respected is the right to indicate loyally where the source was taken from.

We will try to outline some basic ideas regarding the use of the bibliography:

- The bibliography should be placed on a new page at the end of the work. All sources cited in the paper must be included in the bibliography;
- Unlike footnotes, the bibliography should start with the author's name, not the initial of their first name. A created example: Lazăr I., *Tratat privind concurența în Uniunea Europeană*, Hamangiu Publishing House, Bucharest, 2016. We must again mention that in Word when using the command for creating the bibliography according to references in the text, it starts with the initial of the first name and then the author's surname, even though it was correctly noted when writing each reference;
- The bibliography's structure should be organised alphabetically by the author's name, including web

<sup>22</sup> Romanian Academy, „Citation Style (Examples)”, *op. cit.*, *loc. cit.*

<sup>23</sup> E.E. Ștefan, *op. cit.*, p. 352.

<sup>24</sup> I. Dumitrache, H. Iovu, *Manual of Scientific Authoring*, Bucharest, Ed. Politehnica, 2011, p. 39, available at <http://www.ecs-univ.ro/UserFiles/File/Manual%20de%20autorat%20stiintific%2026.09.2011.pdf>, last consulted on 15.01.2025.

sources.

#### **4. Citing court rulings. Arguments why this category of judicial acts is not protected by copyright.**

The solution provided by the law regarding this issue can be found in art. 9 letter b) of Law no. 8/1996 on copyright and related rights<sup>25</sup>. According to this, „judicial official texts cannot benefit from the legal protection of copyright.”

The legal text refers to the fact that the role of a judge is to interpret and apply the law to resolve disputes or accusations brought against a natural or legal person. Judicial decisions result from a judicial process that does not involve the effort to create scientific works.

The judge does not express opinions or ideas with the purpose of the act issued by them becoming a work but applies national or international legal provisions related to the case they are resolving.

In contrast, copyright protection applies to certain types of works, such as literary, artistic, or scientific works, which are authors' original creations.

In Romania, judicial decisions do not benefit from protection under copyright legislation. These are considered official documents through which judicial authority is exercised, and legal provisions, both national and international, are applied in cases before the courts of Romania. It is important to note that in Romania, according to the principles in the Constitution (art. 11, 20, and 148), the jurisprudence of the ECtHR and CJEU is applied directly and with priority, so it is clear that no distinction can be made about domestic jurisprudence from the analyzed perspective.

Furthermore, we note that in addition to being official documents, judicial decisions are also public documents (with some exceptions related to publicity, such as those concerning adoption procedures and other matters concerning private life and special protection measures for minors, but even in such cases, the exception to copyright protection applies, conditioned by personal data protection).

Therefore, judicial decisions are generally public. They are available to the public per the principles of transparency and free access to public interest information. Anyone who creates an account with a username and password on the public website (Rejust.ro) can access it. However, this principle must be correlated with the principle established by national and European legislation concerning personal data protection.

For the protection of individuals concerning the processing of personal data and the free movement of such data, derived from Regulation (EU) 2016/679 (GDPR) on the protection of individuals concerning the processing of personal data and the free movement of such data (the Regulation repealed Directive 95/46/EC)<sup>26</sup>. Decisions are anonymised by removing the parties' names and surnames, the designation of the professional, or other identifying data of other individuals involved in the judicial act.

According to the provisions of art. 34 para. (2) of Law no. 305/2022 on the Superior Council of Magistracy<sup>27</sup>, this institution has become the competent authority for overseeing the processing of personal data by judicial courts in the exercise of their judicial duties, as per art. 55 para. (3) of Regulation (EU) 2016/679. The data published on the court portals is automatically retrieved from the court's ECRIS database. Individuals who do not wish for their cases to be made public on the court portal must address the court handling the case, as this court has the option of confidentiality regarding the data entered in the ECRIS application by removing the name from the court portal.

We emphasize that confidentiality and personal data protection rules must be followed when judicial decisions are copied and used. Sensitive information found in judicial decisions, such as the names of the parties involved or private details, should be anonymized to protect the identity and privacy of the individuals concerned.

Extracting data, information, and considerations from judicial decisions is strictly necessary for legal work. It allows for appropriate doctrinal analysis from the perspective of legal interpretation and helps ensure consistent judicial practice.

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<sup>25</sup> Law no. 8/1996, regarding copyright and related rights, with subsequent amendments and completions, published in the Official Gazette of Romania no. 489/14.06.2018.

<sup>26</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27.04.2016, on the protection of natural persons about the processing of personal data and the free movement of such data, and repealing Directive 95/46/EC, available at <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32016R0679>, last consulted on 20.01.2025.

<sup>27</sup> Law no. 305/2022, regarding the Superior Council of Magistracy, published in the Official Gazette of Romania no. 1105/16.11.2022.

**Published Decisions:** If the decision is published in a jurisprudence collection or a legal journal, the journal or collection in which it is published should be added.

For example, the citation of a fictitious judicial decision could be: «Curtea de Apel Alba Iulia, Decision no. 1243/2022, summarized in the Jurisprudence Bulletin of the Alba-Iulia Court of Appeal for 2023, coordinated by the + team of authors (at least six should be mentioned, with „*et al.*”), edited by, pp. 11-15.»

## 5. The method of citing national jurisprudence and the CJEU is based on ECLI (European Case-law Identifier)

Regarding the representation of EU case-law, the Council of the European Union has developed a European Case-law Identifier (ECLI)<sup>28</sup>, concerning access to legal information published through national, European, and global legal information systems, as well as facilitating the exchange of such information and their interconnection<sup>29</sup>. This ECLI identifier aims to define a minimum set of uniform data for case-law across the Union.

„The ECLI code includes, in addition to the prefix 'ECLI', four mandatory elements:

- the code corresponding to the member state to which the court belongs or to the European Union in the case of its courts;
- the abbreviation corresponding to the court that issued the decision;
- the year of the decision;
- a serial number of a maximum of 25 characters that uses both letters of the alphabet and digits from a numerical system presented according to a format established by each member state or the respective supranational court. The serial number cannot include any punctuation marks except for a period ('.') and a colon (':'), the latter separating the parts of an ECLI.”

As a result of the Council's recommendation, the CJEU assigned an ECLI to all decisions issued by the Union's courts starting in 1954.

Example: *Case Commission v. Portugal - (C-530/07) received the identifier as follows: 'EU:C:2009:292', which is composed of:*

- „‘EU’ indicates that the decision was issued by a court from a European Union member state (if the decision was issued by a national court, the code corresponding to the member state it belongs to would be used instead);
- ‘C’ indicates that this decision was issued by the Court (if the decision were issued by the Tribunal or by the Civil Service Tribunal, the mentions would be ‘T’ or ‘F’, respectively);
- ‘2009’ indicates that the decision was issued in the year 2009;
- ‘292’ indicates that this is the 292nd ECLI assigned in that year.”

In Romania, the ECLI code consists of the following elements<sup>30</sup>:

- „Country code ‘RO’;
- Jurisdiction code – the list of codes for each court can be accessed via a reference link;
- The year of the judicial decision;
- A serial number consisting of the internal number of the corresponding electronic register from the ECRIS system (specific to the court) and the number of the judicial decision as assigned in the register of judicial decisions.”

In the same source website, an example of the ECLI code assigned to a judgment from Sector 2 Bucharest is provided:

„The ECLI code assigned to a decision of the Sector 2 Bucharest Court of First Instance (Judecătoria Sectorului 2 București) could be as follows: ECLI:RO:JDS2B:2020:001.001243, where "JDS2B" refers to the

<sup>28</sup> European Union, EUR-Lex, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A52017XG1222%2802%29>, last consulted on 13.01.2025.

<sup>29</sup> Art. 3 of the Council of the European Union's Conclusions, 06.11.2017, regarding the European Legislation Identifier (2017/C 441/05), available at <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A52017XG1222%2802%29>, last consulted on 19.01.2025.

<sup>30</sup> E=Justice Europe, Identifiant european de la jurisprudence (ECLI) Roumanie, available at [https://e-justice.europa.eu/175/FR/european\\_case\\_law\\_identifier\\_ecli?ROMANIA&member=1](https://e-justice.europa.eu/175/FR/european_case_law_identifier_ecli?ROMANIA&member=1), last consulted on 13.01.2025.

jurisdiction code, "2020" is the year the decision was pronounced, "001" is the internal number of the electronic register corresponding to the ECRIS system, and "001243" is the decision number".

The dimensions of the data identifying the case should be in the form of:

A.A.A.S. (former A.V.A.S.) vs ITP Bank, followed by the bolded letters code: **Cod ECLI**: RO: TBBUC: 2024:012.\_\_\_\_\_ and the file name under the code.

In scientific papers, the method of citing CJUE decisions should be<sup>31</sup>:

- The ruling's first citation should provide complete reference details, „including the case name, the case registration number, and the ECLI.”
- In subsequent references to the decision, only the case name and ECLI should be mentioned.

For decisions published online, the website and consultation date must be indicated. This aspect should be mentioned for unpublished decisions by indicating the ECLI code. If the names or designations of the parties are published (as is the case with the practice of European courts, the ECHR, and the CJEU), these can be cited.

Here is an example of how the CJEU refers to its case-law<sup>32</sup>:

„ (...) nor should they be regulated in such a way as to make the exercise of the rights conferred by the legal order of the Union practically impossible or excessively difficult (the principle of effectiveness) (see, in this regard, Judgment of July 16 2020, CaixaBank and Banco Bilbao Vizcaya Argentaria, C-224/19 and C-259/19, EU:C:2020:578, paragraph 83, as well as the case-law cited).”

## 6. Ethics in AI. The information communicated by Chat GPT and legal regulation

The comparison seems equal if we analyse the benefits of using AI alongside its disadvantages. Thus, using AI is a challenge, as we can use it while verifying the information received and simultaneously maintaining respect for the information source by indicating that the information comes from an AI source and the webpage to which AI refers.

It is worth noting that the EU wants to use AI for development, progress, and science and encourages using this innovative technology.

Recently, the EU Regulation no. 1689/2024 was adopted<sup>33</sup> which establishes the legal framework for the development, market introduction, deployment, and use of AI (AI) systems within the Union while ensuring a high level of protection for health, safety, and the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union.

The Regulation states that „AI contributes to a wide range of economic, environmental, and societal benefits, but it could generate risks and cause harm to public interests and fundamental rights protected by Union law”. Such harm could be material or moral, arising from the use of information provided by AI.

One of the AI models is Chat GPT, created by Open AI, which can generate texts and answer questions posed to it. The questions are written down, and the answers are provided in the same way, in writing. This type of intelligence holds vast information and is helpful to those who use it, as it provides rapid information.

As long as the source of the data provided by Chat GPT is not indicated, the user should verify the information received before distributing it publicly or ensure that it is not the only source of information.

<sup>31</sup> EuRoQuod, *Noul mod de citare a jurisprudenței la Curtea de Justiție a Uniunii Europene pe baza ECLI (identificator european de jurisprudență)*, available at [http://www.euroquod.ro/dokuwiki/doku.php?id=citare\\_hot\\_cjue](http://www.euroquod.ro/dokuwiki/doku.php?id=citare_hot_cjue), last consulted on 12.02.2025.

<sup>32</sup> Judgment of the Court (First Chamber) of June 10, 2021, *VB and others v. BNP Paribas Personal Finance SA and AV and others v. BNP Paribas Personal Finance SA and Procureur de la République*. Requests for a preliminary ruling by the Tribunal de grande instance de Paris. Preliminary reference – Consumer protection – Directive 93/13/EEC – Unfair terms in contracts concluded with consumers – Mortgage loan agreements denominated in foreign currency (Swiss franc) – Limitation – Article 4(2) – Main object of the contract – Clauses exposing the borrower to foreign exchange risk – Requirements of intelligibility and transparency – Burden of proof – Article 3(1) – Significant imbalance – Article 5 – Clear and intelligible drafting of a contractual clause – Principle of effectiveness. Joined cases C-776/19-C-782/19, ECLI identifier: ECLI:EU:C:2021:470, available at <https://eur-lex.europa.eu/legal-content/ro/TXT/?uri=CELEX:62019CJ0776>, last consulted on 15.01.2025.

<sup>33</sup> Regulation no. 1689/2024 establishing harmonised rules on artificial intelligence and amending Regulations (EC) no. 300/2008, (EU) no. 167/2013, (EU) no. 168/2013, (EU) 2018/858, (EU) 2018/1139, and (EU) 2019/2144, as well as Directives 2014/90/EU, (EU) 2016/797, and (EU) 2020/1828 (Artificial Intelligence Regulation) (Text with relevance to the EEA), CELEX number: 32024R1689, entering into force on August 1, 2024, available at <https://lege5.ro/Gratuit/ge2tgnrxq2dm/regulamentum-nr-1689-2024-de-stabilire-a-unor-norme-harmonizate-privind-inteligenta-artificiala-modificarea-regulor-ce-nr-300-2008-eu-nr-167-2013-eu-nr-168-2013-ue-2018-858-ue-2018-1139-s>, last consulted on 15.01.2025.



We believe that only the technology behind this type of AI, which supports and provides the information, is protected by copyright. Open AI holds copyright only over the source code model and other technology-related aspects<sup>34</sup> (<https://chatromanaai.com/>,, fără an).

When asked if the information generated by Chat GPT can be used, the response was affirmative, but it is important to respect the terms and conditions set by Open AI. Typically, the generated information can be used for personal, educational, or research purposes.

The answers generated by the AI represent a variety of data, information, suggestions, or sometimes even informal conversations that can be used for personal interest, entertainment purposes, or curiosity, which may also extend to professional purposes.

I queried two AI models, Chat GPT created by OpenAI and Copilot created by Microsoft, to respond to the question: „Do I need to mention that I got the information from you in a paper?”

The goal was to determine whether the information provided by this AI model can be protected by copyright and should be respected as such.

The positions of the two types of AI, namely Chat GPT and Copilot, were similar on this question.

Copilot responded, „It is not mandatory to mention me in your paper, but it is always good practice to cite the sources of information you use. If the information I provide is based on external sources, it would be a good idea to mention those sources to respect copyright and to provide credibility to your work.”

Chat GPT responded, „It is recommended to mention the source of the information, especially if you are using it in an academic or professional paper. You can mention that the information comes from an AI model, such as ChatGPT by OpenAI. This helps maintain transparency and ensures proper citation standards.”

The conclusion that can be drawn regarding whether the information provided by Chat GPT, as an AI model, can be protected by copyright and whether such rights should be respected when the information is used or distributed for economic or public purposes is that this type of AI does not claim copyright or related rights over the information it provides, which is sometimes offered for free. However, it recommends mentioning that the information comes from an AI model, such as Chat GPT by OpenAI, to maintain transparency and ensure adherence to citation standards.

Using this type of intelligence is a step forward in obtaining information quickly and in technology; however, it is important to emphasise the necessity of adapting academic and legal practices to technological evolution, promoting a balance between innovation and compliance with legal provisions concerning copyright. Our recommendations would be the updating of citation guidelines, awareness campaigns, and monitoring of legislative frameworks in the field of AI.

## 7. National case-law concerning plagiarism due to the violation of citation obligations

In recent years, the courts have been presented with requests to annul doctoral titles or to suspend the procedure for declaring the verification of suspicions of plagiarism. However, the solutions have varied due to legislative changes regarding the legal limits of the checks.

We will provide an example in which plagiarism suspicions were raised as a result of the brief or non-existent nature of the bibliography and upon which the court was asked to issue a ruling:

The CA Bucharest, Section VIII Administrative and Fiscal Litigation, by civ. dec. no. 363/2017<sup>35</sup> noted that the decision regarding plagiarism was based on the „report regarding the suspicion of plagiarism concerning the doctoral thesis prepared by defendant V.P., titled ‘C.p. I.’, from which it was mentioned that ‘In the case of the work presented by Mr. V.P. as a doctoral thesis, the explanation for the brief or inaccurate nature of the bibliographic references is the violation of academic ethics standards, a fact also supported by the report prepared by the three experts designated by University X., who consider that the thesis written by Mr. V.P. is a blatant plagiarism’.”

The High Court of Cassation and Justice, the Administrative and Fiscal Section, highlighted an important aspect regarding the reference to terms that are not clearly defined, particularly in the phrase „in case of non-compliance with quality or professional ethics standards”. The essence of the case is that generalities cannot be

<sup>34</sup> ChatRomanaAI, available at <https://chatromanaai.com/>, last consulted on 12.01.2025.

<sup>35</sup> CA Bucharest, Dec. no. 363/2017, code RJ 58e779d7, available at <https://www.rejust.ro/juris/58e779d7>, last consulted on 12.01.2025.

applied in these cases temporally, as it would contradict the constitutional provisions of art. 1 para. (5), regarding the quality of the law and art. 15 para. (2), concerning non-retroactivity.

However, the court's primary motivation was that once the doctoral committee had issued its opinion, no other committee could invalidate its findings or issue its verdict. The court also noted that, just as the judiciary does not have the competence to rule on the scientific content of the doctoral thesis, the issuing authority does not have the competence to re-assess its scientific content.

This clarification reinforces the principle that academic evaluations are confined to the jurisdiction of the committee responsible at the time of awarding the title, and any subsequent review cannot revisit the scientific merits of the thesis.

The High Court explained, concerning art. 22 of GD no. 37/1999<sup>36</sup>, in force at that time, that from a semantic point of view, originality refers to the quality of being original, meaning, in the realm of ideas, theories, and works, the characteristic of being unique to a person or author, of being presented in its primary form, not copied.

It is important to note the High Court's conclusion regarding the scope of the evaluation concept in terms of analysing whether a doctoral thesis contains elements of originality. The High Court emphasises that this evaluation "does not imply a revaluation of its axiological nature or an assessment of its scientific content, but rather a verification of the fulfillment of a legal condition for awarding the doctoral title, namely the absence of full or partial appropriation of another person's scientific work and presenting it as the doctoral student's own creation."

The appeal against the civ. sent. no. 363/2017, issued by the CA Bucharest, Section VIII - Administrative and Fiscal Contentious, was rejected by civ. dec. no. 3466/2020, issued by the High Court of Cassation and Justice, Section of Administrative and Fiscal Contentious<sup>37</sup>.

Indeed, this case should not lead to the conclusion that, at present, notifications regarding non-compliance with quality or professional ethics standards concerning the existence of plagiarism within a doctoral thesis would no longer be possible. As established by recent legal modifications, such issues remain valid subjects for investigation, regardless of the date the thesis was defended or the doctoral title was awarded.

We assert this because, at the time of resolving this case, the provisions of GD no. 681/2011<sup>38</sup> were not applicable because the provisions of art. 42 para. (3) of Law no. 206/2004 were in force<sup>39</sup>, abrogated in the meantime by GO no. 2/2016<sup>40</sup>.

However, starting from March 10, 2016, following the amendment to art. 50 para. (2) of GD no. 681/2011, by GD no. 134/2016, „Any individual or legal entity, including members of CNATDCU and IOSUD, can notify in writing, through UEFISCDI, the General Council of CNATDCU regarding non-compliance with quality or professional ethics standards, including regarding the existence of plagiarism within a doctoral thesis, regardless of the date the thesis was defended and the date the doctoral title was granted."

**Summarising the courts' considerations in the context of the analysed subject, we note that** complaints filed after March 10, 2016, may concern the failure to meet quality or professional ethics standards, including the existence of plagiarism in the content of a doctoral thesis, regardless of the date the thesis was defended or the date the doctoral title was awarded. This circumstance again imposes a high degree of responsibility concerning the correctness, honesty, and utmost attention in writing the doctoral thesis.

In another case, the Ministry of National Education's order from September 2016, which mandated the withdrawal of a doctoral title in law, was contested in court, even though a long time had passed since the individual publicly defended their thesis in 2000 and was awarded the title.

<sup>36</sup> Art. 22 of GD no. 37/1999, regarding the organisation and conduct of doctoral studies, published in the Official Gazette of Romania no. 32/27.01.1999, stipulates that „The doctoral thesis must contain elements of originality specific to the addressed field, as well as methods of scientific validation of these elements or their recognition in the field of arts."

<sup>37</sup> HCCJ, dec. no. 3466/2020, available at <https://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=178520#highlight=##>, last consulted on 15.01.2025.

<sup>38</sup> GD no. 681/2011, on the approval of the Code of Doctoral University Studies, published in the Official Gazette of Romania no. 551/03.08.2011.

<sup>39</sup> In the previous regulation, it was stated that exceptions from the provisions of para. (1) letter a) apply to complaints or objections regarding leaders of institutions and research-development units or public institutions, members of administrative councils, steering committees, scientific councils, or ethics committees of institutions and research-development units, or individuals holding public office positions, which the National Ethics Council directly analyses.

<sup>40</sup> GD no. 2/2016, amending Law no. 206/2004 on good conduct in scientific research, technological development, and innovation, was published in the Official Gazette of Romania no. 51/25.01.2016.

In this particular case, the plaintiff's thesis was scrutinized, revealing in detail how fragments of text, arguments, and footnotes with page numbers and line numbers were copied from four volumes „with the intention of committing academic fraud using methods such as incorrect citation or altering the nature of the text.”<sup>41</sup>

It is evidence that the passage of time cannot cover up or leave undetected frauds by appropriating texts in scientific works. Since the individual holding the title has a decision-making position in the country's government, it is even more imperative for them to be a „good” example of academic studies and not a „do not” model in completing studies at this academic level.

## 8. Conclusions

Attempting to conclude the failure to respect clear citation rules and the disclosure of the actual author of the text or idea, we conclude that it leads to stealing someone else's work, with irreparable consequences for the person committing this act. In the context of evaluating the existence of plagiarism, it is not just the complete lack of mention of the work's author through intentional copying of the text<sup>42</sup> intentionally concealing the source of inspiration can lead to the determination of plagiarism, as an incorrectly mentioning the sources of inspiration through the failure to comply with citation rules and bibliographic references. Establishing guilt related to such acts does not involve a distinction between intent and negligence. Civil society should neither forgive nor forget acts of theft in the form of plagiarism, and those responsible should carry the stigma of being a plagiarist for life.

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<sup>41</sup> CA Bucharest, dec. no. 3265/2018, file no. 7226/2/2016, RJ code gg77d353, available at <https://www.rejust.ro/intern/gg77d353>, last consulted on 28.01.2025.

<sup>42</sup> A. Tabacu, *Ethics, integrity and rules of conduct in the university environment, Basic course*, Universul Juridic Publishing House, Bucharest, 2023, p. 54.

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