Chapter 40
Knowing Protection of Intellectual Contents in Digital Era

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ABSTRACT

New technological innovations have made the publishing of ideas easy, while maintaining protection of the published content has become a concerning issue. Plagiarism is an emerging issue in the digital era. The intention of writing this chapter is to explore various tools and projects that enable an author to know: 1) that their work is original; 2) The best possible options to maintain rights on intellectual work; 3) the publishers' policies while archiving your document in an institutional repository; and 4) the ethics of publishing. To handle such issues, the authors identify ways to avoid plagiarism and mention the use of anti-plagiarism software. Attempts are also made to explore how far a scholarly work can be treated under the periphery of "fair use." The various derivatives of creative commons are also explained regarding copyright issues in the digital era. The essence of projects like SHERPA/RoMEO and COPE are also discussed.

INTRODUCTION

The ongoing acceleration in the field of information technology has given wide opportunity to flourish ideas on a multitude of platforms, both print and digital. Enormous ways of self publishing, storing, accessing and making it available to numerous people throughout the world can be easily possible through the new applications of information communication technology. Obvi-ously, this may be considered as one side of coin, the other side may be the increasing number of rejections and retractions in scholarly submission due to scholarly misconduct. Dr. Everett, an editor at the *International Dairy Journal*, mentioned in its web site:

Of the 450 articles submitted to the journal, we publish approximately 150. So 300 of them go into the great wash, and we occasionally see them end-

ing up in online journals - some of lesser quality. The increasing rejection rate has led to a market to establish new journals online, and in my opinion there are far too many of them.

So, there is a need to gain proper knowledge about the use of web enabled tools and literate yourself ongoing activities on scholarly publishing.

In general, there are many laws are available for the protection of creators work such as copyright, intellectual property right etc. When it came to the protection of an author's work in a country other than it was produced then the need of a universal law was felt and in 1886 Berne convention for Literary and artistic works, which is also called Berne convention, evolved in a convention held at Berne city of Switzerland. Now it comes under one of the 25 treaties administered by WIPO, especially for protection of intellectual property. Before the commencement of this Berne convention it was very difficult to protect the intellectual property outside the country. It has provided protection statements and made essential for all its members to look after and take preventive measures against the violation of copyright of literary and artistic works produced in each others' territory. Berne convention consists of 38 articles with separate headings providing clear guidelines to its signatories for the protection of intellectual property of an author beyond the boundaries of the country. It provide all guidelines about, creating a union for the protection of rights of an author, what will be considered as literary and artistic work, what kind of work will be considered under violation of rights of an author according to this convention, criteria for eligibility for protection for authors, rights for translation, reproducing literary works etc. not only rights but it also include the limitations regarding the protection of certain artistic work. Apart from this Berne convention, there are several other prominent codes and legislations, such as the WIPO Internet Treaties (WCT art.11 and WPPT art. 18), the Digital Millennium Copyright Act (DMCA sec. 1201), the European Copyright Directive (EUCD, art. 6 and art. 8), and the respective implementations of the EUCD into the laws of EU Member States, are formed to protect the content from stealing in this digitally equipped era (Gasser, 2006).

The intension of writing this piece of work is to explore various tools and projects other than these laws, rights and institutions of international level, which enables author to know:

- How far their work is original;
- Best possible option to maintains rights on intellectual work;
- The publishers' policies while archiving your document on some institutional repository; and
- The ethics that is important while publishing especially in digital environment.

INTELLECTUAL PROPERTY AND PLAGIARISM

One of the greatest problems of 'sudden increase' of information causes information explosion, which made it very difficult to judge right information for right users at right time. The very common reason for enormous information explosion may be due to empowerment of every person to create and publish new ideas, thoughts etc. When human being created such ideas using their intellect for the benefit of society, then it is called intellectual property. According to World Intellectual Property Right Organization (WIPO) "intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce."

Although creation for the betterment of society is one of the basic mottos for scholarly communication, when the intentions of the scholarly communicator turns to publish anyway just because of not-to-perish, the possibility of committing plagiarism came into the picture. Now, Internet exists everywhere and nowhere simultaneously. It

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