

Academic plagiarism: liability of scientific associations

DOI: 10.1590/1809-58442016311

Rosa Maria Cardoso Dalla Costa

(Universidade Federal do Paraná, Departamento de Comunicação, Programa de Pós-Graduação em Comunicação. Curitiba – PR, Brasil)

Abstract

This article has as object the analysis of liability of scientific associations in relation to plagiarism committed by third parties. It investigates how these associations may or may not be held liable for plagiarized texts submitted to them and consequently published on their websites. This work proposes an analysis that relates the phenomenon of social changes brought about by Information and Communication Technologies – ICTs, especially the internet, with the current legislation for the protection of authors' rights. From there, this paper underlies the conceptual analysis of liability and theories of guilt and risk. Finally, we analyze the changes in this relationship introduced by ICTs and the interpretations given to it by the Civil Marco Internet, in force since 2014. In conclusion this article points out that such associations – treated as Internet content portals – can objectively be held responsible in case of plagiarism, when notified court do not withdraw their websites the plagiarized text.

Keywords: Plagiarism. Scientific associations. Internet portal. Author's rights. Copyright liability.

Introduction

This text¹ – result of bibliographical and documentary research – discusses the civil liability of scientific associations in the event of academic plagiarism committed by third parties. It is based on the theoretical legal scope of copyright protection, and its problematic fits into the context of Information and Communication Technologies (ICTs) and the changes they bring about in society.

The legal framework and its practical application through the judiciary is not able to keep up with the pace and intensity of such changes. An effort to adjust a regulation concerning the new social practices as quickly as possible is born from the need to redefine concepts such as authorship and intellectual production and to redraft and update laws.

¹ Article based on a text presented as the Final Paper of the Specialization Course on Intellectual Property, at Universidade Positivo, advised by professors Leonardo Tessler and Marcelle Espíndola, in November 2015.

The academic world is one of the most affected by the changes brought about by Information and Communication Technologies. On the one hand, it sees its everyday activities, such as writing monographs, dissertations, theses, articles, and scientific reviews, get into a rhythm and get a scope it has never imagined. On the other hand, it has no mechanisms – in its current structures – to “oversee” the production and to ensure copyright protection, tampered more easily. The communication area in particular is doubly instigated to reflect on the theme: because it is also placed in this academic context and because it is directly involved in the issue of copyrights, digital rights, entertainment, and cultural production.

Therefore, focusing on one of the aspects of this broad issue, this paper seeks to answer the question “how, in the current Brazilian legal framework, scientific associations may or may not be held responsible for cases of plagiarism in texts submitted for review in their congresses”. Specifically, we seek to identify devices that deal with plagiarism in scientific texts in the legislation (in particular Lei dos Direitos Autorais [Copyright Law], Código Civil [Civil Code] and Novo Marco da Internet [New Civil Rights Framework for the Internet]); to identify whether scientific associations may be found liable for plagiarism committed by third parties; to identify whether there are tried cases and jurisprudence on the subject; and, finally, to identify what measures these associations can take to curb plagiarism of scientific texts in the forums they organize.

The text is divided into three items. The first defines plagiarism and academic plagiarism, coordinating these concepts with the current Brazilian legislation. The second deals with copyright protection in times of Information and Communication Technologies, as well as the legal opinions on subjective and objective civil liability and the theories they imply. Finally, it examines some changes introduced by Marco Civil da Internet [the Civil Rights Framework for the Internet] on the specific subject of the liability of internet content portals, which are compared to scientific associations to then present the conclusions of the analysis and the final considerations.

Plagiarism and copyrights

The branch of Law called Copyright oversees authorship, stating the limits of copyright and seeking a balance between public (spreading of knowledge) and private (copyrights) interests. Copyright protects the form of expression of ideas and their materialization. Copyright integrate(s) the set of protected rights under the title Intellectual Property, which also include(s) industrial rights.

Plagiarism and the dualistic conception of copyright

The Brazilian doctrine defines copyright as “a set of moral and ownership prerogatives, which intertwine when a literary, artistic and/or scientific is made publicly available”, according to Abrão (2014, p.30 – our translation). It follows that copyrights are the result of two distinct strands: one is technological, founded in the advent of machines that enabled the serial reproduction of texts and artistic or audiovisual works; and the other is ideological, founded on the individualistic principles that inspired the French Revolution. This duplicitous nature of copyrights can be identified in law 9.610/78 (LDA – Lei de Direitos Autorais [Copyright Law]), in article 22, which states that: “the moral and ownership rights over the work they created belong to the authors” (STAUT JÚNIOR, 2006, p.59 – our translation).

Thus copyright protects both the authors’ ownership rights (entitling them to use, enjoy, and dispose of their work) and their moral rights (the work is a creation of the human spirit). According to Abrão (2014, p.31- Our translation), the most important right among the author’s ownership rights is the right to reproduction, comprising the making of identical copies of any work set in such a support that enables the extraction of copies. Moral rights ensure the author has the right to unprecedentedness, to have their name linked to the work, the right to object to any changes that may be introduced into it, and other provisions expressly provided for in the special law.

Plagiarism in Brazilian legislation

In the Brazilian legal framework, plagiarism is addressed in several legal provisions. Constituição Federal [the Brazilian Constitution], laws 9.610/98 (lei dos Direitos Autorais [Copyright law]), 9.609/98 (the law concerning computer software) and 6.533/78 (regulating the profession of artists), or also the new Código Civil [Civil Code] and decrees 75.699/75 and 76.905/75, which enacted the International Berne and Geneva Conventions, in addition to decree 1.355/94, which in turn passed the Tratado sobre os Aspectos dos Direitos de Propriedade Industrial [Treaty on the Aspects of Industrial Property Rights] relating to trade, known in Brazil by the acronym TRIPS (ABRÃO, 2014, p.30 – our translation).

In the Brazilian Constitution, it is inserted as a fundamental right specifically in subsection XXVII of its fifth article, which states that “the exclusive right to use, publish or reproduce their works belongs to the authors, transmissible to their heirs for the time the law shall establish”.

Lei de Direitos Autorais [Copyright Law] states in its seventh article, *caput*, that are “intellectual works protected the creations of the spirit, expressed by any means or set in any support, tangible or intangible, known or invented in the future, such as: I – the texts of

literary, artistic, or scientific works”. Articles 22 to 24 clarify that “the moral and ownership rights over their creation, conceptualizing moral rights as the right to claim authorship of the work at any time; to have their name, pseudonym, or conventional sign indicated or announced, as the author in the use of the work; and to keep it unprecedented”, belong to the author. Article 29 says that “the use of the work for any modalities such as [...] partial or full reproduction; editing; adaptation [...]; translation into any language depend on previous and express authorization from the author”. Subsequently, in article 33, the law expresses the prohibition of the work that does not belong to the public domain, under the pretext of annotating, comment on or improving it, without permission from the author. Subsection III of article 46 clarifies what does not constitute copyright infringement: “the quotation in books, newspapers, magazines or any other means of communication, of passages of any work, for purposes of study, criticism or controversy, to the extent justified for the purpose of achieving, indicating the author’s name and the origin of the work”.

Plagiarism can be committed in several areas of artistic and cultural production, such as music, literature, photography, fashion, and advertising, among others. In this study, the analysis rests on academic plagiarism, defined below.

Types of academic plagiarism

Here, we consider academic plagiarism to be the one practiced in the field of teaching and research institutions, consisting of the misappropriation of the production of technical and scientific knowledge. Thus, plagiarism will happen every time someone, when producing (and externalizing) new knowledge, takes ownership of knowledge produced by other authors without citing the source.

For Garschagen (apud SILVA, O., 2008 – our translation), the three main types are: a) integral, or straight, which consists of word-for-word copying, without citing the source where the text came from; b) partial, when the academic work is a mosaic formed by copies of paragraphs and sentences by several authors, without mentioning their works; and c) conceptual, or indirect, when the idea of the author is used, writing it in a different way, yet not citing the original source again.

Wachowicz² points to other types of academic plagiarism, such as “plagiarism in reverse”, in which the name of an authority or of someone renowned is placed in the person’s own sentence; “ghost writer”, when an unknown author is asked to write a biography for a celebrity; consented plagiarism, when, for example, a student writes a text and puts their name and their supervisor’s name as authors; and self-plagiarism, when the author changes

² WACHOWICZ, Marcos. Oficina de Direitos Autorais [Copyright Workshop], held at Universidade Federal do Paraná [Federal University of Paraná], in the city of Curitiba, October 10, 2015, from 2 to 6 pm.

the title of a work or makes minor changes to the text regarding the same research and publishes it in several publications as if it were unprecedented.

According to him, academic plagiarism is increasingly complex, since it happens in an educational context that directly suffers the consequences of the integration of information and communication technologies into the way of teaching and of spreading the scientific knowledge produced in this area. Another increasingly relevant and necessary discussion concerns the relationship between research advisors and students. For Barbosa (2003), the nature of the contribution of the collaboration is the first point to consider in this matter. According to him, advice and suggestions do not constitute authorship: “inspiration, stimuli, teachings, none of that are part of the legal concept of author” (BARBOSA, 2003 – Our translation). Barbosa adds that the advisor’s activity has relevant intellectual importance and dignity, and that denying the condition of co-author to the advisor does not represent disregard to this dignity.

Copyright in the Information Society

Economic liberalism, the right to property, freedom of enterprise, and mass goods are some of the main features of 21st century society that point to the complexity of the debate on copyrights. Rifkin apud Wachowicz (2012, p.17 – Our translation) names the new economic moment as ‘Access Era’, in which there is “an appreciation of fun, of knowledge, of cultural resources, in short, of everything that can mean value throughout life”. In this new context, it is worth analyzing what are the internal (free use) and external (interventions coming from the legal system) limits of copyright, which should follow the social function provided for in subsection I of the third article of the Brazilian Constitution, which provides for “a free, fair and solidary society”.

Ascensão (1997) undertakes a study of the Information Society and conceptualizes the information superhighways as vehicles or base infrastructure of this society and the “multimedia” as a particular type of works of this new model, to analyze the issue of copyright regarding the publication of works on the network. In his analysis, he identified a new modality of use of the work, which consists of making it available through electronic means.

Websites and internet portals

Lorenzetti (2005, p.481 – Our translation) says that

the technical configuration of the Internet seriously conspires against copyrights because the information circulates freely; it may be copied, retransmitted, used with low costs, diminishing the incentives for investment; controlled use enables the recovery of investment, and this is the basis of copyright.

The author explains the features of a website, which he defines as a new work consisting of pre-existing works, connections (links) and other search engines, organized according to criteria defined by the author, yet enabling user interactivity, which can create multiple uses to existing assets, including modifying them or using them for third parties. A website, for him, has three elements that are susceptible of being protected by copyright: the information it features, which concerns the object of this article; the graphic design; and the source code.

Before the ‘Internet Age’, when a scientific text was approved for a congress in their area of knowledge, the author authorized and was interested in its publication in the congress’ printed proceedings. This publication valued both the work and its author and the event itself, by gathering renowned work and authors in that area. The problem is that with the internet and the possibility of interactive use, there is also the possibility of other uses of this work, through scanning or download, about which the right holder has no information at all.

The websites of scientific associations can be compared to an internet service provider, which, according to Pinheiro (2010, p.102 – our translation)

is a company that provides Internet connection service, adding other related services, such as email and web-page or blog hosting, among others, which holds or uses certain technology, phone lines, and its own or third-party telecommunication trunks.

For her, providers become important in legal terms because they are the binders of the virtual world, responsible for opening the doors for users on the network (whether it is public, such as the internet, or private, such as restricted access networks).

Oliveira (s./d.) distinguishes three types of providers: access providers, which provide users with the possibility to access the internet through e-mail (such as Brazil’s UOL, for example); service providers, which allow the registry and maintenance of domains and entities and may or may not offer aggregated services such as website hosting (the example is Registro.br); and, finally, hosting providers, which offer website hosting and may also offer domain registration added to its services (the example is Bravulink, used by Me Ajuda).

For Leonardi (2012, p.81 – Our translation) it is possible to state that the *Internet service provider is a genre* from which all other categories (backbone provider, access provider, email provider, hosting provider, and content provider) are *species*. “The Internet service provider is the natural person or legal entity that provides services relating to the operation of the Internet, or through it” (LEONARDI, 2012, p.82 – Our translation). The content provider, in turn, is “every natural person or legal entity that provides the information

created or developed by information providers on the Internet, using their own servers or the services of a hosting provider to store them”. In most cases, it is the content provider that exercises previous editorial control over the information it releases, choosing the content of what will be presented to users before allowing access or making the information available. In this paper, we consider that by analogy the websites of scientific associations can be compared to content providers. This analysis is based on this understanding.

Civil liability and copyrights

When dealing with civil liability for copyright infringement on the internet, Manuella Santos (2009, p.123), states that civil liability is a civil penalty of compensatory nature for comprising compensation or reparation of harm caused, making those who violate a rule be exposed to the consequences of this violation. Civil liability, according to her, is directly linked to people’s liberty of action in the social environment.

Following the same reasoning, Pinheiro (apud SANTOS, M., 2009, p.125) relates the theory of guilt and the theory of risk to the concept of civil liability. The main difference between them is the presence or absence of guilt. Thus, civil liability will be subjective when it finds its justification if the offender acted with recklessness, ineptitude, or negligence. The injured party has to prove if this occurred. The responsibility will be objective if there is no guilt by the wrongdoer, that is, when their conduct is willful or culpable. A causal connection between the damage caused and the action of the agent is enough for the duty to compensate to arise.

Casimiro (2000) focuses on civil liability for the publication, on a network, of content that violates the legal order for the content itself, and that, in this way, cause damage to third parties.

In the analysis, she explains that every legal situation involving civil liability “necessarily implies the prior verification of damage”. In the case of the publication of illicit content (or with defrauded authorship), it is also important to consider what she calls potentiation of the damage, which is the possibility of increased capacity of spreading the contents. Numerous possibilities provided by hypertext are added to that. This deserves another analysis, precisely because it provides access to an infinite range of links and electronic pages that may eventually feature content that hurt other people’s rights.

For Santos (2009), civil liability for copyright infringement on the internet is, as a rule, objective, since it dispenses guilt. The civil liability of the agent (the one who infringes the copyright) is objective, since they must take the risks arising from their activities in the virtual world, taking repressive action against the guilty party.

The author points out the duties that can be legally imposed on internet service providers, which are using appropriate technologies, knowing all your users' data, keeping information for a given amount of time, keeping users' data confidential, not monitoring, not censoring, and reporting illicit acts committed by users.

Once scientific associations, equivalent to content providers, publish texts, research, and scientific work of its members, they are responsible for the content they publish on their websites, even though they did not produce or edit them. Even though the damage has to be proven, content providers are responsible for damages caused by their actions, such as incorporation of extraneous content as their own and copyright infringement (case under review in this study), among others.

Following such understanding, we now turn to the analysis of the changes introduced by Marco Civil da Internet [the Brazilian Civil Rights Framework for the Internet], which is the name of law 12.965, of April 23, 2014.

Marco Civil da Internet [Brazilian Civil Rights Framework for the Internet]

Marco Civil da Internet [the Brazilian Civil Rights Framework for the Internet] is “the law governing the use of the internet in Brazil, through the provision of principles, guarantees, rights, and duties for those using the network, as well as the determination of guidelines for actions of the State” (WACHOWICZ, 2015, s./p. – Our translation).

One of its main innovations lies on the fact that it recognizes the crucial role of the internet in modern society by raising, in its seventh article, internet access to the status of a fundamental right, essential to citizenship. For Wachowicz, the main impact of Marco Civil da Internet [Brazilian Civil Rights Framework for the Internet] will relate to freedom of expression and information in the Information Society.

Subsection VII of its fifth article considers “Internet applications: the set of features that can be accessed through a terminal connected to the Internet”.

Regarding the liability for damages arising from third-party generated content, dealt with in Section III, the eighteenth article provides that “the Internet connection provider will not be held civilly responsible for damages arising from third-party generated content”. Subsequently, the nineteenth article adds:

in order to ensure freedom of expression and to prevent censorship, the Internet application provider can only be held civilly responsible for damages from third-party generated content if, after a specific court order, it does not take the appropriate steps to, within the scope and the technical limits of its service and within the indicated time period, make the content noted as infringing unavailable, except as provided otherwise (MARCO CIVIL, 2014 – our translation).

That is, until they do not receive a specific court order to remove the content, the providers (as well as the scientific associations regarded as equivalents) must act preemptively and remove the text from their portal at the first warning of an author claiming authorship and reporting that a given text is under investigation for plagiarism. If the right of the author is confirmed, they must definitely remove the text from the website, publishing the note recommended in the legal process.

A novelty in Marco Civil da Internet [Brazilian Civil Rights Framework for the Internet], according to Wachowicz (2015, p.3 – our translation), is the fact that despite providing for sanctions it does not determine the interruption of internet services. The author says: “the Judiciary may not discontinue the provision of services or remove the collective spaces that are indispensable to democratically exercise citizenship in the Information Society from the Internet, on the pretext of protecting individual interests”. For the author (2015, p.5 – our translation), in its essence this law features

a new conception of fundamental guarantees to Brazilian citizens, encompassing civil and political rights, as well as social rights of plurality and diversity to exercise the freedom of expression and of information that depend on the use of technological instruments, of infrastructure services of Internet providers, which cannot simply or arbitrarily be suspended by any administrative or judicial authority.

The Civil Liability of Scientific Associations for Plagiarism Committed by Third Parties

Academic plagiarism is a fraud that infringes an author’s moral and ownership rights, as envisaged in the Brazilian legislation. The fact that it is contextualized in a scenario of Information and Communication Technologies, which revolutionize the modes to access, treat and use knowledge, does not justify nor exempt those who practice it from the provided civil liabilities. Regardless of its classification, it must be addressed, and the penalties provided for by law should be applied.

The development of this article clarified that the author is entitled to enjoy and dispose of the work they created, be it literary, artistic or scientific. In the present case, it is possible to ascertain that by submitting a text for consideration at an academic event organized by a scientific association, the author agrees with the terms set out in the registration, which generally points to its publication in printed or digital proceedings³.

³ Some scientific associations add forms in which the authors must agree to the proposed terms to their registration processes. Other associations also add terms in which the person also accepts responsibility for the authorship.

Although a written contract is not usually drawn up, the copyrights are tacitly ‘transferred’ so that the organizing institution can publish the author’s text in publications strictly related to the event in question (proceedings, abstract booklets, schedule). Such a transfer does not allow, for example, the association to publish the text in a later work, independent of the congress, even without commercial purposes, without prior consent from the author. Nor can the association alter the submitted text in any way, because this is also an exclusive right of the author.

Information and Communication Technologies have substantially changed this relation, since they allow unlimited access to intellectual production through internet networks. Moreover, they enable a usage that goes beyond the control of both the figure of an editor – now owner of a website or of an internet portal – and of an author.

The research we conducted to substantiate this article showed that both the Brazilian and international legislation seek to answer judicially to these new regulatory demands. The main one is perhaps the key question examined here: to whom should the civil liability of a copyright infringement be assigned? We saw that two theories substantiate the concept of civil liability in the Brazilian legal system: the theory of guilt (subjective) and the theory of risk (objective). We found that there is no consensus on the subject, even though the cases tried so far point to the adoption of the theory of risk.

Minister Nancy Andrichi states that in the virtual universe “it is not possible to consider moral damage as a risk that is inherent to the activity of search providers”. Quoting Erica Brandini Barbagalo, the Minister states that the activities developed by internet service providers are not “risky by their very nature, they do not involve risks to third-party rights that are greater than the risks of any commercial activity”. The Minister makes a comprehensive analysis of the liability of search websites and states that “if the victim identified the author of the wrongful act, there is no reason to sue against the one that only facilitates the access to this act, which, it is worth going over once again, until then is publicly available on the network for release”.

Regarding content monitoring of internet websites, the Minister understands that “it is not an activity that is intrinsic to the provided service”. For her, even if it were possible to monitor the users’ behavior without mischaracterizing the service provided by the provider, it would be necessary to consider which criteria would be used to discard or not to discard certain pieces of information. Usually, scientific associations assess the texts that are submitted to their congresses and events, but the criteria used for approval relate to the relevance of the topic and scientific quality. An investigation for evidence of plagiarism is not necessarily made.

Therefore, following this understanding, in the case of the scientific association that evaluates and approves a text that is plagiarized by a third party, we conclude that the

application of the theory of risk is consistent, as a way to curb the practice of plagiarism that directly infringes copyright. We understand that this association may also be held responsible subjectively, due to negligence, if proven that it did not act with the necessary diligence when approving submitted texts.

Accordingly, if the so-called Information Society contributes to the release of scientific production and if Marco Civil da Internet [Brazilian Civil Rights Framework for the Internet] elevates access to information to a fundamental right, this, on the other hand, requires a legal regulation that halts new illicit practices and requires organizations and institutions to be extra careful in each of their activities, in particular those broadcast in the virtual world. Thus, as notes, we suggest that these associations increase their diligence in organizing scientific events, using terms in which applicants assume responsibility for the authorship and originality of the submitted texts in the submission processes; adequately guiding scientific committees regarding procedures to check and prevent plagiarism; and also immediately repudiating plagiarists, revoking their status as members.

Final considerations

Through the reasoning exposed here, this text sought to demonstrate that copyright is still protected by the legal system, regardless of any technological innovation and despite being in a society in which the capitalist production system, with its economic interests, is in force. Therefore, the academic world, with its own characteristics, is no exception to its determinations, and plagiarism should be strictly punished. In respect to the civil liability of scientific associations in relation to plagiarism committed by third parties, there is the possibility to arrive at the legal understanding by comparing them to internet portals. In this case, by adopting the theory of risk, objective liability is attributed to the associations that might publish texts that are plagiarized by third parties. Although present in most precedents, there is controversy about the application of the theory of risk in these cases, as demonstrated in this paper. With everything that was investigated, we understood that the adoption of the theory of risk does not exclude the possibility of subjective liability of these associations in case of negligence when accepting and publishing texts by third parties or in cases when the texts that are accused of plagiarism are not removed from the website. Therefore, it is important for them to be especially careful.

Finally, there needs to be further legal deepening on the theme, so that the current legislation is faced with the increasingly changing reality. There is also an urgent need, particularly in the area of communications, to deepen the debate on the core issues that should guide this debate, such as the right to expression and to information and the respect for creativity and for cultural expressions.

Therefore, in times of free access to information and to knowledge, there needs to be an increasingly clear position to fight the practices of all rights acquired in the course of the story. And especially, the rights to Intellectual Property, which feature the very human essence, creative and original, as their main characteristic.

References

ABRÃO, Eliane. Y. **Direitos de autor e direitos conexos**. 2. ed. rev. e ampl. São Paulo: Migalhas, 2014.

ASCENSÃO, J.de Oliveira. **Direito autoral**. 2.ed.ref.e ampl. Rio de Janeiro: Renovar, 1997.

BARBOSA, Denis B. O orientador de tese é co-autor? [s/l: s/ed.], 2003. Disponível em: www.denisbarbosa.addr.com. Acesso em: 21 out. 2015.

BRASIL. Decreto no. 1.355/94, de 30 de dezembro de 1994. Promulga a Ata Final que Incorpora os Resultados da Rodada do Uruguai de Negociações Comerciais Multilaterais do GATT. Disponível em: presrepublicajusbrasil.com.br/legislacao/109761/decreto-1355-94. Acesso em: 22 Jun. 2016.

_____. Decreto no. 75.699/75, de 6 de maio de 1975. Promulga a Convenção de Berna para a Proteção de Obras Literárias e Artísticas. Disponível em: HYPERLINK “<http://www.lexml.gov.br/urn:lex:br:federal:decreto:1975-05-06:75699>”www.lexml.gov.br/urn:lex:br:federal:decreto:1975-05-06:75699 Acesso em: 20 Jun. 2016.

_____. Decreto no. 76.905/75, de 24 de dezembro de 1975. Promulga a Convenção Universal sobre Direito de Autor, revisão de Paris, 1971. Disponível em: HYPERLINK “<http://www.lexml.gov.br/urn:urn:lex:br:federal:decreto:1975-12-24:76905>” www.lexml.gov.br/urn:urn:lex:br:federal:decreto:1975-12-24:76905. Acesso em: 22 Jun. 2016.

_____. Lei no. 12.965/14, de 23 de abril de 2014. Estabelece princípios, garantias, direitos e deveres para o uso da Internet no Brasil. Casa Civil. Brasília. Disponível em www.planalto.gov.br. Acesso em: 14 Jun. 2016.

_____. Lei no. 6.533/78, de 24 de maio de 1978. Dispõe sobre a regulamentação das profissões de artistas e de técnicos em espetáculos, de diversões e dá outras providências. Disponível em: HYPERLINK “<http://www.planalto.gov.br>” www.planalto.gov.br. Acesso em: 18 Jun. 2016.

_____. Lei no. 9.609/98, de 19 de fevereiro de 1998. Dispõe sobre a Proteção da Propriedade Intelectual de Programa de Computador, sua Comercialização no País e das outras providências. Disponível em: www.planalto.gov.br. Acesso em: 18 Jun. 2016.

_____. Lei no. 9.610/98, de 19 de fevereiro de 1998. Lei de Direitos Autorais. Casa Civil. Brasília. Disponível em: www.presrepublica.jusbrasil.com.br. Acesso em: 17 Jun. 2016.

CASIMIRO, Sofia de Vasconcelos. **A responsabilidade civil pelo conteúdo da informação transmitida pela internet**. Coimbra: Livraria Almedina, 2000.

LEONARDI, Marcel. Responsabilidade dos provedores de serviços de internet por seus próprios atos. In: SILVA, Regina B.Tavares da; SANTOS, M.J. Pereira dos Santos (Coord.). **Responsabilidade civil na internet e nos demais meios de comunicação**. 2.ed. São Paulo: Saraiva, 2012b. p.121-142.

_____. Responsabilidade dos provedores de serviços de internet por atos de terceiros. In: SILVA, Regina B. Tavares da; SANTOS, M.J. Pereira dos Santos (Coord.). **Responsabilidade civil na internet e nos demais meios de comunicação**. 2.ed. São Paulo: Saraiva, 2012c. p. 68-84.

LORENZETTI, Ricardo L. **Fundamentos do direito privado**. São Paulo: Editora Revista dos Tribunais, 2005.

MARCO CIVIL DA INTERNET. Lei 12.965 de 23 de Abril de 2014. Lei que regulamenta o uso da Internet no Brasil. Brasília: Casa Civil, 2014. Disponível em: www.planalto.gov.br/civil_03_ato2014/2014/lei/12965.htm. Acesso em: 14 jun. 2016.

OLIVEIRA, César A. O que é um provedor de acesso. Conhecendo o seu micro. [s./l: s/e, s/d.]. Disponível em: <http://conhecendoseumicro.blogspot.com.br/2011/11/o-que-e-um-provedor-de-acesso.html>. Acesso em: 25 out. 2015.

PINHEIRO, Patrícia Peck. **Direito digital**. 4.ed.rev., atual. e ampl. São Paulo: Saraiva, 2010.

SANTOS, Manuella. **Direito autoral na era digital: impactos, controvérsias e possíveis soluções**. São Paulo: Saraiva, 2009.

SILVA, Obdália S. Ferraz. Entre o plágio e a autoria: qual o papel da universidade? **Revista Brasileira de Educação**, Rio de Janeiro, v.13, n. 38, p.357-414, maio/agos.2008. Disponível em: <http://www.scielo.br/pdf/rbedu/v13n38/12.pdf>. Acesso em: 31 out. 2015.

STAUT JUNIOR, Sérgio Said. **Direitos Autorais: entre as relações sociais e as relações jurídicas**. Curitiba, PR: Moinho do verbo, 2006.

WACHOWICZ, Marcos. Marco Civil da Internet: A garantia da liberdade de expressão e de informação na internet 2.0. **Empório do Direito**. [s./n., s./p.], 2015. Disponível em: <http://emporiododireito.com.br/marco-civil-da-internet-a-garantia-da-liberdade-de-expressao-e-de-informacao-na-internet-2-0-por-marcos-wachowicz/>. Acesso em: 29 out. 2015.

_____. Movimentos rumo a sociedade democrática do conhecimento. In: WACHOWICZ, Marcos; PRONER, Carol (orgs.). **Inclusão tecnológica e direito a cultura: movimentos rumo a sociedade democrática do conhecimento**. Florianópolis: Fundação Boiteux, 2012. p. 15-37.

Rosa Maria Cardoso Dalla Costa

Ph.D. in Information and Communication Sciences from Maison des Sciences de l'Homme - Paris Nord (2008). Professor in the Social Communication Course and in the Graduate Program in Communication and Education at Universidade Federal do Paraná. The author of the book: *Teoria da Comunicação na América Latina: da herança cultural à construção de uma identidade própria* and of articles published in different Brazilian and international journals as *Comunicação & Educação* and *Distance et Savoirs*. Education Council Member of Rede Paranaense de Comunicação – IGRPCOM, since 2009, and Culture Committee and Intellectual Property of OAB-PR [Communications Network of the State of Paraná]. Email address: rmdcosta@uol.com.br

Received on: 12.31.2015

Accepted on: 09.18.2016