

## **It's probably not plagiarism**

*A primer for Graphic Design students. [By John Caserta](#)*

Whether discussed openly or not, there is an expectation of originality in art school. Having just gone through accreditation and an external review, RISD Graphic Design lists originality within one of its learning outcomes: "develop and refine personal methods that culminate in a cohesive body of work." In other words, students should be distinguishable from each other.

However, it is not realistic to expect originality at every point during a student's tenure. Personal methods and original outcomes should manifest toward the end of the student experience. The Department capstone course is a semester-long 6-credit course dedicated to forming an individual project. It is during this final semester that student individuality should become apparent. What makes a student unique may not even be visible in the work itself. How the work looks is only one way that the student may distinguish him or herself.

Higher education exists as an intellectually rich environment for making and talking about work. There are many perspectives on a topic, many ways to render something, and many ways to interpret finished work. It is inevitable that a student's work will be inspired or look similar to someone else's. Rather than be scared of this happening, a student should experiment with various methods and visual aesthetics. Students are not competing for the best solution to a problem, they are searching to find their own solution.

Deconstructing form and process is central to a Graphic Design education; so any opportunity to discuss this should be embraced. One finds oneself through one's position relative to others. It is inevitable that student work will end up looking like someone else's. How close is too close? The answer usually lies in the process. If you see or are making work that seems too close to someone else's (dead or alive, near or far), bring it up with your peers and your teacher — in class, ideally. The discussion that ensues will no doubt be valuable to all involved.

This essay acts as a primer to this broad and evolving topic with the intention of defining certain key terms in order to have productive conversations and to encourage student experimentation.

## **Plagiarism**

Plagiarism as an accusation should arise only when one person believes someone has deliberately stolen work without credit to the original maker. Whether computer files themselves are stolen or a detailed recreation has been made, a plagiarized project takes something from someone. At the heart of plagiarism is deception, an attempt to benefit one's self by covering over part of the story. Taking an idea or a style is not plagiarism. No one gets to own ideas. Designers may be known for a style, and so if a student copies a style, it is either imitative or derivative — both are topics of discussion (and written about more below). It is also plagiarism to pay someone to do your work for you.

Quick plagiarism test: if a teacher drops an image into Google Image search (or YouTube, etc) and they find the exact same work, that's likely plagiarism. If you find another work with many of the same attributes, then you both likely belong on [trendlist.org](https://trendlist.org). Similar visual moves do not constitute plagiarism. You may want to grab coffee together and see if you want to collaborate.

I have witnessed plagiarism only three times in my 14 years of being involved in higher education, and only twice in the classroom. In one instance, a student was unprepared to take on the assignment and could not break down the assignment into steps (which was being asked of him). After two weeks of not producing any work, an intricate illustrated animation was presented in class. It was an impossible feat and after discussing the matter with him, he admitted downloading the finished work from a website and presenting it as his own work. In another instance, a student volunteered to design a website — a finished website appeared in a couple weeks. It turned out to be copied and pasted from somewhere else. It was not a template, it was a duplicate of a custom website. In both cases there was zero process visible or shared. In both cases, files were lifted. The student did not 'design' anything.

The unfortunate reality is that plagiarism is usually done out of desperation. The possibility of being caught stealing work is less shameful than the certainty of showing up with nothing. The student is afraid or unable to admit that she does not know how to proceed. Addressing this shortcoming is an important part of the student's education. How can we encourage students to share their shortcomings and obstacles (of any sort) before it's too late?

In a possible case of plagiarism, it's best to let the teacher know outside of class. Schools have procedures in place, where administrators or lead faculty can advise the instructor or offer second opinions.

Plagiarism is not a legal issue, it is an ethical breach that violates school conduct rules. Outside of school, the term that covers ownership is "intellectual property." One may violate another's intellectual property through copyright or trademark infringement. Logos and company names are either registered ® or unregistered ™ trademarks. Copyright is the protection of original creative works (literature, images, books, etc.). Within school, copyright and trademark infringements are not generally a concern, since educational environments are covered by a [fair use](#) clause. If work leaves school, then the student should become more informed about intellectual property precedents.

## Influence

Much more common than plagiarism is being overly influenced by someone else. Although stylistic references can go too far, they are nothing to be ashamed of. There are inevitably moments in a student's design process where aesthetics and style are at play. But there should also be a lot more at play as well. What does research produce? What tools are available? What is the content? Where is the context? Engaging with all the particulars of a project should lead to some concepts, some sketches, some conversations.

When a student undergoes a process, the work will have the mark of that student. Sometimes a step goes awry – misinterpreting the subject matter, not being mindful of the tool, copying a style that makes no sense, etc. But that's why the student is in school; to get honest and open feedback about the process from all those in the community.

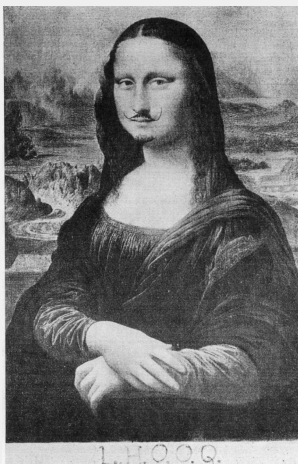
It's healthy to admire other work. Get used to saying, "Wow, I wish I did that." The job of the student is to explore those feelings and pursue them with intention. Looking at other people's work along the way is a healthy part of a process. But how does that work fit into one's own project? The way something looks may be a result of something not immediately apparent. If attention is only given to the surface of work, then a student is more prone to stylistic mimicry. By analyzing someone else's work, it can open up ways forward for what you're working on. That's why we talk about work in school. The analysis of one work leads to an understanding that may be applicable to one's own work.

Another way to building understanding of what you see is to watch lectures by artists and designers. How do designers you admire make their work? The end result comes from a process, and that process may differ for each project; but there is a thread of consistency. Make notes and let those notes – not the end forms – guide you when needed. Something in your notes might end up being the basis for your project – especially if you thrive holding a pen. A [Paul Sahre lecture at RISD](#) has acres of guideposts on it and is a good place to start..

If you see your work somewhere online or being used by a company, etc., bring it to the attention of a teacher or adviser. It is possible someone else has violated your intellectual property rights. The simpler a solution, the more likely others have done it. In several cases I have reviewed two projects and noted that neither the student nor the other party were being very original. Take a look at [trendlist.org](#) – it both collects similar designs, while showing how even the same basic formal moves can be carried out in conjunction with other elements and for different content.

## Appropriation / Derivative Work

Images are the intellectual property of those who created them. Making certain work, collages for example, with someone else's images is called appropriation. Appropriation is visual quotation. As a student, the fair use clause protects you from most copyright issues. Those uses are protected because there is a benefit to society in being able to comment on, criticize or cite another's work through its use in something new – particularly when that use is "transformative."



*The term "derivative work" is a legal term that means something very specific. Copyright law defines a derivative work as a second work that incorporates another. Marcel Duchamp's 1919 Mona Lisa with a Moustache uses DaVinci's painting as a base to his own work. This is more commonly referred to as appropriation.*



*Richard Prince's work on the right makes use of Patrick Cariou's photograph. The court ruled in Prince's favor in 2013 that work was transformative. In an earlier case, the Supreme Court okayed appropriation if the work "adds something new, with a further purpose or different character, altering the first with new expression, meaning, or message; it asks, in other words, whether and to what extent the new work is 'transformative.'" Artists are always pushing on what is legally acceptable. Specific uses may change the law and how it is understood.*

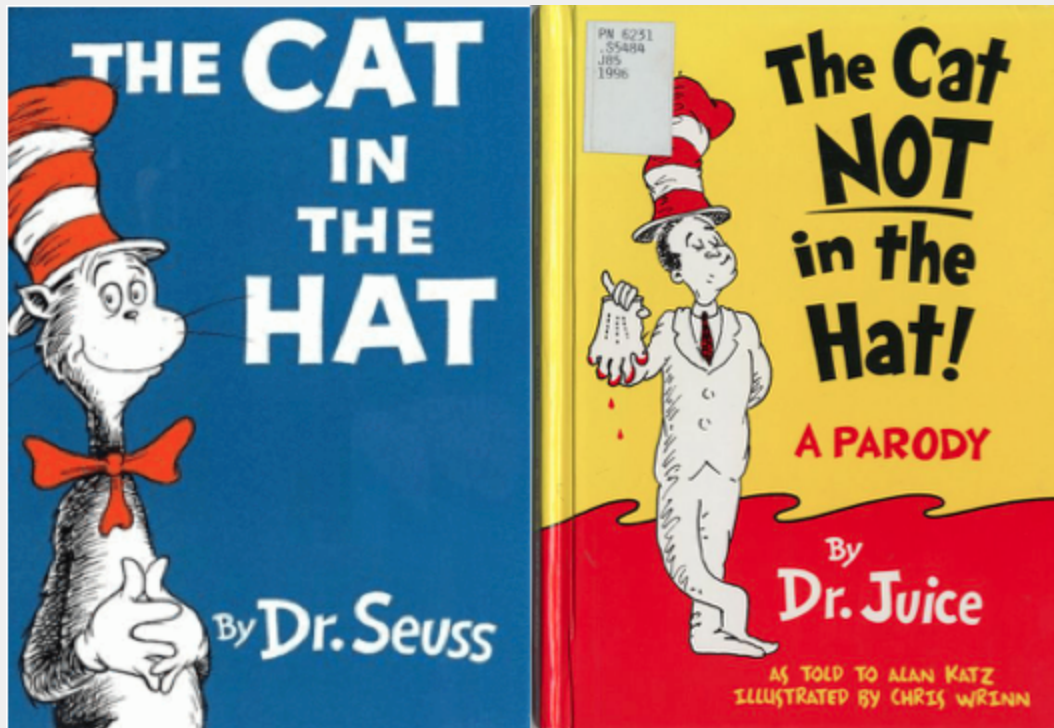
As a student, explore appropriation. What you do to the original becomes your move. Be prepared to talk about where the original came from, why you chose it, and what you hope to say by using it. Be mindful that certain techniques that you're learning or trying in school will not transfer to commercial work outside of school. Artwork, editorial use (op-ed illustrations, covers of magazines), and educational use are more apt to be covered by fair use than profit-making uses. Consider pulling from many sources. If you're using appropriation, be aware of the cultural context in which they were created. The term "cultural appropriation" comes with a rich discourse, and entering into that with your work is valuable if done intentionally.



*The Guerrilla Girls, for example, appropriated a photograph of a nude sculpture and transformed its meaning by adding a gorilla mask on it.*

## Parody

Parody is protected under the First Amendment. Parody is an imitation of an existing work in order to humorously criticize that work. It is a form of satire that alters an original design to change our understanding of that original form. Outside of school (and the gallery and editorial use), satire and parody differ in the eyes of the law. Parody is a criticism of what is being parodied. When a designer satirizes a topic using a third design element, then a copyright violation is likely at play.



The book on the right is satirical. It is satirizing O.J. Simpson but uses (illegally) the form of Dr. Seuss to do it. If the book were a parody of Dr. Seuss itself (as a work of art, education or editorial illustration), it may have been permissible. As a commercial product, it likely still



would be a violation of intellectual property. \



Parody of corporate logos. KFC pulled from the Internet.

## Homage

To pay homage to another designer (or era) is to imitate or iterate with credit given. It is imitation with reverence, with respect. Homage brings attention to the original maker. It is also a way to place oneself into a conversation or into a canon of works. Homage is not as simple as mimicry. One can give homage by using a certain tool, or using certain methods to perform a work. An homage is an explicit reference, so it usually has some visual connection.



*There are spin-offs to homage. There is the rip-off; which is a sort of mashup between appropriation and imitation. Some aspect of the original is used, but enough pieces change. Rip-offs of Experimental Jetset's "John & Paul & Ringo & George" have appeared everywhere. Not quite homage. More rip-off, since the original designers may never really be known in the first place. According to the designers Experimental Jetset, "A couple of years after we designed the shirt, we noticed something interesting: people started sending us images of self-produced shirts that were referring to our shirt, either as homage, tribute or as parody." You can see them [here](#).*



Milton Glaser's I Love NY logo gets ripped off quite a bit. The state of New York owns the trademark to the logo. A trademark is meant to protect one commercial entity from being copied in the marketplace. It protects the name and symbol from being copied. In the case where there is no competition or financial loss, a trademark violation is not as applicable. It may be too known for anyone to truly pay homage to it. The rip-off, like the homage, gains meaning through the existence of the original. The above signs stole the idea, but the forms are fairly generic and there are no economic factors at play (FUNG is a political candidate).



*This t-shirt rips off the Patagonia logo. It takes a known image and uses it not as commentary, but to give itself wide appeal. It's trademark infringement, technically, but okay to explore in the classroom. In the case of this shirt, it's not saying a whole lot. It's simply a play on urban vs. rural.*

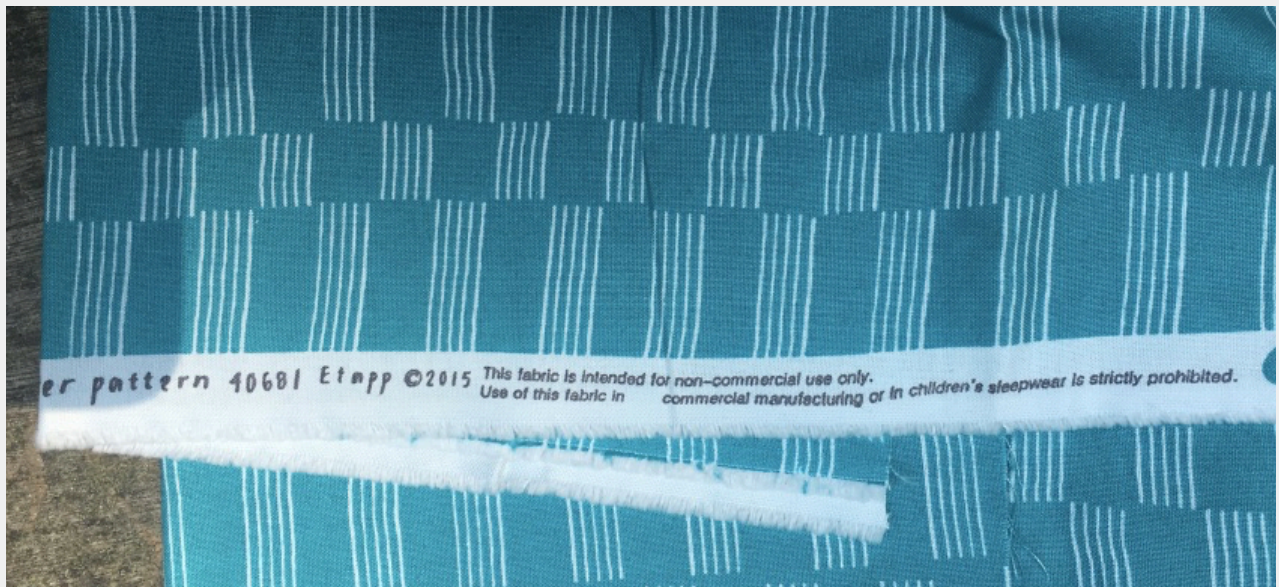
## Licensing

There are libraries of assets that designers can use: stock photos, fonts, icons, and emojis, among others. These were created by professionals and are licensed for a particular use at a particular price for others to use. Icons on [The Noun Project](#) cost \$2, most font styles are about \$50, emojis are free for personal use (but not all for commercial reuse).

The “public domain” are copyright free works — whether the copyright expired or have been distributed without a license. There are databases of public domain imagery and videos to mine ([Library of Congress](#), [The Internet Archive](#), library archives) for projects. But also sites like The Noun Project will state whether icons have been added to the public domain. This is true for sites like flickr.com, Github and the like. Most licenses (like [Creative Commons](#)) have commercial stipulations, but ‘public domain’ is the most open.

Students should not draw over existing fonts, icons and symbols and distribute them as their own — even if there is a slight difference in a mark. Use existing symbols according to their licensing agreements or make your own fonts, symbols and images. Follow your instructor’s lead in instances where appropriation is being asked of you.

School provides an opportunity to learn about these issues better. Students often get their hands on fonts or icons that would normally be licensed in a commercial setting. If a project is to make its way outside of the classroom, a student should understand licensing better.



## Giving credit

Collaboration is very common in school. Teams are involved in creating any professional work. What did you do on a project? Be honest about what role you had in a project. Don't say you did something you didn't do. You should be prepared to show process that lead to final outcomes. Don't lie.

## Rules of thumb

Since issues can get gray, and the terms do add up, I'll conclude with some clearer lines.

1. How would you feel if the one who inspired your work was in the room? Would you feel embarrassed ... ashamed ... proud? If you would feel any of these, you may want to add more context to how you are presenting or crediting the work. Talk about the work as if the person was in the room.
2. Have a process. Be able to show or explain it. What went into making the work itself? Why does it look the way it does? Don't be afraid to show other people's inspirational work. That will help the conversation in class. Keep an arena channel of precedents.
3. Don't hide issues from your teacher, your adviser and the class. School exists to arm students with language and confidence to make work on their own. Teachable moments are part of this process. It is important to bring up similarities to other work because it will lead to a valuable discussion.

## Conclusion

Build a wide set of influences. The most refreshing designs are often influenced by fields outside of Graphic Design. Graphic Design has always benefited from the larger visual discourse. Be careful in looking at poster solutions when designing a poster. Better to understand its intended audience, why it is being made, the specific language needed, projects you've made before, materials you have around you, tools you want to play with, people you want to work with, etc etc. Great solutions of the past can be inspiring just like taking a trip can be inspiring. But you want to go on your own vacation, not end up copying someone else's memorable one.

School is an educational environment. Students should use their time in school to push their boundaries and to experiment. Each project brings with it new questions, materials, precedents and possibilities. Dedicate the time to each part of the process.

--John Caserta, August 2018

[You may look at and add to these resources and source material in this arena channel](#)