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SPECIFIC ASPECTS OF DOCTORAL THESES

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In this case, careful consideration must be given to whether the work being published is substantially different from the thesis from which it derives.

An article describing the research carried out during the doctorate is a different publication from the thesis, as is a book that substantially reworks it.

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Where the content of the thesis could in any way jeopardise public or national security. An embargo may also be requested in order to comply with applicable law.

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Where a thesis concerns a living person or someone who has recently died, and there is a risk of infringing their privacy rights, an embargo period may be requested.

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PATENTABLE THESES

PATENTS AND COPYRIGHT ARE TWO DISTINCT, PARALLEL AREAS

A patent protects an invention and requires research to be innovative: not merely an improvement upon the state of the art, but a genuinely new approach to solving a problem.

In short, research is patentable only if it can provide new solutions capable of being transferred into technology (technology transfer) for the benefit of society (industrial development).

Even a thesis defence held behind closed doors makes its contents no longer patentable, because they have been disclosed (some university regulations expressly warn those intending to apply for a patent that the thesis defence constitutes prior disclosure).

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PATENTABLE THESES

IT IS NOT DEPOSITING RESEARCH IN AN OPEN-ACCESS REPOSITORY THAT PREVENTS PATENTABILITY, BUT THE PUBLIC DEFENCE OF THE THESIS.

A patent application must be filed before the thesis defence, since the defence amounts to publication.

Once the patent application has been filed, the doctoral thesis may be deposited in an open repository.

This is because national, European and international rules governing industrial intellectual property (patents, trade marks, utility models and industrial designs) provide that nothing may be published before the patent application is filed, but only afterwards.

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PLAGIARISM

[learned word; from Late Latin plagium, from Greek plagion, neuter of plagios, “oblique”; 1667]

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DEFINITIONS

Plagiarism, in the online Treccani dictionary, Rome, Istituto della Enciclopedia Italiana

In common usage, the act of publishing or passing off someone else's literary, scientific or artistic work as one's own; this also applies to incorporating part of another work without identifying the source: literary plagiarism. By extension, the writing or work in which plagiarism occurs: this work is plagiarism, blatant plagiarism. A French saying has it that dictionaries are generally plagiarism in alphabetical order.

Plagiarism, in Lo Zingarelli 2020, Bologna, Zanichelli, 2020

1. The total or partial appropriation of another person's literary, artistic or similar work and passing it off as one's own; by extension, what is passed off as one's own: this book is plagiarism.

2. In Roman law, the criminal act of unlawfully seizing or trading in a free person or another person's slave; in modern criminal law, the offence of subjecting someone to one's power and depriving them of freedom of judgement and initiative; no longer a criminal offence since 1981.

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PLAGIARISM: CRIMINAL CONSEQUENCES

LAW NO. 475 OF 19 APRIL 1925: PREVENTION OF FALSE ATTRIBUTION OF OTHERS' WORK BY CANDIDATES FOR DEGREES, DIPLOMAS, OFFICES, TITLES AND PUBLIC HONOURS. (025U0475) (OFFICIAL GAZETTE NO. 99, 29 APRIL 1925)

Art. 1
Anyone who, in examinations or competitive selection procedures prescribed or required by authorities or public administrations for the award of degrees or any other educational or academic qualifications, eligibility to teach or practise a profession, or the issuing of diplomas or licences, presents as their own dissertations, studies, publications, technical projects or other work produced by others shall be punished by IMPRISONMENT for three months to one year.

The term of imprisonment may not be less than six months if the intended outcome is achieved.

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PLAGIARISM: CRIMINAL CONSEQUENCES

Art. 4 Anyone who, by any means, offers to procure or produce dissertations, studies, publications, technical projects or other work for the purposes referred to in Articles 1 and 3 shall, for making that offer alone, be subject to an administrative fine of 400,000 to 2,400,000 lire.[1]

If the offer is made through the press or on a habitual basis, an administrative fine of 800,000 to 4,800,000 lire shall apply. In the former case, the printer, if not involved in the offence, shall be subject to an administrative fine of 150,000 to 900,000 lire.[2]

1. The passages in italics were amended by LEGISLATIVE DECREE No. 507 of 30 December 1999, Decriminalisation of minor offences and reform of the sanctions system, pursuant to Article 1 of Law No. 205 of 25 June 1999 (Official Gazette No. 306, 31 December 1999, Ordinary Supplement No. 233), Art. 67.

2. See note 1.

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PLAGIARISM: CRIMINAL CONSEQUENCES

Art. 5.

In proceedings relating to offences covered by this law, where the act has been established, the judgement must declare that it occurred, even if, for any reason, proceedings cannot be pursued or a conviction cannot be pronounced.

A judgement of conviction, or one declaring that the act occurred, shall order the cancellation of the resulting measure. Cancellation shall be carried out in accordance with the second and subsequent paragraphs of Article 576 of the Code of Criminal Procedure, insofar as applicable.

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PLAGIARISM: UNIVERSITY DISCIPLINARY SANCTIONS

ROYAL DECREE-LAW NO. 1071 OF 20 JUNE 1935: AMENDMENTS AND UPDATES TO THE CONSOLIDATED LAWS ON HIGHER EDUCATION. (035U1071) (OFFICIAL GAZETTE NO. 152, 2 JULY 1935). EFFECTIVE DATE: 17 JULY 1935. CONVERTED INTO LAW NO. 73 OF 2 JANUARY 1936 (OFFICIAL GAZETTE NO. 26, 1 FEBRUARY 1936).

Art. 16.
Disciplinary authority over students rests with the rector or director, the Academic Senate and faculty or school boards. It also covers acts committed by students outside university premises when they are deemed detrimental to dignity and honour, without prejudice to any legal penalties.

The sanctions available to maintain academic discipline are: (a) warning; (b) temporary exclusion from one or more courses; (c) suspension from one or more examinations in one of the two examination sessions; (d) temporary exclusion from the University, with the consequent loss of examination sessions.
[continued…]

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PLAGIARISM: UNIVERSITY DISCIPLINARY SANCTIONS

… continued

The sanctions under (b) and (c) are imposed by the faculty or school board following a report by the rector or director. Students must be notified of disciplinary proceedings at least ten days before the board meeting and may submit a written defence or request a hearing. The student may appeal the board's decision to the Academic Senate.

The sanction under (d), and those under (b) and (c) where students from different faculties or schools are involved, are imposed by the Academic Senate following a report by the rector or director, observing the rules and deadlines in paragraph 4 concerning notice to the student.

All decisions are made enforceable by the rector or director.

The application of sanctions (b), (c) and (d) is communicated to the student's parents or guardian; sanction (d) is also notified to all higher education institutions in the Kingdom.

All disciplinary sanctions are recorded in the student's academic record and subsequently entered on transfer certificates.

Disciplinary sanctions imposed at another institution are applied in full at the institution to which the student transfers or applies for admission.

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Specific cases: sensitive data

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Research containing sensitive data should not be the subject of a doctoral thesis.

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SUMMARY AND QUOTATION. LAW 633/1941, CHAPTER V, ART. 70

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USE OF COPYRIGHT-PROTECTED MATERIAL

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- Contact details, including postal address, telephone number and email;
- Details of the material for which permission is requested: article or book title, author(s), ISSN/ISBN, volume, year, issue and page numbers;
- Details of the material to be used: the entire article, extracts, images, charts or tables;
- Details of the intended use, including a statement that the thesis will be included in an open-access repository.

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