

Credit Where Credit Is Due

A book from a major publisher includes a plagiarized Wikipedia article. How free is free content, anyway?

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The publishing house John Wiley & Sons is known for, among other things, its series of "Dummies" books: "Nutrition for Dummies," "Puppies for Dummies," and "Advanced Computing for Dummies." But considering two run-ins the publisher has had over intellectual property issues this year alone, the company might want to spend some time reading up on another of its books: "Patents, Copyrights & Trademarks for Dummies."

Last week a Wikipedia user who goes by "Ydorb" and prefers to remain anonymous claimed that two pages from the Wiley book "Black Gold: The New Frontier in Oil for Investors" includes verbatim text from the Wikipedia entry on the 1996 Khobar Towers Bombing in Saudi Arabia. In a posting on the user-generated not-for-profit online encyclopedia, Ydorb wrote, "I wrote much of the copied text ... Complicating any charge of copyright violation is the fact that I have released most of my contributions into the public domain. Even if this is legally not a copyright violation, it is an ethical problem for an established reporter."

George Orwell, the author of the "Black Gold," declined to discuss the allegation when reached at his home in Brooklyn. "I wrote the book, but the book belongs to the publisher," he tells NEWSWEEK. "The publisher is going to be speaking for me." In a statement a Wiley spokesman acknowledged that "a specific passage from Wikipedia was inadvertently added by our author without attribution. George Orwell has assured us this was not intentional and has asked that we rectify the situation." Wiley promises to correct future reprints as well as the e-book version, even though it faces no imminent legal action from either Ydorb or Wikipedia.

The incident was minor and quickly resolved. Wikipedia officials refrained from making a fuss, happy to let a little bad blog buzz drive Wiley to rectify the situation. "Letting it be known is often enough," says Mike Godwin, general counsel of the Wikimedia Foundation, which operates Wikipedia. The fact that anyone can edit the online encyclopedia makes it very difficult for any single person or organization to claim to hold a copyright on a given entry.

But does that make passing off free content as your own OK? Wikipedia publishes under what's known as the GNU Free Documentation License. The "Black Gold" pages on the Khobar Towers would have been in compliance, for example, had Orwell credited Wikipedia and included a complete copy of the license, itself a substantial document. "The idea here is not for us to lock the material down; it's to make it available," says Goodwin (who has himself been plagiarized).

In an ironic wrinkle, this isn't Wiley's first embarrassing encounter with new media. In April, Shelley Batts, a Ph.D. candidate at the University of Michigan, posted figures from Wiley's Journal of Science of Food and Agriculture on her site. Her post—which credited the journal—compared the raw data on antioxidant effects of fruit in alcoholic beverages with how that data was being spun in the journal's press releases. Wiley's response: an e-mail that read, in part, "if these figures are not removed immediately, lawyers from John Wiley & Sons will contact you with further action." Batts took the offending data down and posted the note, causing a minor stir online—and leading the journal to apologize. "I don't have any ill feelings toward Wiley or the journal," Batts now says. "The only thing I wanted to come out of it was a discussion."

Fortunately for Batts, Ydorb and other self-publishers, a discussion has been underway for the better part of a year now. The Free Software Foundation, which maintains Wikipedia's GNU

license, is teaming up with a popular rival licensing movement called Creative Commons to create an interoperable open source standard. "This has been my secret obsession and work for the last four years," says Lawrence Lessig, a Creative Commons founder and Stanford University law professor. "Make the legal issues totally invisible to the average user who is trying to use free culture in a way that is responsible and trustable." By making the two licenses interoperable, for example, users will be able to integrate text, photographs and music samples from Wikipedia with Creative Commons-licensed content on Flickr or jamendo. Posting, reprinting, sharing and otherwise licensing such material would simply require attribution (and not the actual clunky text of the license).

These may seem minuscule developments in the arcane world of open source content, but consider the The Public Library of Science, a striking counterexample to Wiley in that it publishes a group of science and medical journals online for free. Just last week PLoS published findings about fossils of a 110 million-year-old dinosaur that has come to be known as the Mesozoic Cow. The Creative Commons license the paper is published under permits basically any use (commercial as well as noncommercial) so long as attribution is given. The trend here, says Lessig, who sits on the PLoS board of directors, is that more and more important areas of copyrighted works—science, education, all amateur creativity, some professional—are moving toward a freer licensing system.

It's enough to suggest that, for penance, Wiley ought to commission "Open Access for Dummies." Published under a Creative Commons license, naturally.
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