

# QUOTATION AND USE OF THE RIGHT TO QUOTE IN DOCTORAL THESES. QUOTATION SYSTEMS USED IN SCIENTIFIC WORKS IN THE FIELD OF LAW

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## Abstract

*The quotation represents both a right and an obligation of any author, even more so of the aspirants for the title of doctor. In order to be able to write a scientific paper, a detailed study of national and international law, quotation rules and the use of a quotation system approved by the scientific community is required.*

*It is obvious that a study on a topic that has been debated before should start with the analysis of previous specialized papers, and the quotation of the opinions, theories and conclusions of our predecessors appears as a mandatory element, as long as the new scientific paper considers similar coordinates.*

*At the same time, the quotation must be made in accordance with good conduct in scientific research, so as not to prejudice in any way the moral rights of the original author, which is why the sources must be indicated, the reproductions must be short and not alter in any way the quoted text.*

*The author of a paper must use one of the quotation systems recognized by the international community, and in the particular case of scientific works in the field of law the most used is the Chicago Manual of Style, the advantages of using this system being, among others: simplicity of quotation with which the work can be completed, the possibility of quickly verifying any similarities or the ease footnotes can be used with.*

**Keywords:** quotation, right to quote, quotation system, Chicago Manual of Style, good conduct.

## 1. Introduction

Quotation and the correct use of the quotation right are concerns that any author who writes a new study should have. The particularities of quotation in doctoral theses, even if they result largely from national and international norms regarding copyright or good conduct in scientific research, have not been analyzed in the specialised literature as a separate study. Indicating quotation rules in the various guidelines for writing scientific papers is a necessary step for PhD students but insufficient, as long as only technical clarifications are made.

In the context of the numerous accusations of plagiarism present in the Romanian public space, which come largely from the faulty (sometimes even fraudulent) use of the quotation right in the various doctoral theses, an applied analysis of this subject appears to be necessary and useful, both for future doctoral students and for those who analyze this type of works - from the point of view of respecting the good conduct in the scientific research activity.

The approach chosen in this article is to place both the right to quote between the limitations of the exercise of copyright and the obligation to cite - which derives from the impossibility of dealing with a known subject without recalling the theories or opinions of

established and respected authors by the scientific community in the field.

## 2. Quotation - Notion and regulation

The term „quotation” is defined in the Explanatory Dictionary of the Romanian Language as the reproduction of a passage from a writing, respectively „to reproduce exactly what someone said or wrote”<sup>1</sup>. Much more appropriate to this paper is the definition identified on the dictionarroman.ro website, where it is shown that quoting means „to reproduce literally (indicating the source)”.

In fact, this is - in my opinion - the essence of this article, independently from other structural and formal aspects involved in the study and development of the chosen subject: in order to be in the presence of a quotation and not a simple copy/ plagiarism it is necessary, mainly, to reproduce literally the material which inspired the „new” author and to mention the source of the quotation, whether we are talking about a doctoral thesis, a paper or a simple essay.

From a legal point of view, the right of quotation is defined as „the right of limited reproduction, without the consent of the cited author, of a work brought to the public's notice”<sup>2</sup>.

In Romania, the first mention regarding the right of quotation appears in Law no. 126 of 28 June 1923<sup>3</sup>

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<sup>1</sup> <https://dexonline.ro>.

<sup>2</sup> V. Roş, *Intellectual Property Law*, C.H. Beck Publishing House, Bucharest, 2016, vol. I, p. 372.

<sup>3</sup> <http://legislatie.just.ro>.

which stated (*inter alia*) in art. 20 that it did not constitute an infringement of the right to property:

*„The literal quotations of some isolated passages from an already published writing, in the reports or critical and polemical studies that are made on this work; indication and summary of the contents of a written publication, of a public speech or conference; reproduction in textbooks: anthologies, chrestomathy, publications for school culture, reading books, compositions, grammars, dictionaries, etc., of isolated passages, poems and small literary or scientific pieces, in whole or in summary, with the obligation to show the author's name and the title of the work from which the reproduction or summary was made”.*

Currently, in our legislation, the possibility of quotation is provided in art. 35 para. 1 letter b of Law no. 8/1996<sup>4</sup> which stipulates that *„the use of short quotations from a work is permitted, for the purpose of analysis, commentary or criticism or as an example, insofar as their use justifies the length of the quotation”.* This quotation is permitted even without the consent of the author of the work and without receiving any remuneration, but only if the quotations are in accordance with good practice and if by use of part of the work its author is not prejudiced.

According to art. 4 para. 1 letter d of Law no. 206 of 2004 on good conduct in scientific research, technological development and innovation,<sup>5</sup> plagiarism is defined as *„the presentation in a written work or oral communication, including in electronic format, of texts, expressions, ideas, demonstrations, data, hypotheses, theories, results or scientific methods extracted from written works, including in electronic format, by other authors, without mentioning this and without referring to the original sources”*, the natural conclusion being that a quotation that would respect the mentioned rigors (mentioning the original sources, etc.) and could be sanctioned.

Regarding the quotation in the doctoral theses, art. 65 para. 5 of Government Decision number 681 of June 29, 2011<sup>6</sup> regarding the approval of the Code of doctoral studies stipulates that: *„The doctoral thesis is an original paper, being mandatory to mention the source for any material taken .”*

The applicable international law for the right of quotation is provided for in Article 10 paragraphs 1 and 3 of the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886<sup>7</sup> (to which Romania acceded by Law no. 77/1998) which provides that:

*„1. Quotations taken from a work already made known to the public by law shall be permitted, provided that they are in accordance with good practice and to the extent justified by the purpose pursued, including quotations from articles in journals and periodicals, in the form of press review.*

*3. The quotations and uses referred to in the preceding paragraphs shall state the source and the name of the author, if such name appears in the source used.”*

According to art. 10 of the World Intellectual Property Organization Copyright Treaty<sup>8</sup> (Geneva, 1996):

*„The Contracting Parties may provide in their legislation for limitations or exceptions to the rights conferred on authors of literary and artistic works under this Treaty in certain special cases where the normal operation of the work is not prejudiced or unjustifiably harms the legitimate interests of the author”.*

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society<sup>9</sup> (Chapter II – art. 5 (3) (d) provides that Member States may provide for exceptions or limitations to copyright in national law, including by *„using quotations for the purpose of criticism or review, provided that they refer to a work or other protected object which has already been lawfully made available to the public, the source must be indicated, including the author's name, unless this proves impossible, and their use must be in accordance with good practice and to the extent justified by certain special purposes”.*

There is a correlation of the provisions of Romanian legislation with those provided by the conventions, treaties and directives cited, so it is not necessary to invoke, by practitioners, the provisions of art. 11 of the Romanian Constitution to justify the partial reproduction of passages from published works.

### 3. The right of quotation

Beyond the legislative aspects indicated above, in the context in which tens, hundreds or thousands of papers have been written in most subjects and specialties - namely courses, treaties, articles, reviews or essays, it is almost impossible for a person who chooses to write on a subject which has already been

<sup>4</sup> *Ibidem.*

<sup>5</sup> *Ibidem.*

<sup>6</sup> *Ibidem.*

<sup>7</sup> *Ibidem.*

<sup>8</sup> <https://eur-lex.europa.eu>.

<sup>9</sup> *Ibidem.*

much debated not to reproduce, at least in part, the ideas expressed in writing by his predecessors.

In addition, the knowledge interests of the society and the need to use the works according to their destination have imposed, over time, limitations on copyright, including quotation - in accordance with good practice.

The right to quote has been recognized in the French doctrine since the early 19<sup>th</sup> century, with the French writer Jean Charles Emmanuel Nodier arguing in an 1812 paper<sup>10</sup> that: „any borrowings from previous works, with the exception of quotations, cannot be excused.” It should be noted that, according to some opinion<sup>11</sup>, the quoted French author himself would have "borrowed" several ideas and passages from previous works, and not in the sense of quoting!!!

Even in everyday life we often reproduce quotes of old personalities, without respecting their copyright: „To be or not to be”, „I give a kingdom for a horse” or „The dice have been thrown” are just some random examples of expressions used even by people who don't even know who they are quoting!

In matters where there are established works by famous authors and recognized by all specialists as undisputed authorities in the field, when the „new” author tries to refer to the same subject, the right of quotation appears to be natural. Reproduction of quotations from well-known authors is all the more necessary because the one who does it realizes that he cannot, through a personal idea, be more valuable than his predecessors, and the attempt to translate in his own words the idea expressed by the original author would only diminish the value of his work.

In this context, it was rightly argued that in addition to the right of quotation, there is the correlative obligation to reproduce in full some consecrated texts, as long as the author of the subsequent work was inspired by an existing work<sup>12</sup>.

For a correct, lawful quotation, it is necessary to observe some **substantive and formal conditions**. These have been treated extensively in the literature and, in order not to be put in the situation of "quoting" them in full, I will present only the conditions that I consider mandatory, whether they result from our legislation, European rules or doctrine:

**A.** The quotation must refer to a work brought to the public's attention legally, as provided in art. 10 paragraph 1 of the Berne Convention and art. 5 para. 3 letter d (Chapter II) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May

2021. This condition implicitly results from the provisions of art. 10 letter a of Law no. 8/1996 on copyright and related rights, all the more so as, according to art. 196 para. 1 letter a of the same normative act, the unlawful reproduction of a work constitutes a crime. It is the absolute right of the author to decide if and when he will make his work known to the public, an aspect recognized by both national and European legislation.

It should be mentioned here that the doctrine considers that this requirement was established because the legislator assumed that, with the publication of his work, the author assumed the possibility of its use by other persons<sup>13</sup>.

**B.** The second condition is the mention of the cited source, as it results from the provisions of art. 10 para. 3 of the Berne Convention and art. 5 para. 3 letter (Chapter II) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001. The passage in which the quotation was made must be identifiable in the new work so that it deals with a creation of the „new” author. The use of quotation marks (also called citation marks<sup>14</sup>) is the easiest way to delimit the quotation in the new creation, thus avoiding any confusion or subsequent accusations of plagiarism.

**C.** Identical reproduction<sup>15</sup> of the quoted passage is required. Modifying the meaning or idea of the original work by a truncated quotation or removing contextual statements to demonstrate a thesis diametrically opposed to the one cited by the quoted author is merely a violation of copyright and „good practice” referred to in art. 10 of the Berne Convention.

**D.** The size of the quotation must be a reasonable one, as it results from art. 35 para. 1 letter b of Law no. 8/1996, which provides that it is possible to use „short quotes”. The Romanian legislator also provided an additional criterion in the mentioned article, in the sense that the „extent of the quotation” must be justified by its use. In other words, the size of the reproduction will be directly proportional to the contribution in the literary, scientific, artistic realization generated by the content of the respective quote.

**E.** The purpose of the quotation is a condition mentioned in both national and European law and should cover criticism, review, analysis, exemplification or commentary. If, by way of quotation, it is intended to create a competition between the previous work and the one in which the quotation is reproduced, we would be dealing with a copyright

<sup>10</sup> cited V. Roş, in *Intellectual Property Law*, C.H. Beck Publishing House, Bucharest, 2016, vol. I, p. 369 quoting Ch. Nodier, *Questions de littérature legal*, Barbra Libraire, Paris, 1812.

<sup>11</sup> Al. Dobrescu, *Corsairs of the mind, The illustrated history of plagiarism in Romanian*, Emolis Publishing House, 2017, p. 254.

<sup>12</sup> B. Florea, *Reflections on plagiarism*, Hamangiu Publishing House, Bucharest, 2018, p. 56.

<sup>13</sup> T. Bodoaşcă, L.-I. Târnu, *Intellectual Property Law*, Universul Juridic Publishing House, Bucharest, 2021, p. 92.

<sup>14</sup> <https://dexonline.ro>.

<sup>15</sup> V. Roş, *Intellectual Property Law*, C.H. Beck Publishing House, Bucharest, 2016, vol. I, p. 369.

infringement.<sup>16</sup> The purpose of the quotation is not, in this case, limited to criticism, analysis or exemplification. In the case of a bachelor's thesis, the well-known writer and philosopher Umberto Eco suggests quoting texts from the critical literature only when „... *their authority is corroborated or confirms our assertion.*”<sup>17</sup>

F. The quotation must not prejudice the normal operation of the original work nor cause any unjustified damage to the legitimate interests of the author, as provided in art. 10 of the World Intellectual Property Organization Treaty on Copyright<sup>18</sup> (Geneva, 1996).

For example, the quotation of an important part of the original work may be prejudicial to the first author because, on the one hand, it would seem unnecessary to go through the original creation and, on the other hand, it may include the violation of the moral right to the integrity of the work.

#### 4. Peculiarities regarding the quotation and the use of the quotation right in the doctoral theses

It is impossible to write a doctoral dissertation without a large body of documentation whose role “ is to help doctoral students both to acquire the knowledge acquired by previous generations and to transform them into a tool designed to increase scientific knowledge in the field It is obvious that,<sup>19</sup> according to the actual documentation, some of the studied materials will be cited in the doctoral thesis, insofar as they can contribute to the achievement of the proposed purpose, the use of quotations being “absolutely necessary in case of the different authors and where their most representative opinions must be presented correctly and with their original meaning”<sup>20</sup>.

The author of a doctoral thesis cannot disregard, at the time of writing, the general rules on quotation (briefly stated in the previous chapter), but the requirements applicable to such a study will be additional.

If in the case of a paper, article or essay, the amount of quotations and their size are not very relevant, compared to the original ideas of the author expressed in that material, in the case of a doctoral

thesis the creative contribution of the doctoral student is essential. In this sense, it has been argued in the literature that excessive quotation should be avoided because „Very long quotations that approach the maximum limit of one page, give the impression that the author did not insist on the text, that he did not succeed or did not propose to take the idea out of words”<sup>21</sup>, the same author further quoting Mircea Eliade who stated in a letter addressed to Princess Elena that „A quote is valuable in the reader's consciousness insofar as it is short, dense, bright. An entire quoted page cancels this image.”<sup>22</sup>

As long as the doctoral dissertation “abounds” in quotations and takeovers of the ideas previously expressed, its originality will show weakness, as „The quotation must be an accessory in the new work, to have its own physiognomy, substance and value even in the absence of the quotation.”<sup>23</sup>

The person reading a doctoral dissertation expects to identify in that creation elements of novelty and even innovation (in the case of technical subjects) and not a „collection” of quotes and opinions of others. Comparing with literature, the story books written by Ion Creangă or Petre Ispirescu made our childhood more beautiful, although they were, for the most part, popular narratives transposed by the two great writers and collectors, and not their creations. If Ispirescu and Creangă could have always received awards for style or storytelling talent, they would not have even been able to participate in a creative contest – regarding the stories collected from folklore.

There are also authors<sup>24</sup> who admit the theory according to which **there is originality even in the choice of quotations**, indicating also the legislation that confirms such a theory: „It is also admitted that the selection of quotations also bears the personal imprint of the author. According to H  l  ne Maurel-Indart (2012: 61), the choice of quotations is likely to be considered as a personal imprint of the researcher. Thus, in France, for example, the selection of extracts, quotations and their order in the work are protected by the Intellectual Property Code”. Studying this theory, I remembered a discussion held many years ago with the great poet Adrian P  unescu, who claimed that, although spontaneity is a native, original quality, it can be

<sup>16</sup> C. Colombet, *Literary and artistic property and related rights*, Dalloz, Paris, 1999, p. 173.

<sup>17</sup> U. Eco, *How to elaborate a bachelor's thesis*, Polirom Publishing House, Bucharest, 2006, p. 221.

<sup>18</sup> <https://eur-lex.europa.eu>.

<sup>19</sup> D. V  t  man, *Scientific research methodology: course support for doctoral studies*, Pro Universitaria Publishing House, Bucharest, 2019, p. 31.

<sup>20</sup> C. Basno, N. Dardac, *Consultations on the diploma thesis in economic higher education*, Didactic and Pedagogical Publishing House, Bucharest, 1996, p. 12.

<sup>21</sup> S. Chelcea, *How to write a bachelor's thesis, a doctoral thesis, a scientific article in the field of socio-human sciences*, Comunicare.ro Publishing House, Bucharest, 2007, p. 86.

<sup>22</sup> M. Eliade, *Letter to Princess Ileana of Romania*, Aldine, 1998, 2002, p. 4 cited S. Chelcea, *How to elaborate a bachelor's thesis, a doctoral thesis, a scientific article in the field of socio-human sciences*, Comunicare.ro Publishing House, Bucharest, 2007, p. 86.

<sup>23</sup> V. Ro  , *Intellectual Property Law*, C.H. Beck Publishing House, Bucharest, 2016, vol. I, p. 374.

<sup>24</sup> M.  t. R  dulescu, *The concept of originality in the field of scientific research*, <https://www.diacronia.ro>, p. 41.

cultivated. Undoubtedly, the selection of quotes and their ordering is a job that we must appreciate and even protect, we could make rankings and reward those who find the most „appropriate” quotes. It is not easy to read hundreds of treaties, studies, essays or articles and to choose the most appropriate reproductions for a work with a complex subject, but such a „seeker” cannot be appreciated for its originality, just as a person who "trains" his spontaneity does not really have this quality.

In the elaboration of the doctoral thesis, the indication of the quotation sources is an essential element, especially since lately there have been many accusations of plagiarism, being withdrawn several doctoral degrees, and the guides that indicate the way of elaboration of this genre (including scientific ones) consider that any non-compliance with the quotation rules is plagiarized<sup>25</sup>. Without going into the debates that go beyond the chosen topic, I consider necessary to make a brief distinction between inappropriate quotation and plagiarism, in the light of what is presented in this essay:

I believe that not every reproduction of a part of a work without explicitly indicating the source is a plagiarism that must be condemned. There are several situations in which such an "error" can be excused: the case that a person forgets that he read a certain opinion somewhere and reproduces it without knowing that it was written before (scientifically called cryptomnesia), the misuse of the quotation system due to ignorance of the respective techniques or the reproduction of a considerable part of a previous work (even with the indication of the sources). These must be checked on a case-by-case basis until a definitive conclusion is reached, the consequences of which may be irreversible. Let's not forget that even the pioneer of intellectual property law in Romania, Constantin Hamangiu, is still accused of plagiarism<sup>26</sup>, while, fed up with unfounded accusations, the famous writer Cezar Petrescu declares himself a humble plagiarist<sup>27</sup>, and I.L. Caragiale, unjustly accused of having plagiarized one of his short stories (*The Scourge*) losing the case against his slanderer, he chose the path of exile.

In the case of an inappropriate quotation by the multitude of reproductions of previous texts or even by copying in full an earlier text (provided that the source is indicated - even at the end, in the bibliography) we are dealing, rather, with a case of lack of originality, of

substance and not with a plagiarism. Even if the „new work” cannot be considered a scientific work - in the true sense of the word - its author can be categorized as incapable rather than „plagiarist”.

Less common in practice is the situation in which, in order to confirm an idea or a claim, the author uses an unrealistic quote from a known creator, attributing to the latter ideas that he never had. It is a false ennobling of one's own thinking which represents (unlike plagiarism) not a theft of ideas or a lack of originality but rather a lack of confidence on the part of the author who believes that without the confirmation over time of a „classic”, his idea will not have a favorable impact. Such a „maneuver” resembles the truncation or modification of a reproduction, so that it does not correspond to the original idea of the author, which is also a violation of the rules of quotation as „counterfeiting can take the form of illegal quotation and distortion or modification of foreign works”<sup>28</sup>.

Another particular element regarding the elaboration of doctoral theses is **the quotation of ideas**. If, in the case of other creations protected by copyright, there is no question of protecting ideas (since such a provision could have detrimental consequences for the development of science and culture<sup>29</sup>), regarding the doctoral theses Law no. 206 of 2004 (art. 4 para. 1 letter d) regarding the good conduct in scientific research obliges us to indicate including the source of the ideas presented in the scientific papers.

As stated in theory, ideas can be taken without quoting them faithfully, in full, in quotation marks, but the same author further states that „Taking ideas from pre-existing works must be done respecting the note of simplicity and balance, relating to the models imposed by the well-known specialists in the field”<sup>30</sup>.

There are, in principle, no exceptions to the rule on citing sources in doctoral theses. And in the case of case law, it must be cited with full references to the number of the judgment, the court, the section, and its year. Whenever a court solution is cited, the source of the takeover must be indicated, and if the case comes from the personal archive of the author or another person and has not been published, this statement must be made.

In doctrine<sup>31</sup> it is accepted, however, that in the case of public or private law certain generally valid expressions may be indicated without specifying the original author, all the more so as that quotation has

<sup>25</sup> A. Livădariu, *Plagiarism. Short considerations from a legal perspective*, in Romanian Journal of Intellectual Property Law no. 1/2015, pp. 35-36.

<sup>26</sup> Al. Dobrescu, *Corsairs of the mind, The illustrated history of plagiarism in Romanian*, Emolis Publishing House, 2017, pp. 243-254.

<sup>27</sup> C. Petrescu, *Copy and plagiarism in Literary crime: imitation, copy, plagiarism*, anthology by Mircea Coloşenco, Timpul Publishing House, Iaşi, 2011, p. 25.

<sup>28</sup> Y. Eminescu, *Copyright*, Lumina Lex Publishing House, Bucharest, 1997, p. 197.

<sup>29</sup> V. Roş, *Plagiarism, plagiomania and deontology*, <https://www.juridice.ro>.

<sup>30</sup> B. Florea, *Reflections on plagiarism*, Hamangiu Publishing House, Bucharest, 2018, p. 56.

<sup>31</sup> *Ibidem*.

already entered the usual legal language, for example the use of the *ne bis in idem* rule, which was taken from Iulian's Digests, in the conditions in which the original author (Ulpian) is not mentioned. Obviously, such an exception does not alter the general rule of quotation, nor the copyright obligations, especially since it would be quite difficult to identify Ulpian's descendants who would consider themselves harmed by the reproduction of the respective text ...

Exceptionally, simple data can be indicated without the need to be quoted, and in the event that an article from a law is reproduced, the source of the quotation will be indicated, but if the law discussed (in a generic way) without a specific article is reproduced (or part of the article in the normative act), the quotation is not required as it is assumed that the law is known to all. In this situation the principle *nemo consetur legem ignorare* can be invoked in favor of the author!

There is no question that, by observing the quotation rules, the freedom of the doctoral student to choose the way of writing the work and the authors whose ideas or works will be reproduced in the doctoral thesis is limited, but this must be limited to the obligations listed in the legislation and in the specialized papers that have been briefly presented in this article.

## 5. Quotation systems used in practice

Regardless of the work to be written, as long as it also contains reproductions of texts, the author will have to use one of the recognized quotation systems, thus allowing the reader to identify where he can find the source of the quoted idea or information.

Each higher education unit indicates, in principle, the quotation system that is agreed to be considered by the editors of the specialized works, taking into account the method of anti-plagiarism verification, the relationship with the publishing house to publish the respective texts, the practice of quotation in the respective specialty or the rigors established by the scientific management. For example, on the website of the University of Oradea, depending on the agreed field of research, 9 different quotation systems are indicated, each faculty within this University indicating to the students which style is recommended.

Among the quotation systems (styles) known and used today are: Chicago Manual of Style, APA (American Psychological Association), Harvard, Romanian Academy style, MLA (Modern Language Association), IEEE (Institute of Electrical and Electronics Engineers).

In university studies in Romania, the most commonly used quotation systems are Chicago Manual of Style and APA, the latter being more common (due to the specifics - which I will explain below) in the social sciences, behavioral, economics and education.

The Chicago-style quote was first published<sup>32</sup> in 1902 by the University of Chicago Press, being the best known and most respected system of its kind in the United States. I will not go into technical details, especially since, when referring to this quotation system, the specialized papers or the guidelines for the elaboration of doctoral theses refer directly to the source <http://www.chicagomanualofstyle.org>.

The main difference (in my opinion) between the Chicago quotation system and the APA is the non-use of footnotes (in the case of the APA quotation) - as a general rule. In addition, Latinisms do not (generally) agree with the APA system - for example *idem* or *op. cit.*<sup>33</sup>

Chicago Manual of Style<sup>34</sup> propose two variants of writing scientific papers: the quotation with footnotes and bibliography and the one with author-date, the first variant being more often used in practice. In the version containing footnotes and bibliography, it is necessary to indicate in the *footnote* the author (first and last name), the full title of the publication - including the place of publication, the publisher and the year of publication and the page (s) of where the quotation was made, in this order, this being, in fact, the variant chosen for the formulation of this essay.

The advantages of using the Chicago quotation system are obvious:

- the work can be read easily, without the person reading it having to go over the parentheses in which the authors of the cited works are indicated, the index mentioned in the case of a reproduction not affecting the cursiveness of the study;
- the identification of the cited author and the publication is very simple for a person who wants to verify the reproduction or to study additional information in the initial source, it is not necessary to go through the entire bibliography at the end of the paper;
- indicating the author, the publication and the quotation sheet in the footer of each page of the paper facilitates any plagiarism checks or other similar analyzes;

<sup>32</sup> <https://en.wikipedia.org>.

<sup>33</sup> <https://redactareacademica.wordpress.com>.

<sup>34</sup> <http://www.chicagomanualofstyle.org>.

- the author of the paper will use less time to arrange the page and will be able to focus more on processing ideas<sup>35</sup>;

- footnote numbering is done automatically using the keyboard specifications, respectively „references” and „insert footnote”, which makes the author's work easier, the fluency of the writing being not affected at all;

- the appearance of the paper is a pleasant one, not being affected by the interferences related to the indication of the authors and of the cited studies, which appear indicated only at the bottom of the page.

In fact, the Chicago Handbook of Style is considered the „bible” of the academic quotation system and references by the University of Chicago<sup>36</sup>, while the authors at the University of Cambridge believe that anyone who wants to write a book must use the Chicago system<sup>37</sup>.

Beyond the particularities of each quotation system, which are determined by several criteria (as mentioned above), it is essential that the editor of a scientific paper knows at least two of the established quotation styles<sup>38</sup> and knows how to use at least one very well. I consider that, for a fluency of writing but also for an easier reading, it is necessary that, in general, a work does not combine several styles of quotation.

## 6. Conclusions

As I mentioned in the first part of this article, quotation has an essential role in the rules for writing a doctoral thesis, as it is impossible to analyze a scientific topic without taking into account the opinions of predecessors (regardless of whether we are talking about Romanian or foreign authors) and to indicate, at least partially, the point of view expressed by them regarding the essential parts of the topic that was considered by the doctoral student at the time of choosing the subject to be developed. Obviously, before the actual quotation, a documentation and information activity is required (which is an intrinsic part of the scientific research process<sup>39</sup>), the selection of the works or studies to be cited having a special relevance in the overall appreciation of the scientific value of the doctoral thesis.

The premise from which the doctoral student must start when writing the paper is that the use of quotations is certainly a limitation of copyright „justified by the critical, polemical, pedagogical, scientific or informative nature of the work in which quotes are incorporated.”<sup>40</sup>

Failure to indicate the source of the quotation, truncation, distortion or alteration of a work by improper quotation, use of very long reproductions of another person's creation or misrepresentation of the author of a writing is not merely a breach of the rules of writing a scientific paper, but also the flagrant violation of the moral rights of the author - respectively the right to paternity and integrity of the work.

I emphasize that non-compliance with the quotation rights in the case of a doctoral thesis can lead not only to criminal or civil sanctions (as in the case of non-compliance with copyright - in general) but non-recognition of the doctoral degree or its withdrawal, which is why there are additional penalties on good conduct in scientific research.

In this paper I did not intend (and I did not succeed, of course) to exhaust the chosen subject but, as I stated at the beginning, I consider it necessary for doctoral students to consider (when using quotes in their work) not only the basic rules mentioned in the guides written by the universities where they study, but also aspects related to the analysis of all the elements that can lead to a quotation that respects the good conduct in scientific research, regardless of the notion, history or modern quotation systems.

The appearance of scientific papers that take into account all the particularities regarding the quotation and use of the quotation right in doctoral theses, but also the analysis of quotation systems used in scientific papers in the field of law would be useful not only for writing doctoral theses, but also for the prevention of violations of deontology by the authors of the new legal studies.

I conclude this article with a quote<sup>41</sup> that, although not „short” (there is a risk of contradicting the principles set out in this paper) seems to me exemplary for the chosen topic, while acknowledging the impossibility of formulating a conclusion of the same level. which I will reproduce below:

„To read those who have written before in a field in which you really want to assert yourself, or to write

<sup>35</sup> K.L. Turabian, *A Manual for Writers of Term Papers, Theses and Dissertation*, The University of Chicago Press, Chicago, 6<sup>th</sup> ed., 1996, preface.

<sup>36</sup> Ch. Lipson, *Cite Right - A Quick Guide to Quotation Styles*, The University of Chicago Press, Chicago, 2<sup>nd</sup> ed., 2011, Chapter 3, p. 1.

<sup>37</sup> B. Luey, *Handbook for Academic Authors*, Cambridge Press University, Cambridge, 4<sup>th</sup> ed., 2002, p. 4.

<sup>38</sup> E.E. Ștefan, *Methodology for elaborating scientific papers*, Pro Universitaria Publishing House, Bucharest, 2019, p. 185.

<sup>39</sup> D. Vătămănuș, *Methodology of scientific research: course support for doctoral studies*, Pro Universitaria Publishing House, Bucharest, 2019, p. 30.

<sup>40</sup> V. Roș, *Intellectual Property Law*, University Course, Global Lex Publishing House, Bucharest, 2001, p. 158.

<sup>41</sup> V. Roș, C.R. Romițan, *Hatred, plagiarism blasphemy, education*, in *Controversies in intellectual property*, Universul Juridic Publishing House, Bucharest, 2019.

simply by exercising your right to free speech, is a duty of common sense, but it is also a moral necessary first of all to identify the stage of your obligation, and it is our form of respect for those who knowledge and decide if you can add something to what have written, whether we like it or not.” exists. Recall those we read in our papers, it is not only

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