

PHEWORK

THIS SITE IS PRIMARILY A REPOSITORY FOR MEETING NOTES, OBSERVATIONS AND THOUGHTS I PICK UP ALONG THE WAY. OFTEN SO I CAN GO BACK AND SEARCH FOR THEM LATER. THIS IS STUFF THAT I DON'T WANT TO FORGET. I MAKE HEAVY USE OF THE MOBILE POSTING AVAILABLE FROM BLOGGER.

about me:

phe

Lincoln, Nebraska, United States

The views expressed by the author represent (or misrepresent) nothing other than the author himself.

response from Safe Assignment

07 April, 2006

I received a very timely and comprehensive response detailing the other side of the story

From Max:

Indeed, the allegations are very serious, and I am almost certain that the owners of our company will pursue this in a court. TurnItIn made such defamatory statements in the past, but apparently stopped after a “cease and desist” letter from a legal representative of Sciworth Inc. last spring. This is the first recurrence of disparagement by TurnItIn we became aware of since then, and we have to react stronger than merely disproving their claims.

Going back to the claims, made by TurnItIn, it is easy to see that some of them are misrepresentation of facts, while others are blatant deception. I’ll start in the order that these claims appear in the letter:

1. “... the ties that the owner of SafeAssignment, Max Litvin (also spelled Lytvyn), has to cheat sites, (termpaper mills)...” – first, I am not the owner of SafeAssignment. SafeAssignment is not a company – it is a product (a part of MyDropBox Suite), and this product, just like the rest of the MyDropBox products, belongs to Sciworth Inc. I do not own any share of Sciworth Inc. Yes, I invented the technology that powers SafeAssignment over six years ago, and I am working for Sciworth Inc. at this moment, but presenting me as the owner of the company and the product is a misrepresentation. It is clear that TurnItIn is trying to create an impression that MyDropBox is equivalent to Max Lytvyn, to use some facts from my past to disparage the company and its products.
2. The first document attached concentrates on disparaging me, as a person, by tying me to paper-mill Web sites through Cyber Breeze Networks LLC. I did work for Cyber Breeze in 2000 – 2001 as a Web developer, while I was studying in the International Christian University in Kiev, Ukraine. However, the rest of the major statements in this paper are misrepresentations:

1. Cyber Breeze Networks was a Web development and hosting company. It was not a company in a real sense, since it was comprised out of independent teams of students working on freelance projects. All members of Cyber Breeze shared only some server equipment and credit card processing account to charge clients. I was not a president of the company, and the company never had a “president” – I was listed as a member of board of directors because I had an international passport (necessary to be listed on the board and to open a bank account).
2. Cyber Breeze Networks did not own the paper mill Web sites mentioned in the paper. It developed and hosted some of them, but the work was performed for external clients. More specifically, I worked on development of search engine to power these Web sites and took part in search engine positioning optimization. It was entirely a programming job. Also, most or maybe even all of the Web sites mentioned in the file were not functioning before MyDropBox emerged as a company.
3. The Chronicle of Higher Education article never accused MyDropBox in running paper-mill Web sites. Oleksiy Schevchenko, the person mentioned in the article and in the email, and supposedly connecting MyDropBox to paper-mills, worked for Cyber Breeze Networks and still is my personal friend, but he was never connected to MyDropBox in any way. Any other statement is a misrepresentation. Also, the article was written before MyDropBox existed as a company.
4. The document mentions that I was “discovered working in the US without a valid work permit”. This statement is a pure fabrication. I was studying in the Vanderbilt University in 2002 – 2004, and was not employed by MyDropBox. I was looking for a potential investor for the MyDropBox project, and MyDropbox.com Web site was a subject of two university project that I initiated, but I was not employed by the company, and nothing I did was in violation of my student visa and a valid work permit that I received in the spring of 2004. The fact that I never violated any US immigration or employment laws is confirmed by a recent five-year extension to my US business visa by another 5 years, which would be impossible even with a slightest violation. However, John Barrie, the CEO of iParadigms, did possibly break the law by misrepresenting himself as my prospective employer trying to obtain private information about me from representatives of the Vanderbilt University. I am attaching the fax with John Barrie’s signature, where he misrepresents himself as my potential employer and requests information about me that the University would not be authorized to release anyway. The representatives of the University considered this request suspicious and passed the fax to me.
5. The paper states that I moved the company to Canada, which is also not true. The company was moved by its new owner. In May 2004 I was still in the USA, and I joined the company in Canada only in late August 2004. Obviously, this

misrepresentation is also pursuing a goal of creating an impression that I am an equivalent of MyDropBox/Sciworth Inc.

3. The email claims that Plagiserve.com, EduTie.com, MyDropBox and SafeAssignment are different names of the same thing and that I was using different names to cover up for something. This is a misinterpretation. These names were related to different projects, and each of them had a legitimate purpose and explanation:
 1. Plagiserve.com – a free plagiarism detection service that I started in 2000. The idea of this service came to me while I was working on a search engine for paper-mill Web sites. I tweaked the search engine to detect plagiarism and provided this service to everybody at no cost, using the equipment of Cyber Breeze Networks. I could not afford buying separate server for this Web site as the service was not commercial, and I was a 19-year-old computer science student. The site was shut down in late 2003 by request of the investor I found then.
 2. EduTie.com – my attempt to make plagiserve.com a commercial product. This attempt failed because of lack of financial resources, and I built the MyDropBox.com for sale. This Web site was also based on the Cyber Breeze equipment and had only three institutional clients, two of which also participated in its development.
 3. MyDropBox.com – the Web site I made “for sale” to attract investors to my project. The site never shared any equipment with Cyber Breeze Networks and was started almost a year after I stopped working for Cyber Breeze. The site later transformed into a commercial enterprise.
 4. SafeAssignment – when MyDropBox transformed from a plagiarism detection service into a family of assignment management products, the plagiarism detection service received a name SafeAssignment. Now both SafeAssignment and MyDropBox are trademarks owned and used by Sciworth Inc.
4. The email claims that the McKenna College research proves my and MyDropBox’s connection with paper mills. However, the research is absolutely irrelevant, and mentions MyDropBox only once, saying that “...MyDropBox suffered from allegations in being a cover for Eastern European paper-mills, selling papers submitted by faculty...” with no facts supporting this statement. The bias and prejudice of this statement is clearly expressed by inclusion of “Eastern European” into the sentence (Are Eastern European paper mills any more unethical than US-based ones? Or is saying that something is Eastern European justifies accusations without proof?). This statement is further discredited by results of an investigation performed by a Dutch journalist Jord Shaap. Mr. Shaap interviewed a number of people claiming to have evidence that MyDropBox was a front for paper-mills, including representatives of the McKenna College, and found out

that the only source of this “information” was TurnItIn. For example, Lou Bloomfield, the person also quoted as a source in the original Chronicle article indicated: "I felt badly after my initial writings because I was originally told about the possible problems with MyDropbox.com by the people at Turnitin.com and I was therefore concerned that I was being used by Turnitin.com to attack their competition" and "I have never heard anything about papers submitted to MyDropbox.com resold by paper mills. I don't think that it is likely to happen." (<http://www.edusite.nl/edusite/nieuws/12887>). Soon after the results of Jord Shaap’s investigation were published, three of the biggest universities in the Netherlands, two of which were using or piloting TurnItIn, became MyDropBox clients.

It is amazing how TurnItIn turned my biography from a success story of a bright student (two honor degrees with scholarships) who, inspired by his work on questionable projects, designed an algorithm capable of detecting plagiarism and transformed this invention into a successful company serving hundreds of clients, into a sham, where one person is creating an impression of a company and pretending to detect plagiarism to steal and sell student papers. Maybe they could get away with it two or three years ago, but now it is too easy to see how absurd these claims are.

Sciworth Inc. is a legitimate company, and MyDropBox is a great product, used by over a 1.5 millions of students. In fact, the plagiarism detection service provided by Prentice Hall with its textbooks and rather favorably mentioned in the McKenna College research is a re-branded MyDropBox service. Prentice Hall, Longman, Houghton Mifflin, McGraw-Hill and Bedford/St. Martin’s (basically four out of top five educational publishers) are licensing our products and services and distribute them with many popular textbook titles under their own brands. Is it possible to believe that none of those companies, some of which have the right to audit our operations, according to our service agreements, are so oblivious that they do not realize that MyDropBox is just cover for paper mills? Or are they just willing to take the risk of being sued and losing reputation of their brands if any single paper submitted to MyDropBox ends up being sold on the Internet? Such assumptions would have absolutely no logic. Same is true for hundreds of institutions that are using our services for years. None of them would risk their reputations if they had any doubts about legitimacy of our company and our products.

Finally, why would anyone running such a profitable growing business and investing hundreds of thousands of dollars into new product development do something, which is not only unethical but also illegal (it would be illegal for MyDropBox to use papers submitted by its clients for any purpose other than providing plagiarism detection services to the corresponding clients)? I cannot think of any reason that could justify that.

I am also attaching a discussion of TurnItIn’s claims that took place on a Blackboard listserv last year. All of the participants of the discussion dismissed TurnItIn’s claims as false, unsubstantiated or irrelevant, and most of discussion participants now use MyDropBox services.

I strongly hope that your institution will not fall victim of misinformation and will evaluate our services based on our performance, and not on libel and disparagement.

Please do not hesitate to contact me if you have any questions or comments.
Best regards
Max Lytvyn

academic technology, higher ed, education

posted by phe at 14:01

Contact+ [abureuben](#) (AOL)**User Stats**

On Blogger Since	April 2005
Profile Views	487

phe

- Age: 35
- Gender: Male
- Astrological Sign: Taurus
- Zodiac Year: Rat
- Industry: [Education](#)
- Occupation: [IT Coordinator](#)
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About Me

The views expressed by the author represent (or misrepresent) nothing other than the author himself.

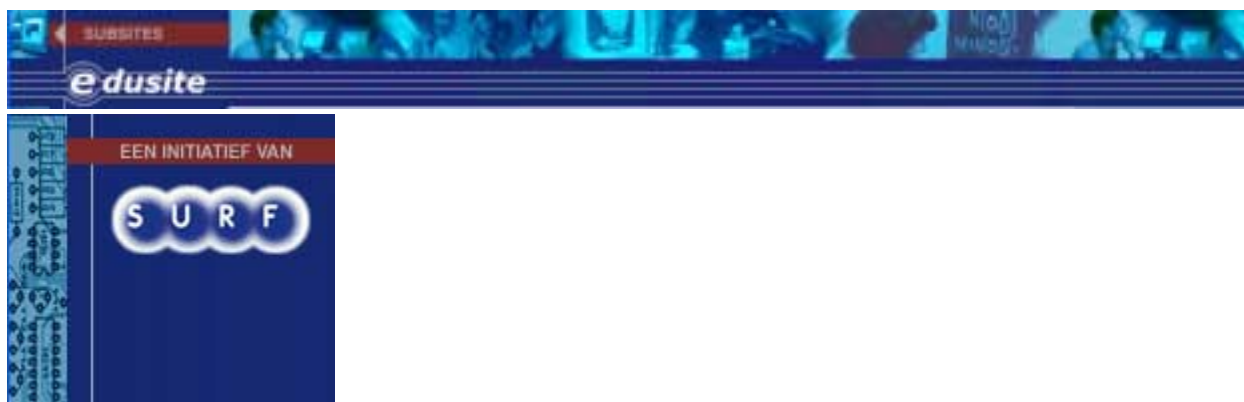
What spells can you cast with magic markers?

....

Blogs

BLOG NAME	TEAM MEMBERS
 pheWork	
 Dad's ending	
 UNL Geeks	Cam Sahasini Bruce amy k Heath drumkeyjw sydney b jw Suzie
 pheLog	

Profile from <http://www.blogger.com/profile/11160887994639702613>



Plagiaatgate: de moddercampagne van Turnitin.com

Datum 22/02/2004 Auteur Jord Schaap (Redactie EduSite)

Citaten of halve scripties? Die haal je van *Google*. Zie hier - met een beetje overdrijving - de mentaliteit van de moderne internetstudent. De komst van het digitale medium biedt studenten ongekende mogelijkheden op het gebied van plagiaat; via zogenoemde *paper mills* of *essaydatabases* kunnen hele werkstukken gedownload worden van het internet, om vervolgens ingeleverd te worden als origineel. Tegelijkertijd zit ook het hoger onderwijs niet stil; de plagiaatproblematiek heeft geleid tot een wildgroei van online plagiaatscanners, waarvan universiteiten tegen betaling gebruikmaken om de werkstukken van studenten op plagiaat te onderzoeken.

De concurrentie tussen deze plagiaatscanners is fel, zo bleek ook op de ict-conferentie EDUCAUSE 2003 in Los Angeles, waar het Californische Claremont McKenna College de resultaten presenteerde van een vergelijkend onderzoek tussen enkele grote spelers op de plagiaatmarkt. Onbetwiste marktleider, met name wat betreft naamsbekendheid, is het Amerikaanse Turnitin.com. Deze gigaplagiaatscanner heeft inmiddels 'scancontracten' afgesloten met veel grote hoger onderwijsinstellingen wereldwijd. Eén van die instellingen zocht afgelopen najaar contact met de EduSite met een curieus verhaal. Verslag van een paar maanden *plagiaatgate*.

"Your webpage on plagiarism was recently brought to my attention."

Zo begon Fiona Duggan, *Plagiarism Advisory Service Manager* van de Universiteit van Northumbria in het Engelse Newcastle, haar bericht aan de EduSite, doelend op de special over internetplagiaat die in augustus 2002 op deze site verscheen. Zij vervolgde:

"I thought I should bring to your attention our concerns about one of the electronic detention products mentioned on your page."

Dan volgen een reeks vrij serieuze beschuldigingen aan het adres van een belangrijke concurrent van Turnitin.com, de plagiaatscanner Mydropbox.com. Duggan gaf aan over aanwijzingen te beschikken dat deze website de door haar op plagiaat gescande studentwerkstukken zou doorspelen naar twee in Litouwen gehoste essaydatabases, waardoor de werkstukken in het illegale circuit van plagiaatdownloads zouden belanden. De site en deze databases zouden zelfs dezelfde server delen. Ook zou de techniek achter Mydropbox.com gestolen zijn van Turnitin.com.

Zware beschuldigingen, en voor de EduSite reden om eens te kijken wat hiervan waar was. Op onze vraag waar Duggan deze informatie vandaan had verwees zij naar de mensen achter Turnitin.com zelf, en naar Lou Bloomfield, een Amerikaanse plagiaatbestrijder aan de Universiteit van Virginia. Bloomfield zou op zijn website bewijzen leveren voor de beschuldiging van Duggan dat Mydropbox.com haar gescande werkstukken zou doorspelen aan bepaalde essaydatabases.

Inderdaad vonden we op Bloomfield's webpagina's meer informatie over de beschuldigingen, waaronder de URL's van de essaydatabases waarover het zou gaan. Een e-mail aan Bloomfield met het verzoek om concreet bewijs van links tussen Mydropbox.com en deze databases leverde echter niks op - Bloomfield reageerde enkele weken later ontkennend:

"I have never heard anything about papers submitted to Mydropbox.com resold by paper mills. I don't think that it is likely to happen."

Ook bleek de informatie op zijn website te zijn aangepast; de beschuldiging van Duggan dat Mydropbox.com techniek van Turnitin.com zou stelen ontkende Bloomfield nu. Sterker, hij voelde zich gebruikt door Turnitin.com:

"I felt badly after my initial writings because I was originally told about the possible problems with Mydropbox.com by the people at Turnitin.com and I was therefore concerned that I was being used by Turnitin.com to attack their competition."

Dat leek inderdaad het geval, want ook de *fake* werkstukken, die de EduSite in de tussentijd als proef op de som bij Mydropbox.com ter scanning had aangeboden, waren - ook niet na enkele maanden - niet terug te vinden op de op Bloomfield's website genoemde essaydatabases.

Toen de EduSite in november vanaf EDUCAUSE 2003 berichtte over het eerdergenoemde plagiaatonderzoek van het Claremont McKenna College, bleek dat Fiona Duggan en Lou Bloomfield niet de enige waren die door Turnitin.com benaderd waren met beschuldigende informatie over Mydropbox.com. Ook Susan Kullman van Claremont McKenna bleek die informatie te hebben gekregen, en wel toen zij zich op haar universiteit hardop had afgevraagd of men in plaats van het betaalde Turnitin.com voor de gratis scanservice van Mydropbox.com moest kiezen.

Turnitin.com had direct gereageerd, en wel in de vorm van het sturen van een *white paper*, waarin de beschuldigingen tegen hun concurrent werden geuit. Bij navraag bleek ook Fiona

Duggan van dit *white paper* af te weten. Zij kwam zelfs met de naam van degene die haar dit *paper* had gestuurd op de proppen: Melissa Lipscomb, *Vice President Business Affairs* bij iParadigms, het bedrijf achter Turnitin.com.

Tijd om Turnitin.com aan de tand te voelen. Want was het niet vreemd dat drie verschillende bronnen - Fiona Duggan in Newcastle, Lou Bloomfield in Virginia, en Susan Kullman in Californië - onafhankelijk van elkaar met dezelfde beschuldigingen tegen Mydropbox.com kwamen, en voor de bron van deze beschuldigingen allen wezen naar Turnitin.com?

Eerdere e-mails naar Turnitin.com hadden niks opgeleverd. De EduSite werd gevraagd verder commentaar af te wachten:

"Thank you for contacting us. I would like to inform you that your email has been forwarded to our management. Please expect another mail from us, which will resolve the issues that were presented in your email."

Dat commentaar kwam echter nooit. Uiteindelijk besloot de EduSite Melissa Lipscomb zelf te benaderen, met de vraag of Turnitin.com de gemaakte beschuldigingen tegen concurrent Mydropbox.com hard kon maken. Vragen naar bewijzen bij onze drie bronnen had immers niets opgeleverd, en ook onze proef op de som met de bij Mydropbox.com aangeleverde EduSite-werkstukken had niet kunnen aantonen dat de beschuldigingen tegen de Turnitin-concurrent enig hout sneden.

"Since until today, these allegations remain to be allegations, the EduSite would like to ask you if you can provide us with any objective proofs for the concerns about Mydropbox.com."

Ook werd Melissa Lipscomb verzocht met het *white paper* op de proppen te komen dat zij eerder naar Susan Kullman had gestuurd. Turnitin.com werd door de EduSite tot slot uitgenodigd met een antwoord te komen op de vragen die door onze bronnen aan ons waren gesteld, zodat de EduSite in een artikel alle kanten van de zaak zou kunnen belichten.

Lipscomb heeft nooit gereageerd. Wat echter blijft is een reeks beschuldigingen aan het adres van Mydropbox.com die Turnitin.com niet kan of wil bewijzen. *Plagiatgate* lijkt dus meer op een moddercampagne van Turnitin.com, die haar afnemers in Engeland en de Verenigde Staten slim beïnvloedt met beschuldigingen van fraude aan het adres van haar concurrenten. Wordt vervolgd.

Noot: Mydropbox.com, dat oorspronkelijk gerund werd door het Litouwse Plagiserve, is inmiddels overgenomen door een ander bedrijf. Ook heeft de EduSite geen bewijs kunnen vinden voor het feit dat Mydropbox.com haar server deelt met de op Lou Bloomfield's website genoemde essaydatabases.

Zie ook het dossier Internetplagiat

reacties:

In het kader het DU project 'Flexibilisering van Toetsing' , waarbij ook onderzoek gedaan wordt naar plagiaatpreventie(systemen), heb ik contact gehad met MyDropbox over dit issue. Hierbij wat letterlijke tekst van Max Lytvyn van MyDropbox:

"

Dear Silvester,

[...]

First, [...], the source of the "story" about Plagiserve selling documents is the president of TurnItIn.com, which is our only competitor on plagiarism detection market. I can say with all the responsibility that the initial story was made up by TurnItIn as a mean of unfair competition.

Also, if you look at the matter from the logical prospective, it would made no sense to spend two years to develop such complicated and expensive technology just to steal student papers that are available on the Internet for free.

Concerning our connections to paper-mill Web sites, the only connection is that I worked as a system administrator for a web ho

Concerning our connections to paper-mill Web sites, the only connection is that I worked as a system administrator for a web hosting company that hosted one of such sites, and I set up a search engine for that Web site. However, programming search engine for that Web site inspired me to create a technology to detect plagiarism and to combat such sites. Close location of IP addresses mentioned in the article is explained by the fact that initially I hosted the PlagiServe web site with the same company I used to work for, until our team had enough money to build our own datacenter. Now we have to our own redundant datacenters in Dallas, Texas and Chicago, Illinois to ensure uninterrupted service for our customers.

Also, about a year ago our company was purchased by an angel investor in the USA, and became a US-based legal entity, so that we are legally responsible for integrity of our service and for security and privacy of our customer's information.

Therefore, you can be sure that our service is legitimate and that we do not disclose our customers' information to any third parties.

If you have any other questions or comments, please contact me over email or call me.

Best regards

Max Lytvyn
MyDropBox LLC

"

Mijns insziens een heel aardig verweer!

Silvester Draaijer (8 mrt 2004)



Editor's Note: This site was referenced in a post following the edusite posting. First, the comments:

2 comments:

Absolutely eye-opening article with tons of proof. I had no idea how much Turnitin violates students' rights.

The Well-Known Secret about Turnitin.com [http://www.essayfraud.org/turnitin_john_barrie.html]

EssayTown said...
20 October, 2006 22:50

I am the owner of EssayTown. I did not post the previous comment. Please remove it. The user "essaytown" has absolutely nothing to do with my company and is just trying to start trouble.

Thank you

REALessaytown said...
27 October, 2006 17:27

With these two views, now the text from the site at www.essayfraud.org/turnitin_john_barrie.html

"Guilty Until Proven Innocent"

The Well-Known Secret about Turnitin.com

Bookmark 

Most students aren't cheating.
— John Barrie, Founder of Turnitin.com (Wired News)

Every high school student, when going to college, will have to face us.
— John Barrie, same interview (Wired News)

IMPORTANT NOTICE: We've done our best to verify that all information on this page is

100% factual. However, we suggest that—in the spirit of fairness to Turnitin.com and its officers—you read all sources yourself in order to form your own conclusions. We gladly welcome comments and suggestions. **(Please understand that no part of this article should be construed as legal advice or recommendation.)**

October 20, 2006

The Well-Known Secret

John Barrie, Founder of Turnitin.com

Turnitin Results are Unreliable, Ineffective, and Misleading

Gotcha! — Exposing Contradictions

Hypocritical Profiteering

The "Fair Use" Doctrine

Scenarios: Proof that Turnitin Violates "Fair Use" by Destroying Marketability

Does Turnitin.com Profit from Students' Actual Work?

Restitution and Damages

John Barrie's Alma Mater, U.C. Berkeley, Threatens Legal Action

Turnitin.com Apparently Libels the Competition

John Barrie's Disrespect for Turnitin Detractors

The Patriot Act

Debunking the Six Favorite Analogies of Turnitin Supporters

Turnitin Software Flaws

Turnitin May Adversely Compromise Professors' Grading Criteria

Professors Who Support Turnitin should Lead by Example

How to Force Turnitin.com to Remove Your Content from Their Database

How to Block "TurnitinBot" from Caching Pages and Sapping Bandwidth

Anti-Turnitin.com Copyright Notice for Students

Students can Set a Trap for Violators

The Well-Known Secret

Millions of honest, hard-working students attend the world's public and private schools. Every day, students write countless essays, reports, and term papers in perfect compliance with their schools' code of ethics and standard guidelines for proper citation. Regardless, these honest—yet inexperienced and naive—students are intimidated and coerced by professors to submit their papers, or intellectual property (IP), to third-party, for-profit ventures (e.g., Turnitin.com) without their willing consent. To attract more schools (sources of revenue), Turnitin currently boasts about storing over 22,000,000 student papers in its database, a collection amassed by

way of copying and then creating derivative works ("digital fingerprints") of students' intellectual property under the soon-to-be-legally-challenged cover of "fair use."

We can understand the monetary motives behind the questionable tactics of a for-profit corporation, but what we do not understand is how or why professors have forced so many innocent students to relinquish their rights. Have the overwhelming majority of students ever been caught plagiarizing in the past? No. Have the overwhelming majority of students been caught peering at other students' answers during a test? Absolutely not. In reality, the exact opposite is true. "Most students aren't cheating," admits John Barrie, founder of Turnitin.com (Wired News). At no time have the overwhelming majority of students given their professors any reason to believe that they are untrustworthy, corrupt, immoral cheaters, but do thousands of professors treat honest students like "guilty until proven innocent" criminals nonetheless? You bet!

John Barrie, Founder of Turnitin.com

John Barrie (pictured at right) is the multi-millionaire tycoon behind iParadigms and Turnitin.com. Although Turnitin.com is the focus of this article, we would be remiss not to address Mr. Barrie, simply because he has chosen to personally represent and condone Turnitin in so many public interviews. His name has become nearly synonymous with his product.



Mr. Barrie claims that his for-profit venture "fights plagiarism" and "protects students' copyrights." However, many people believe that Turnitin.com actually violates students' intellectual property rights on a grand scale (an egregiously unfair—albeit not-yet-proven illegal in court—act that has been conveniently and purposely overlooked by many in academia, which we will touch upon later).

In April of 2004, Wired News revealed Turnitin's 2003 revenue to be **\$10,000,000**, "a figure that Barrie does not dispute, but regrets having put on record." Turnitin's 2004–2006 revenue is surely much higher, considering Turnitin's expansion in the last three years. Judging solely by Mr. Barrie's comment, it seems that Turnitin executives may not want the world to know how much revenue they generate from the intellectual property of unwilling students who are forced to cede their rights by lazy and/or "how DARE you"-minded professors. "That [figure] was correct [for 2003],' Barrie said, declining to discuss current revenues. 'The beauty of being a privately held company is that we don't have to talk about those things. I can say we're all very happy over here'" (HeraldToday.com http://www.bradenton.com/mld/bradenton/living/education/k_12/15651386.htm). Also contributing to John Barrie's regret may be the fact that, in a lawsuit over copyright infringement, "the copyright owner is required to present proof *only* of the infringer's gross revenue" (Cornell Law School http://www4.law.cornell.edu/uscode/html/uscode17/usc_sec_17_00000504----000-.html).

Despite raking in what probably amounts to at least \$50,000,000 since 1998, we are unaware of Turnitin.com paying a single penny in royalties to any one of the countless, unwilling students around the world whose intellectual property Turnitin has copied, stored, disseminated to third parties (<http://www.mikesmit.com/page.php?id=23>), and used to create a for-profit, derivative

works-based service.

Turnitin Results are Unreliable, Ineffective, and Misleading

In addition to unfairly violating students' intellectual property rights and costing schools a fortune, Turnitin has become extremely ineffective as a PDS (Plagiarism Detection Service).

The majority of the small percentage of students who cheat tend to do so in very intelligent ways that are undetectable. Intelligent, determined cheaters know about Turnitin, and it doesn't "scare" or dissuade them any longer.

Professors who support Turnitin may disagree about Turnitin's level of effectiveness but, of course, they only know about the instances of intentional/unintentional plagiarism that Turnitin actually detects. They don't—and never will—know about the acts of "intelligent plagiarism" that are absolutely undetectable to Turnitin. **Therefore, most professors' assessment/opinion of Turnitin.com is inherently skewed and undeservedly positive.**

What some professors may not understand is that Turnitin tends to catch only the most blatantly obvious, word-for-word plagiarism. The program is practically useless if a student uses a thesaurus to change every other word in a paper to a new word of equivalent meaning. Turnitin is also completely impotent in detecting that a student paid a ghostwriter to compose a paper from scratch. This is why the tried-and-true practice of professor involvement is much more effective than many professors' routine of lazy detachment and over-reliance on an imperfect software tool.

If school administrators were to carefully weigh the following pros and cons (communicated by educators in various articles, forums, and blogs), they would see no other rational option but to cease/decline using Turnitin.com.

Pros:

- referencing aid

Cons:

- no longer effective in deterring plagiarism
- the larger the database grows, the greater the frequency of false positives
- emails word-for-word copies of students' papers to third parties, upon request
- causes students to engage in self-censorship
- professors intimidating, extorting, and coercing students to cede their rights
- renders students "guilty until proven innocent"
- professors becoming too dependent on machines to do their jobs
- makes students feel as though they are second-class citizens
- invades students' privacy
- teaches students that rules do not apply to big corporations
- violates students' intellectual property rights
- creates an atmosphere of distrust

- fosters a negative learning environment
- teaches students that it is acceptable to take advantage of "the little guy"
- makes schools vulnerable to lawsuits from students and their parents

Paul Wedlake, "Director of Sales" for Turnitin.com, seemingly admits that the existence of Turnitin is unnecessary:

As an alternative [to using Turnitin.com], the student could be required to turn in a photocopy of the first page of all reference sources used, an annotated bibliography, and a one page paper reflecting on their research methodology. Such an option would be unlikely to be chosen by any students, but if they did choose it, the chances of plagiarism would also be **vanishingly thin**. (Bedford St. Martin's <http://www.bedfordstmartins.com/technotes/workshops/fullcopyright.htm>)

Mr. Wedlake's suggestion merely reinforces what countless academics around the world already believe—Turnitin.com is unnecessary, especially if professors would simply do their jobs properly by engaging each student on an individual level. There are many other effective, non-invasive learning tools on which academic institutions can spend America's tax and tuition dollars every semester.

Schools could avoid Turnitin's huge price tag by forcing professors to become familiar with each student's writing style (foreign concept, we know). Unfortunately for students, school administrators dare not confront professors and discontinue using Turnitin. The last thing a school needs is a professor strike, right? But the sad truth is that many apathetic professors have realized that they can lighten their workloads by allowing machines ("tools," as such professors prefer to call them) to teach AND police our children. Perhaps this is one of the reasons why the American educational system is in serious trouble, and students in other industrialized nations grossly outperform ours? (Sorry, frustration often leads me to digress.)

Another simple alternative to Turnitin.com is for professors to make students write an in-class essay before assigning any take-home writing assignments. That will enable professors to become familiar with each student's writing capabilities and style. It will also provide a sure-fire template against which professors may compare all subsequent works completed outside of the classroom. **The school can use the money saved from dropping Turnitin to hire a part-time "plagiarism assistant" who comes in to work ONLY when students submit papers. Either before or after the professor reviews each paper, the trained assistant can use Google and irreplaceable, HUMAN judgement/ingenuity to detect ALL types of plagiarism, from blatant copy-and-paste jobs that are detectable with an online search, to "intelligent plagiarism" (ghostwriting, thesaurus substitution, etc.) that Turnitin is absolutely incapable of recognizing.**

Gotcha! — Exposing Contradictions

"It would be improper to use Turnitin as a gotcha," says John Barrie (Mlive.com <http://www.mlive.com/news/muchronicle/index.ssf?/base/news-5/1160145926207720.xml&coll=8&thispage=2>).

For once, we agree with a statement from Mr. Barrie. However, he contradicts himself on the

Turnitin Web site:

"[I created Turnitin] to monitor the recycling of research papers in . . . large undergraduate classes" (John Barrie, Turnitin.com).

Barrie also states, "One hundred percent of our clients buy Turnitin as a deterrent. None of them care to catch their students cheating" (ReadMe <http://journalism.nyu.edu/pubzone/ReadMe/article.php%3Fid=441.html>).

If that bold proclamation is true, why does the following statement appear on the Turnitin.com HOME PAGE?

"Now teachers at all levels have to be more vigilant to **catch cheaters** in the classroom" (Turnitin.com).

The glaring contradictions here are almost comical. There's no denying the fact that professors have always viewed Turnitin as an "electronic Gestapo." Turnitin is what it is—a "gotcha." Indeed, the Internet is absolutely flooded with professors' braggadocious blog and forum postings about how they "catch students" with Turnitin.com at the expense of the rights of the vast majority of students who do NOT cheat.

Ian Boyko, national chair of the "Canadian Federation of Students," offers an alternate view:

The reality is that the high [Turnitin] monitoring of students really isn't about catching cheaters, it is a substitute for hiring enough faculty members to take the time to read student work. (CBC News)

More and more students are refusing to cede their intellectual property rights to Turnitin out of concern for the privacy of their ideas. When asked what professors should say to such concerned students, Barrie seems to make the deplorable suggestion (as best as we can interpret) that professors should tell those students to purposely stunt their own creativity and **DUMB DOWN** their work (or not divulge certain ideas altogether):

"Write as much creative stuff as you want — just don't do it at this institution" (John Barrie, The Chronicle of Higher Education).

Unbelievable. We would hate to believe that Mr. Barrie meant to communicate what he did. Of course, feel free to read the actual interview to determine for yourself what Barrie was trying to communicate.

Unfortunately, students are putting Barrie's apparent suggestion into practice. To their own detriment, students have begun to engage in self-censorship. In fact, many professors, including John Ringland of Buffalo University, already acknowledge the danger of this adverse phenomenon:

Certainly one can imagine that a student concerned over possible surveillance would cause self-censorship in their writing. . . . The threat to freedom of thought, freedom of expression is by far the most important of all issues here. We in academia should be the

first line of defense against threats to these things. So it seems ironic and hard to credit that we in academia are actually the ones that are causing to be brought into existence this instrument by which these fundamental freedoms could be suppressed. (University of Buffalo *Reporter* <http://www.buffalo.edu/reporter/vol38/vol38n7/articles/FSEC.html>)

As if John Barrie's apparent suggestion that concerned students should censor their own creativity weren't bad enough, Paul Wedlake, "Director of Sales" for Turnitin.com, told professors how to protect themselves from potential legal action by students:

Having students submit their work, rather than instructors submitting it, adds one more level of consent on the part of the student, as nothing is done without the student's knowledge. (Bedford St. Martin's <http://www.bedfordstmartins.com/technotes/workshops/fullcopyright.htm>)

Again, we encourage you to read this article (and all other articles that we reference) yourself in order to form your own conclusions.

Turnitin.com's contradictory legal document makes their defense even less credible by stating that "the work itself is not released to the public until and unless the author consents to its publication" (Turnitin Legal Document [PDF file]). In direct contradiction, Turnitin.com's "Instructor User Guide" states:

If the paper is from another instructor's class, we cannot provide direct access to the paper. **To view the paper, you must first request permission from the instructor in possession of the paper** by clicking the permission request button 4. We will then auto-generate an e-mail detailing your request. If permission to view the paper is granted, a copy of the paper will be sent back to you via e-mail. (Turnitin.com's "Instructor User Guide" http://turnitin.com/static/pdf/tii_instructor_guide.pdf)

Obviously, "the instructor in possession of the paper" has absolutely no authority whatsoever to grant license for anyone else to duplicate, transmit, or read a student's intellectual property. The professor is NOT the "author" (copyright holder). Only the student author can grant permission. Therefore, we see no plausible defense for Turnitin.com. If students around the United States band together and file a class action lawsuit, Turnitin.com may be in serious trouble.

Hypocritical Profiteering

Why is Turnitin violating authorial integrity in order to teach students that violating authorial integrity is wrong? Many professors believe that Turnitin takes hypocrisy to new levels. For example:

TurnItIn.com is an inherently suspicious technology of surveillance, sending to our students the message that none of them are sufficiently trustworthy in our eyes. . . . Turnitin appropriates the value of student writing for the sake of its own profits, while at the same time criminalizing students for the very same practice. In other words, TurnItIn.com stands as a monument of staggering hypocrisy — and that's not a monument I'm going to erect in my classroom. (Mike Edwards, English professor)

Turnitin seems to be focused more on "earning" than on "learning." Many people feel that Turnitin is profiteering at the expense of those who do not have the worldliness, legal knowledge, leverage, or monetary means to pursue restitution. John Barrie defends Turnitin's copying of students' intellectual property:

The value to our company is not in the collection of words and characters in an essay, but in the series of numbers **derived** from the essay once we transform those words and characters into digital fingerprints. (CNN)

The bottom line is that copyright law protects against derivative works for profit, and John Barrie has openly admitted that Turnitin "derives" its for-profit database from students' works.

Unwilling students' papers enable Turnitin to generate derivative works that produce millions of dollars in undue profit every year. Without students' papers ("raw materials," so to speak) that enable Turnitin to produce the unique, "digital fingerprints" that are directly dependent on and derived from unwilling students' intellectual property, Turnitin could not exist in its current form. That is an undeniable fact.

What Turnitin supporters do not seem to realize is that one does not have to formally publish another's work in *The New York Times* in order to violate copyright law. If one were to rent a DVD from a video store and then make a copy of that DVD (just to occasionally refresh one's own "mental fingerprint" for purposes of "evaluation" and "comparison" against other movies), one would be committing copyright infringement, even though one has made neither the original DVD nor the copy available to any third parties.

If Mr. Barrie were a restaurateur, he could not sell a hamburger without first having paid for a farmer's cow, which is perfectly analogous to Turnitin's dependence on unwilling students' intellectual property. A hamburger is a derivative work of a cow. A "digital fingerprint" is a derivative work of a student paper. Both are sold for profit. **Purchasing raw materials is a common cost of doing business, but, for some reason, the people at Turnitin.com seem to think that they are exempt from that cost.** Students' written thoughts and ideas are the raw materials that make the wheels turn and checks roll in at iParadigms. Unfortunately, for unwilling student authors and other copyright holders, checks don't seem to roll OUT of iParadigms.

A person close to the McLean High School controversy:

John Barrie attended our PTSA meeting at McLean High School [around October 16, 2006] and was bombarded with questions about the legality and morality of his service. **He admits that he pays for non-student generated, copyrighted material in the database, so why should student papers be treated any differently?** It is quite clear that he is making a fortune by appropriating student papers for his database and not compensating students. It is not true that submitting student papers to the service actually protects students' copyright interests - or at least it's the height of hypocrisy to steal someone's property in order to protect it. And yes, John Barrie comes off as arrogant in person. He kept saying that he wasn't there to discuss the legal issues relating to Turnitin, when it was very clear that was exactly what the parents and students were there to discuss. One only hopes that the courts catch up to him soon and put a stop to this business. (The Chronicle of Higher Education <http://chronicle.com/wiredcampus/article/1588/taking-a-hard-line-on-turnitin>)

We'd also like to point out that John Barrie criticizes young people for disrespecting the

intellectual property rights of musicians, stating, "Downloading music is seen as fair game but if [students] were to go to a record store, they would never steal a CD" (ReadMe). However, when students express concern about Turnitin violating their own privacy and intellectual property rights, Barrie calls that "petty criticism" (The Chronicle of Higher Education <http://chronicle.com/free/v48/i36/36a03701.htm>).

The "Fair Use" Doctrine

Covering itself with the "Fair Use" banner places Turnitin.com on very shaky legal ground. This is because the doctrine of "Fair use" does not allow commercial enterprises to profit from creating derivative works of others' intellectual property. Section 107 of the Copyright Act outlines the four factors that help determine whether or not a particular use is fair:

1. *the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;*
(Turnitin.com is a strictly commercial, for-profit venture, so Turnitin representatives cannot claim #1 as a defense.)
2. *the nature of the copyrighted work;*
(In this case, the copyrighted works are the intellectual property of unwilling students who were intimidated/extorted/unduly influenced by their academic institutions via threat of failure, suspension, and/or expulsion. Therefore, Turnitin representatives cannot claim #2 as a defense.)
3. *amount and substantiality of the portion used in relation to the copyrighted work as a whole;*
(Turnitin.com copies 100% of each student's paper in order to make a "digital fingerprint" for profit, so Turnitin representatives cannot claim #3 as a defense, either.)
4. *the effect of the use upon the potential market for or value of the copyrighted work.*

Now, #4 is where John Barrie stakes his claim. He boldly—albeit falsely—states:

In no way do we diminish students' ability to market their work. Since we vet for originality, it increases the marketability of the work and increases the confidence a publisher might have in publishing that work. (The Chronicle of Higher Education <http://chronicle.com/free/v48/i36/36a03701.htm>)

Dan L. Burk, a University of Minnesota Law School professor who specializes in intellectual property, says of Mr. Barrie's fair-use defense: "That's baloney." (<http://chronicle.com/free/v48/i36/36a03701.htm>).

As many as three factors undermine the argument, the professor says: The students' papers are completely copied. They are often creative works, as opposed to compilations of scientific facts. And they are being submitted to a commercial enterprise, not an educational institution. 'To run a database, you've got to make a copy, and if the student hasn't authorized that, then that's potentially an infringing copy,' says Mr. Burk. (The Chronicle of Higher Education <http://chronicle.com/free/v48/i36/36a03701.htm>)

Professor Burk is merely one of thousands of educators around the world who condemns Turnitin. More and more legitimate, hardworking educators are having the guts to separate from the pack, stand up for students' rights, and label Turnitin for exactly what it is: a parasite, feeding on unwilling students whose apathetic professors turn a blind eye to the blatant injustice simply because Turnitin makes their jobs easier. For example:

Rebecca Moore Howard, an associate professor of writing at Syracuse University, who is an outspoken critic of all plagiarism-detection services, says students whose papers are submitted to the service could also argue that their rights are being violated under the Family Educational Rights and Privacy Act, which bars colleges from releasing personal information about students without their consent. (The Chronicle of Higher Education <http://chronicle.com/free/v48/i36/36a03701.htm>)

Ms. Howard's comments are especially pertinent because almost all student papers include the student's name, class, professor name, and school. Another educator elaborates:

Indeed, LeRoy S. Rooker, director of the U.S. Department of Education's Family Policy Compliance Office, says there is no exception to the act that would permit colleges to turn over student papers to an outside vendor without students' written permission. 'You can hire a vendor to check for plagiarism,' he says. 'But once they do that, they can't then keep that personally identifiable document and use it for any other purpose.' (The Chronicle of Higher Education)

Many student papers are narrative in nature, recounting personal experiences and revealing private, personally identifiable information. Hence, we believe that Turnitin violates FERPA. We will now present several scenarios that prove how Turnitin also destroys the marketability of students' intellectual property.

Scenarios: Proof that Turnitin Violates "Fair Use" by Destroying Marketability

Scenario #1: "The Intern"

A college student named Mary decides to apply for an internship with a major publisher. She takes the best research paper that she has ever written, and presents it to the executive editor as a writing sample. The editor is so impressed with her writing that he stops just short of hiring her on the spot! Mary is ecstatic. The editor tells her that he just needs to take care of a few formalities, and he'll call her tomorrow. The next day, Mary enthusiastically answers the phone, only to have her heart ripped from her chest. The editor informs Mary that "her" research paper has proven to be plagiarized by Turnitin, chastising, "Plagiarizers don't have much of a future in publishing." He hangs up.

Scenario #2: "The Freelance Writer"

After graduating, a high school student named David decides to sell all of his papers to a publishing firm that allows only paying customers to view its copyrighted, unique catalog of reference materials. The company's slogan is "You won't find our research materials anywhere else!" Under that business model, the company's only condition for buying David's papers is that

each document must never have been previously published or indexed online. David confirms that he never published any of his works online or otherwise, so both parties agree to complete the transaction. Three months later, the company sues David because a customer purchased one of the papers and discovered that it had been indexed by Turnitin several years ago.

David's professor had submitted the paper to Turnitin without David's knowledge or permission.

Scenario #3: "Google, a Chinese Corporation"

It's 1995, on the campus of Stanford University. A graduate student named Larry Page—now CEO of multi-billion-dollar Google—writes a research paper for his engineering class, which outlines his in-depth plans for "retrieving relevant information from a massive set of data (<http://www.google.com/corporate/history.html>)."

What if Larry's billion-dollar paper had been submitted to Turnitin by Larry's professor, who then granted license—without Larry's permission—to another professor in China who then proceeded to "fund" Larry's vision before Larry himself had the means? Now, THAT is the type of intellectual property theft that can change an entire country's economy, culture, way of life, and position in the global marketplace.

If this had really transpired, the new verb (<http://dictionary.reference.com/browse/google>), "Google," wouldn't be a part of American lexicon.

PS: Turnitin supporters' second favorite weapon to catch those untrustworthy, guilty-until-proven-innocent students is a student-invented, Google search. Ironic, isn't it?

Scenario #4: "The Sales Pitch"

A graduate student named Paul writes an interesting business paper in 2001, simply for personal enrichment. An acquaintance reads the paper and makes a copy without Paul's knowledge. In 2003, the long-forgotten acquaintance plagiarizes Paul's work and submits it to Turnitin. Since Paul had never submitted his intellectual property to Turnitin, the flawed program now considers the plagiarizer to be the "original author." In 2006, Paul decides to pitch an expanded version of the paper to his employer, during a huge meeting, as an idea for a new product. All of the executives love it! Later, the employer submits Paul's proposal to Turnitin.com, and the program falsely labels Paul's own ideas as 86% plagiarized. Paul loses his job, as his "poor judgement" and "lack of ethics" reflect badly on the company. Paul has absolutely no way to prove original authorship. His reputation is tarnished forever, and his ability to find other work in the industry is virtually impossible.

Does Turnitin.com Profit from Students' Actual Work?

Mike Smit, a teaching assistant at Dalhousie University in Halifax, Nova Scotia, recently conducted experiments that prove Turnitin's statements regarding students' privacy are not altogether forthright. Despite what Turnitin representatives claim, not only does Turnitin copy and store unwilling students' papers for profit, Turnitin also permanently retains a word-for-word copy of each and every paper that it acquires from students without their willing permission. The scariest part, however, is that Turnitin also emails word-for-word copies of any paper to third parties (<http://www.mikesmit.com/page.php?id=23>)!

Smit comments about the results of his experiments with Turnitin:

[Turnitin's] Canadian Legal Document, and the American one even more so, relies on this principle that only a "fingerprint" is used, and the fingerprint is not a real copy or derivative. But as I have just shown, full-text, exact copies are available on the system, and these copies are used and displayed long after the student is finished a given course. The legal document either lies about this issue or avoids it completely, depending on how you interpret it. **TurnItIn.com takes students' intellectual property, copies it, retains it, uses it, and exercises control over it, all to make money.** That is not what I signed up for when I enrolled at Dalhousie University. (MikeSmit.com <http://www.mikesmit.com/page.php?id=23>)

Again, despite what Turnitin representatives falsely claim, Turnitin does not simply make a "digital fingerprint" that is indistinguishable and unavailable to the public. To the extreme contrary, Turnitin profits immensely from providing students' actual work directly to other human beings (without the student authors' direct permission). In fact, the following statement appears in Turnitin.com's "Instructor User Guide":

If the paper is from another instructor's class, we cannot provide direct access to the paper. **To view the paper, you must first request permission from the instructor in possession of the paper** by clicking the permission request button 4. We will then auto-generate an e-mail detailing your request. If permission to view the paper is granted, a copy of the paper will be sent back to you via e-mail. (Turnitin.com)

Now, "the instructor in possession of the paper" has absolutely no authority whatsoever to grant license for anyone else to duplicate, transmit, or read a student's intellectual property. In fact, if a student demands such, the professor may not even keep a copy for himself, let alone distribute the student's copyrighted ideas for "the next great invention" to the public. (For those who feel that we may be exaggerating about the potential value of student ideas, we suggest that you refer to the origin of Google (<http://www.google.com/corporate/history.html>), a company created by two students in a DORM ROOM.) Only the original, student author can legally grant such license, without coercion. Remember, most great inventions spring from the minds of our youth. The goal of a civilized society should involve taking all necessary steps to 100% guarantee that students' ideas remain private, away from ANY human eyes, until the students themselves are prepared to act on their ideas and market them to the world. Professors who use Turnitin make that goal impossible to achieve. It is morally, ethically, AND legally indefensible for professors to compromise students' fledgling careers by using extortion and undue influence to force students into ceding rights to their ideas before they are prepared to publish those ideas of their own accord.

You may be asking, "How does providing a third party with a word-for-word copy of a student's original paper benefit Turnitin.com monetarily?" Well, we're glad you asked! If you were a responsible professor considering paying for Turnitin, you would not commit to the purchase unless you received a POSITIVE answer to the following question:

If Turnitin flags one of my student's papers as having been plagiarized from a student paper in your database, will I be able to read the original paper from which you claim that the student plagiarized? I need to see the original source myself if I am to confront the student with plagiarism charges, risking the student's reputation, my job, and a lawsuit against the school district.

If Turnitin staff were to rightfully and responsibly answer "No" to all such requests, thereby refusing access altogether to students' original, word-for-word writing, countless professors would never pay for Turnitin's uncorroborated results (or not renew existing contracts). After all, a professor can't convict a student of plagiarism and tarnish the student's life-long reputation based on hearsay. Turnitin's revenue would plummet. So, the people at Turnitin apparently choose to roll the "legal dice" by disseminating students' intellectual property to third parties, hoping that a lawsuit never arises. In the meantime, Turnitin generates at least **\$10,000,000** in revenue per year by violating the IP rights of the millions of students for whom Turnitin hypocritically claims to "protect copyright." This practice of blatant copyright infringement via third-party, public viewing may also violate FERPA regulations because a student's personal writing is an integral part of his/her educational record.

IMPORTANT REMINDER: We've done our best to verify that all information on this page is 100% factual. However, we suggest that—in the spirit of fairness to Turnitin.com and its officers—you read all sources yourself in order to form your own conclusions. We gladly welcome comments and suggestions. **(Please understand that no part of this article should be construed as legal advice or recommendation.)**

Restitution and Damages

John Barrie has stated that no student has ever pursued a legal challenge against Turnitin.com (The Seattle Times http://seattletimes.nwsourc.com/html/nationworld/2003272933_plagiarism24.html). While it may be true that students have not yet sued Turnitin directly, at least one college student has already won a legal battle to prevent McGill University, a PRIVATE institution, from transferring his copyrighted papers to Turnitin (CNN <http://www.cnn.com/2004/LAW/01/21/ctv.plagiarism/index.html>). Direct lawsuits against Turnitin.com are sure to follow in the near future.

As of April 28, 2004, Turnitin had received approximately 12 requests from students to remove their intellectual property from the Turnitin database. However, Turnitin honored NONE of those requests because each student's school had "not allowed it to happen" (ReadMe). That strikes us as blatantly illegal activity. Both Turnitin and the schools deserve blame. Obviously, schools have absolutely no legal authority whatsoever to usurp students' intellectual property rights/demands, and Turnitin has absolutely no legal authority to grant control to the professors!

We predict that some day, probably soon, Turnitin.com will be forced to pay all current and past students appropriate restitution and damages, as determined by a court of law. John Barrie has already admitted, indirectly, that Turnitin.com should pay royalties to students, by way of his opinion that Napster should pay royalties to musicians. He said:

"Napster comes along, they call out the lawyers. Morpheus comes, they call out the lawyers. What they will have to do is go to a system (and) track where their intellectual property ends up and charge royalties" (ZDNet News http://news.zdnet.com/2100-3513_22-876788.html).

We are quite certain that some determined students will soon "call out the lawyers" to stop

Turnitin.com from using their intellectual property to create for-profit, derivative works ("digital fingerprints"). Perhaps the courageous students at McLean High School <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/21/AR2006092101800.html> in Virginia will take their pursuit of justice to the courts? Ben Donovan, senior at McLean:

We object to the mandatory use of our intellectual property by [Turnitin.com]. We will turn our assignments in to our teachers and our teachers only, and we have the right to expect that our teachers will not turn around and reproduce those papers electronically, especially not for a for-profit third-party internet service. **The administration has threatened us with failing grades if we refuse to use Turnitin.com.** Is this legal? I know McGill University, a private university, couldn't do this, so how can a public high school? In any case, it looks like we are headed for a showdown at McLean that could go to court. We are currently consulting with lawyers as to where, exactly, we stand legally. (eSchoolNews.com <http://www.eschoolnews.com/news/showStoryts.cfm?ArticleID=6638>)

According to Donovan, McLean administrators are literally telling students, "If you refuse to cede your rights to Turnitin.com, we will fail you." **Does that not constitute** extortion **or** undue influence? McLean administrators are holding undeserved "F's" over students' heads. That seems to be just as illegal as an employer telling a worker, "If you refuse to work for less than minimum wage, we will fire you."

Donovan also says that McLean administrators have already tried to censor the ongoing debate about Turnitin:

You would think that people who work at a school would be supportive of this kind of debate. When's the last time that you heard students in the hallway talk about copyright law? [McLean administrators] have actually been kind of hostile to us. They've been really condescending, saying, **'You guys don't have a chance.'** (Black & White Online http://www.blackandwhiteonline.net/DesktopModules/Articles/Articles_Detail.aspx?x=vOuV%2Fe3hq8GihdKn9Ls23%2B46qX%2FEqLC6rcSW1cL7DiQvU9M2%2FXGaNlz63ZdKtGq nzhH9D46iuvPO4Cvk0KU9Yw%3D%3D)

Donovan further states that school administrators tried to personally silence the committee of students who vigorously oppose how teachers and Turnitin violate their intellectual property rights. "When [McLean administrators] heard we were meeting with the *Washington Post* (<http://www.washingtonpost.com/wp-dyn/content/article/2006/09/21/AR2006092101800.html>) reporter, **one of the administrators pulled my friend out of class and demanded that he tell her the name of the reporter.**"

Students from McLean High School and thousands of other schools worldwide grant no license—implied or otherwise—to professors to transfer their intellectual property to Turnitin for duplication, derivation, and dissemination to third-parties. Turnitin.com seems to rely on the notion of "implied license," which professors *supposedly* attain from students by way of coercing, extorting, and/or unduly influencing students to submit their papers to Turnitin. Schools literally force students, via threat of failure and/or disciplinary action, to personally submit their own papers to Turnitin.com so that the professors can later use the legal excuse that "the students knew what they were doing." Turnitin actually supports that practice:

Having students submit their work, rather than instructors submitting it, adds one more level

of **consent** on the part of the student, as nothing is done without the student's knowledge. (Paul Wedlake, "Director of Sales" for Turnitin.com, Bedford St. Martin's)

That defense is completely useless. **"Consent" is not legally binding if obtained via coercion. A judge may deem a contract void if one party was blackmailed, signed under duress, or unwillingly complied because of undue influence.** Therefore, even IF McLean had some sort of "contract," a judge would almost certainly deem that contract void.

When a student submits his or her intellectual property for grading, the student's natural assumption is that he or she is granting evaluative rights solely to his or her personal teacher. In no way does this so-called "implied license" (and any associated "collateral rights") entitle the teacher to then breach the student's trust and unilaterally decide to transfer the paper to be copied to and stored on iParadigms servers for third-party profit by way of creating a derivative work ("digital fingerprint") for dissemination to third parties. Regarding legal precedent, *A&M Records, Inc., et al. v. Napster, Inc.*, 239 F.3d 1004, 1019 (9th Cir. 2001) finds that "copying of a work for personal use is not fair when coupled to simultaneous distribution of the entire work to the general public" (Turnitin Legal Document [PDF file]). Indeed, Turnitin.com publicly admits that their actions are legally "questionable":

The question of whether the scope of such collateral rights extends to electronic submission of a written work to a computer database for purposes of review, 'fingerprinting', and/or archiving has not been tested in the courts, nor is it addressed explicitly by statute. (Turnitin Legal Document [PDF file])

Turnitin.com's contradictory legal document makes their defense even less credible by stating that "the work itself is not released to the public until and unless the author consents to its publication" (Turnitin Legal Document [PDF file]). In direct contradiction, Turnitin.com's "Instructor User Guide" states:

If the paper is from another instructor's class, we cannot provide direct access to the paper. **To view the paper, you must first request permission from the instructor in possession of the paper** by clicking the permission request button 4. We will then auto-generate an e-mail detailing your request. If permission to view the paper is granted, a copy of the paper will be sent back to you via e-mail. (Turnitin.com's "Instructor User Guide")

As previously stated, "the instructor in possession of the paper" has absolutely no authority whatsoever to grant license for anyone else to duplicate, transmit, or read a student's intellectual property. The professor is NOT the "author" (copyright holder). Therefore, we see no plausible defense for Turnitin.com.

When Turnitin's questionable practices come under fire in a criminal case or class action suit, their defense may be to use academic institutions, school districts, and professors as scapegoats, as they "were responsible for obtaining 'implied license' from students." Therefore, students should be fully prepared to sue their school districts, as well.

John Barrie's Alma Mater, U.C. Berkeley, Threatens Legal Action

A few years ago, U.C. Berkeley (John Barrie's alma mater) threatened Barrie with potential

legal action because, in their opinion, he misrepresented to consumers that U.C. Berkeley had endorsed Turnitin:

There was also some concern that the company had used testimonials from one or more . . . faculty members in its literature to suggest that the campus had in fact entered into a campus-wide agreement to use the software. As a result, the campus sent a cease-and-desist letter requesting that the company not engage in such **misrepresentation**. (U.C. Berkeley <http://teaching.berkeley.edu/plagiarismreport.html>)

Christina Maslach, Vice Provost of the "Academic Dishonesty and Plagiarism Subcommittee" at U.C. Berkeley, cites more reasons why the Berkeley administrators rebuffed Turnitin:

The campus administration declined to execute an agreement with Turnitin.com for several reasons. At the time, the company took the position that **any student papers submitted for analysis became the property of the company**, as part of the general database of collegiate student papers against which future papers would be checked for possible plagiarism. This raised both intellectual property and copyright issues, as well as privacy issues relating to student records.

. . . some faculty remain concerned that the use of such anti-plagiarism software alters the fundamental relationship between the instructor and student into one of basic mistrust, sending the message that the use of such software is necessary because most students cannot be relied upon to do original work.

The possibility of conflicts regarding copyright issues is also troubling, since the way the software works would seem to **require surrender of any student rights in the submitted work as a precondition for taking any course in which the instructor might elect to use the software**. Such surrender would be unavoidable for courses required for a student's major. (U.C. Berkeley <http://teaching.berkeley.edu/plagiarismreport.html>)

Liz Losh, professor at New York University (NYU), says that Barrie is a "notorious media hound" whose company "has both a troubling past and a troubling future." Not only does Turnitin.com unduly profit from unwilling students' intellectual property, but Berkeley officials apparently believe that John Barrie also unfairly capitalized on Berkeley's private resources while on the school's payroll. Losh reveals more details:

Barrie claims that U.C. Berkeley did not purchase a campus license for Turnitin.com because the university was embarrassed after he pointed out that 'cheating was rampant' and thus 'the university was dragged through the mud,' but he doesn't mention the fact that the campus also has a legitimate gripe with him, because the school might claim that the software was developed by campus personnel using campus resources while Barrie was on the institution's payroll. Thus Barrie might seem to have capitalized on an investment of public resources by attempting to sell his software back to his former employer. (Liz Losh, New York University <http://www.nyu.edu/classes/siva/archives/003261.html>)

John Barrie exclaims, "So, you tell me why Berkeley doesn't use Turnitin" (ReadMe)!

Professor Losh just told everyone exactly why.

Turnitin.com Apparently Libels the Competition

In an email to a professor (prospective client) on or around April 7, 2006, Turnitin's "Senior Account Manager" apparently libeled a competing plagiarism-detection company, MyDropBox, and seemingly defamed one of its employees, Max Lytvyn:

I normally don't like to say anything negative about my competition, preferring to offer Turnitin's services based on its own merit, but in this case, I feel that you should know the facts about MyDropBox, aka SafeAssignment. Using their service could result in serious consequences for your school. Most importantly are the ties that the owner of SafeAssignment, Max Litvin (also spelled Lytvyn), has to cheat sites (term paper mills). Your students' papers could be at risk of ending up on these cheat sites. Additionally, I'm sure that your school would not intentionally want to support a company that is working both sides of the fence, possibly using these sites to subsidize MyDropBox. ("Senior Account Manager" for Turnitin.com, pheWork.com)

Shortly thereafter, Max Lytvyn, who has provided detailed evidence <http://phework.blogspot.com/2006/04/response-from-safe-assignment.html> that he has no ties to paper mills and is NOT the owner of MyDropBox, responded to the allegations:

Indeed, the allegations are very serious, and I am almost certain that the owners of our company will pursue this in court. TurnItIn made such defamatory statements in the past, but apparently stopped after [receiving] a "cease and desist" letter from a legal representative of Sciworth Inc. last spring. This is the first reoccurrence of disparagement by TurnItIn [of which we are aware] since then, and we have to react stronger than merely disproving their claims. (Max Lytvyn, employee of MyDropBox/Sciworth Inc., pheWork.com)

Lytvyn then proceeds to clearly disprove Turnitin's potentially libelous accusations. The following excerpt appears to be particularly damaging to Turnitin's credibility:

[Turnitin's statements have been] further discredited by the results of an investigation performed by a Dutch journalist, Jord Shaap. Mr. Shaap interviewed a number of people claiming to have evidence that MyDropBox was a front for paper-mills, including representatives of McKenna College, and found out that the only source of this 'information' was Turnitin. . . . Soon after the results of Jord Shaap's investigation were published, three of the biggest universities in the Netherlands, two of which were using or piloting Turnitin, became MyDropBox clients.

It seems very likely that Turnitin.com will be hearing from the attorneys for MyDropBox.

John Barrie's Disrespect for Turnitin Detractors

"We do not think giving another company rights to hold student work is necessarily a good thing," says John Ellison, Assistant Dean of Harvard University (Bloomberg.com <http://www.bloomberg.com/apps/news?pid=20601103&sid=aHvAuVssqroE&refer=us>).

Given Barrie's public comments about other Turnitin detractors, he probably doesn't respect Mr. Ellison's stance, either.

John Barrie has publicly insulted and belittled people and institutions that opt against using Turnitin. When LeRoy S. Rooker, director of the U.S. Department of Education's "Family Policy Compliance Office," concluded that there is no exception to the "Family Educational Rights and Privacy Act" (FERPA) that would permit colleges to turn over student papers to an outside vendor without students' written permission, John Barrie scoffed that such is "**petty criticism**" (The Chronicle of Higher Education <http://chronicle.com/free/v48/i36/36a03701.htm>).

Princeton, Harvard, Yale, and Stanford all decline to use Turnitin because they believe that it violates students' intellectual property rights. Barrie insults the integrity of Harvard, boldly claiming, "There is no reason to think the students at Harvard constitute some bastion of ethics" (Bloomberg.com <http://www.bloomberg.com/apps/news?pid=20601103&sid=aHvAuVssqroE&refer=us>). Barrie similarly attacks Princeton, one of the world's finest institutions of learning, proclaiming that ". . . without using anti-cheating software, Princeton risks producing students who don't know right from wrong." He continues the assault, ranting, "There's no reason to believe that Princeton is a bastion of ethics" (DailyPrincetonian.com <http://www.dailyprincetonian.com/archives/2006/04/04/news/15061.shtml>).

Those are completely undeserved, low blows.

Setting aside Princeton's apparent obligation to "preach morality," we believe that parents do a fine job of teaching students right from wrong, well before the students arrive on campus.

The Patriot Act

The danger is real. Turnitin poses a threat to students' civil rights. **John Barrie may have already been legally compelled, via "The Patriot Act," to allow the government to invasively monitor the 22,000,000 student papers indexed by Turnitin (as well as the 70,000+ new papers added per day).** The American government has a vested interest in "keeping tabs" on the world's students in order to take preemptive action against those who engage in anti-American rhetoric or express support for militant Islamic groups, such as Al-Qaeda. The government could also monitor students' statements involving drugs, crime, politics, or anything else that politicians deem prosecutory or otherwise "helpful."

We highly doubt that Turnitin.com would publicly announce that such monitoring of the Turnitin database takes place, as it wouldn't be very good for business.

Debunking the Six Favorite Analogies of Turnitin Supporters

1. "Sports Referee"

John Barrie champions the flawed analogy that a student's refusal to cede his or her intellectual property rights is akin to "football players saying, 'I'm not going to abide by the referee'" (The

Chronicle of Higher Education). The difference, Mr. Barrie, is that football referees do not copy and store a team's playbook (intellectual property) without consent. Neither do referees email copies of a team's playbook to other teams, upon request from rival coaches!

2. "Airport Screening"

Turnitin supporters frequently claim that professors' use of Turnitin is analagous to airports' use of screening. That's absurd. Airport screeners do not make photocopies of passengers' documents as their luggage passes through the x-ray machine. The screeners do not transfer those photocopies to a third-party, for-profit corporation that distributes copies to interested passengers on subsequent flights.

3. "Drug Testing"

Proponents of Turnitin often state that forcing all students to submit papers to Turnitin is comparable to schools forcing all students to endure drug testing. Sorry, but that is sheer fallacy. The school nurse does not violate FERPA regulations by emailing copies of each student's test results to Tom, Dick, and Harry. Neither does the school nurse license the test results, without permission, for manipulation and storage in a third-party, for-profit corporation's database.

4. "Banning Cell Phones"

Turnitin supporters claim that banning cell phones in the classroom during tests is justifiably akin to compelling students to cede their rights to Turnitin. That is another falsehood. Professors do not copy, store, disseminate, or transfer the address book or personal messages contained in each student's cell phone to a third-party, for-profit corporation.

5. "Searching Lockers"

School administrators feel that since they can legally search students' lockers on-the-fly, without permission, they can also force students to submit their intellectual property to Turnitin for storage and dissemination for profit. That's hogwash. The law does not allow school administrators to confiscate, copy, transfer, manipulate, store, disseminate, or create derivative works from any legal/harmless/non-offensive, personal documents contained in a student's locker. Forcing or fooling a student into ceding his/her intellectual property rights—and then searching for "illegal" content in that intellectual property without cause—constitutes unlawful search and seizure. And, because schools treat the student body as a single entity that is guilty until proven innocent, one could argue that every school using Turnitin is violating the Fifth Amendment by compelling the student body to incriminate and testify against itself.

6. "Work-for-Hire"

If a student writes a brilliant, fictional story, can his/her school sell it to a publisher or film studio? Of course not! The school can't even reproduce the story in the school newspaper without first securing the student's explicit consent.

Some Turnitin proponents ignorantly declare that the relationship between school and student is

analogous to that between company and employee. In reality, each of those two relationships is the direct inverse of the other.

In general, "work-for-hire" consists of a company and an employee signing a contract dictating that all ideas and work produced by the employee while on company property/payroll belong to the company. The exact opposite is true for the relationship between school and student.

Firstly, the student inherently owns the copyright, and no trumped-up "contract" by the school can legally force a student to cede to his/her school the copyright to his/her ideas or writing.

Secondly, a student produces written works to further his/her personal development, education, and career, not to benefit the school or a third-party, for-profit corporation. Students in both private high schools and state/private colleges actually "hire" the school to educate them.

Students pay the school, and then the school pays Turnitin to violate the paying students' rights.

Outside of the sado-masochism industry, we are unaware of any products or services for which customers willingly pay to be violated.

Turnitin Software Flaws

John Ringland, Chair of the Faculty Senate Computer Services Committee at University of Buffalo, says:

There is enormous potential for accident and abuse in the creation of a permanent, central, data-minable repository of everything every student ever writes. Moreover, this database is completely outside the ownership of [the school] and that magnifies the problem" (The Spectrum <http://spectrum.buffalo.edu/article.php?id=28775>).

Mr. Ringland is absolutely correct. **Determined, life-long hackers could access the Turnitin database and distribute all 22,000,000+ student papers throughout the Internet.** Class action, anyone? The legal and monetary consequences of a hack would be absolutely devastating to both Turnitin.com and all of the school districts that use the imperfect software.

Many organizations with "security" greater than that of Turnitin.com have lost top-secret data to hackers. In fact, numerous banks, Microsoft, NASA, and even the US Military have unintentionally released incredibly sensitive information to hackers. We're supposed to believe that Turnitin.com is immune to such attacks? Wouldn't that be incredibly naive and irresponsible of us?

Ringsdale believes that Turnitin imposes great risk on students, saying, "Any such release [by Turnitin.com], whether deliberate or accidental, could have serious negative consequences for students' lives" (The Spectrum). Schools are FORCING students to take the risk, and that blatant injustice must be stopped!

Let's now focus on Turnitin functionality.

Academic institutions demean and insult innocent students by forcing them to study in an atmosphere of distrust and prove their innocence BEFORE committing any crimes. As if that

weren't already bad enough, honest students' papers often get red-flagged by Turnitin because of false positives. Those students' reputations are unfairly tarnished forever! For instance:

A controversy erupted at [Calgary's SAIT Polytechnic in 2005] when several students were accused of cheating after their papers were run through [Turnitin] and flagged. The students were [eventually] cleared, but the controversy hasn't gone away. (Canada.com <http://www.canada.com/topics/technology/story.html?id=d3f2f928-29fc-4f34-9321-5981ad731001&k=54714&p=2>)

Despite eventually being "cleared," the students were unfairly embarrassed in front of their families and peers. The impressionable students were forced to interrupt their studies to defend themselves against crimes that they did not commit. (A fight over false plagiarism charges can span an entire semester.) The terrible memories will never go away. Those students will never forget what their school forced them to endure in order to remove the undeserved "scarlet letter P" from their backs.

The problem of frequent false positives may only be the tip of the iceberg. One graduate student states, ". . . my paper #234533 was reported [by Turnitin] to be plagiarized, but that's actually because some other kid's paper ended up overwriting mine at #234533 due to a file system or programming error" (Slashdot.org <http://yro.slashdot.org/comments.pl?sid=197411&cid=16174875>).

We'd be very interested to hear Turnitin executives justify THAT one.

PS: Student senators at McGill University also point out that "the inability of Turnitin.com and other [plagiarism-detection] programs to function in other languages means that there would be inequities in application" (McGill University <http://www.mcgill.ca/reporter/36/13/senate/>).

Turnitin May Adversely Compromise Professors' Grading Criteria

This section consists completely of the wise, hypothetical commentary of a contributor at Slashdot.org. We have made only minor edits to improve grammar and flow.

Day 1: Turnitin.com opens and receives X submissions. The lucky students who were among the first to submit their papers to Turnitin's database receive low 'probability of plagiarism' [POP] for their papers and the results are sent to their professors. The professors' students, for the most part, are all considered to be doing honest work and the professors grade the papers according to the content and quality of their ideas.

Day 1,000: Turnitin.com's database has swelled to 100 million. Any common turn-of-phrase, or figure of speech, inevitably causes at least a marginal bump in the 'probability of plagiarism.' God help the student who comes up with a sentence (honestly, on his/her own) that matches word-for-word a sentence in one of the other 100 million papers. Poof! Even though the student did not plagiarize, the sentence is nearly identical to someone else's and his/her POP jumps up.

Now, imagine you are a professor. You receive 20 reports from Turnitin.com on your

students' papers. A student named Jimmy has a really good paper, but his probability of plagiarism is reported to be twice as high as that of your other students. The paper, without the probability of plagiarism report, deserves a low 'A.' However, you can't overlook the fact that his probability of plagiarism is twice that of the other students. You decide to give him a high 'B' instead—just to be safe.

Something significant has just happened: you have unwittingly made the 'probability of plagiarism' a key component in your grading. You have no guidelines for what magic # causes you to lower a student's grade and can't verbalize or codify this grading component for your students. Most importantly, once this becomes a component of your grading, Turnitin.com's POP # should now become an important consideration for students. As professors try to explain the importance of a low POP to their students, the students will, in time, come to realize that it is just as important to keep this mystical # low. In the future, Jimmy will be less likely to write a paper over a topic that interests him greatly if he fears that too many other people are interested in that topic, as well. He rationalizes that if there are many papers written on his topic, the greater chance that his POP # will go up.

Although he is honest, he knows that honest people are constantly coming up with the same ideas and doesn't want to take a chance that he will write a paper that is 'too similar' to another paper submitted by a kid in Rhode Island three years earlier.

Look at the U.S. Patent system. People are always coming up with fantastic ideas, honestly, and then discover, to their dismay, that someone has already come up with the exact same idea. The larger the [Turnitin.com] database grows, the greater the opportunity for a student's POP to [artificially and unfairly] increase. (Slashdot.org <http://yro.slashdot.org/comments.pl?sid=197411&threshold=1&commentsort=0&mode=thead&cid=16175533>)

Wise, indeed.

Professors Who Support Turnitin should Lead by Example

Plagiarism is wrong, but two wrongs don't make a right. Professors should not create and foster an atmosphere of distrust by making honest students feel that they are guilty until proven innocent. What kind of message does that send to our youth? Fortunately, an increasing number of universities—including Halifax <http://www.mikesmit.com/page.php?id=24> /, Mount Saint Vincent University, Ryerson University http://www.mycesar.org/index.php?section_id=78#your, and McGill University http://www.cbc.ca/news/story/2004/01/16/mcgill_turnitin030116.html—have made students' use of Turnitin.com voluntary or banned Turnitin.com altogether because it violates students' copyrights, creates an atmosphere of distrust, and renders honest students "guilty until proven innocent." (Most schools that use Turnitin give students no choice but to forfeit their intellectual property rights to Turnitin.com. If a student refuses on the basis of principle, he or she faces an "F" grade and/or expulsion. Sound fair? Sound legal?) Without unwilling students' papers, Turnitin.com could not prosper in its current form. However, Turnitin.com copies students' intellectual property—generating millions of dollars in revenue every year via derivative works of students' ideas—but does not pay a single penny in royalties to any of the unwilling, student authors.

Why is it that academic institutions do not condemn professors for using research assistants? If a professor were found to have plagiarized material provided by his/her research assistant, would the academic institution blame the RESEARCH ASSISTANT? We must presume they would, considering that academic institutions blame research companies for providing secondary research material to students.

Professors tend to be quite strict when it comes to student plagiarism. However, the same professors tend to look the other way when it comes to acts of plagiarism perpetrated by fellow, "esteemed educators." If professors don't practice what they preach, can they really expect their students to walk the righteous path?

We hereby propose an equitable solution.

Why don't school administrators force all participating professors to submit their current and past writings (including theses and dissertations) to Turnitin? Professors who support Turnitin should have no problem taking their own medicine, right? And don't all academic institutions want to verify that their honest professors aren't being placed at a "disadvantage" by cheating professors? After all, administrators' main argument for using Turnitin is that the small minority of students who cheat are placing the vast majority of honest students at a disadvantage. **Well, then, shouldn't the same concern apply to the people who TEACH those students?** Or, do school administrators simply feel that only inherently untrustworthy students deserve unjust scrutiny?

I suspect that many of the professors who support Turnitin would suddenly change their tunes if they were informed that, as a new condition for using Turnitin.com, they must submit all of THEIR current/past works. Alas, that will never happen. Why? Subjecting professors to plagiarism screening is a huge can of worms, or Pandora's box, which the "powers that be" in academia do NOT want to open.

Plagiarism is plagiarism, no matter who perpetrates the act. The hypocrisy in higher education must stop.

How to Force Turnitin.com to Remove Your Content from Their Database

It's much easier than you may think.

Send a cease-and-desist letter to Turnitin, demanding that they permanently remove all of your content from their database. They absolutely must comply with your removal demands, or pay statutory damages to you in the amount of \$150,000, as clearly outlined in the "Digital Millennium Copyright Act."

Here is exactly what you should say to Turnitin:

- 1. *immediately and permanently remove all of my documents AND web pages that are currently indexed in your database;***
- 2. *immediately and permanently stop indexing all of my web sites.***

Provide Turnitin.com with a list of ALL of your domains. Force Turnitin to confirm, *in writing* (email or letter), that they have completed demands 1 *and* 2. That is crucial. Do not stop hounding them until they supply this written confirmation. Once Turnitin provides you with written confirmation of your removal demand, they will have absolutely no legal defense if they violate your intellectual property rights again in the future.

We suggest that you send your removal request via both email AND regular mail. Using both of those written contact methods will provide you with ample proof of your request in case Turnitin does not comply or violates your demands at a later date. Here is Turnitin's contact information:

iParadigms, LLC
1624 Franklin Street, 7th Floor
Oakland, CA 94612

1-866-816-5046
1-510-287-9720

legal@iparadigms.com
info@iparadigms.com
info@turnitin.com

How to Block "TurnitinBot" from Caching Pages and Sapping Bandwidth

In addition to copying and storing webmasters' content without permission in order to make a profit, Turnitin costs the world's webmasters huge amounts of money by sapping their bandwidth! Every time "TurnitinBot" visits a Web site to copy content without permission, it generates a "refresh page" action on every page that it hits. That saps the monthly bandwidth allocated to the site. When a site runs out of bandwidth, the Web host takes the site offline. When a site goes offline, the webmaster also suffers lost revenue.

Bandwidth is not free. In fact, it's probably the most important and expensive aspect of any hosting plan. Webmasters pay a great deal of money for bandwidth. Does Turnitin care? Apparently, no. As with all other aspects of the Turnitin.com business model involving acquisitions, there seems to be no reciprocity.

When Mike Smit contacted Turnitin.com to demand that they stop caching his Web pages (and remove all previously cached pages), Turnitin's representatives treated Mike to a 100-day charade <http://www.mikesmit.com/page.php?id=24>, complete with excuses and seemingly intentional delays. After 100 days, they eventually complied with Mr. Smit's demands to remove his content from the Turnitin database. **If you want your content removed from Turnitin's database, simply follow Mike's lead, step-by-step.**

There hasn't been much—if any—backlash about this injustice because, quite frankly, few people know that it's happening. Most webmasters pay little attention to the individual clicks that cause bandwidth to dwindle. Most webmasters DO know about search engine bots, however, but those are welcome. Webmasters don't complain about search engine bots like "GoogleBot" because the search engine companies give so much BACK to webmasters. Without search engines, Web sites would have no audience. TurnitinBot, on the other hand, is

nothing more than an online parasite. A webmaster declares, "[Turnitin] charge[s] for accessing the data they've collected, so I'd rather not have them using my bandwidth/server load for free" (vBulletin.org <http://www.vbulletin.org/forum/showpost.php?s=4ff84d766acb130c88fe4e27619f497b&p=351496&postcount=334>).

To block Turnitin's parasitic crawler, "TurnitinBot," from caching any pages of your Web site, put the following code in a robots.txt file in the top-most folder of your site:

```
User-agent: TurnitinBot  
Disallow: /
```

TurnitinBot is not welcome. Every webmaster should put an end to Turnitin's freeloading.

Anti-Turnitin.com Copyright Notice for Students

If you are a student who is concerned with Turnitin and/or your school violating your intellectual property rights, you can place the following copyright notice at the bottom of your paper to prevent your school from submitting your writing/ideas to Turnitin.com. If your school ignores your copyright notice and does submit your property to Turnitin or any other service/program/database, you can sue the service and/or your school for up to \$150,000 per incident, as allowed by the Digital Millennium Copyright Act (Cornell Law School).

Copyright 2006 [STUDENT NAME]. All Rights Reserved. Aside from my professor's sole, personal review as part of his/her private, single-human, software-free grading process (checking for plagiarism with Google is acceptable), neither my professor nor my academic institution may otherwise copy, transfer, distribute, reproduce, publicly/privately perform, publicly/privately claim, publicly/privately display, or create derivative works (including "digital fingerprints") of my copyrighted document (intellectual property). The same restrictions apply to Turnitin.com and all similar services if my document should somehow come into their possession. Neither my professor nor my academic institution may submit my copyrighted document, in whole or in part, to be copied, transformed, manipulated, altered, or otherwise used by or stored at Turnitin.com (iParadigms, LLC) or any other physical or electronic database or retrieval system without my personal, explicit, voluntary, uncoerced, written permission. Regardless of supposed intent (e.g., "to create a digital fingerprint"), no part of my copyrighted document may be temporarily or permanently transferred, by any party, to Turnitin.com or any other service, program, database, or system for analysis, comparison, storage, or any other purpose whatsoever. Violators will be monetarily punished to the fullest extent allowed by the DMCA (Digital Millennium Copyright Act) and/or international law.

Students can Set a Trap for Violators

The first step in preventing your school from submitting your intellectual property to Turnitin is to place the aforementioned copyright notice at the bottom of your paper. The second step is to make sure that if your professor ignores your copyright notice, you have the necessary evidence to make your entire school district legally regret summarily dismissing your rights.

At least 24 hours prior to submitting the paper to your professor (with copyright notice included), send a copy of the paper through the postal system, addressed to your mother and/or father, at their address. Seal the envelope extremely well. Tell your parents to expect the envelope, but make sure that they do NOT open the envelope when it arrives! Store the envelope somewhere safe.

If you later find out that your professor submitted the paper to TurnItIn, your postmarked (dated) envelope—containing an exact copy of the copyrighted document that you submitted to your professor—will serve as evidence that you clearly warned your professor/school in advance that they may not transfer or grant third-party license to your work. They will have no defense, and you will almost certainly be awarded monetary compensation if you file a civil suit.

IMPORTANT NOTICE: We've done our best to verify that all information on this page is 100% factual. However, we suggest that—in the spirit of fairness to Turnitin.com and its officers—you read all sources yourself in order to form your own conclusions. We gladly welcome comments and suggestions. **(Please understand that no part of this article should be construed as legal advice or recommendation.)**

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FACSIMILE TRANSMITTAL SHEET

TO: <i>Laura Flowers</i>	FROM: <i>John Barric</i>
COMPANY: <i>Vanderbilt</i>	DATE: <i>13 FEB 2004</i>
FAX NUMBER: <i>615-343-7799</i>	TOTAL NO. OF PAGES INCLUDING COVER: <i>1</i>
PHONE NUMBER: <i>615-322-2753</i>	SENDER'S REFERENCE NUMBER:
RE: <i>Visa Status</i>	YOUR REFERENCE NUMBER:

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

Hi Laura,
 With regards to potential employment, we would like to know if your student, Max Lytvyn, has:

- 1) Valid F1 Status.
- 2) Employment authorization

Thanks so much,

John

510-287-9720 X227

Responded to by phone on 2/13/04
John

IPARADIGMS, LLC

1624 FRANKLIN STREET, SEVENTH FLOOR
OAKLAND, CA 94612

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