

Information Technology

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Student Sues Term-Paper Web Sites for Selling One of Her Papers

By JEFFREY R. YOUNG

A graduate student has sued three term-paper Web sites for allegedly selling one of her papers without her permission. The case could be the first of its kind.

The student, Blue Macellari, last week sued both the operator of the term-paper Web sites, Rusty R. Carroll, and a company he owns called R2C2 Inc., arguing that they violated her copyright, invaded her privacy, and damaged her reputation. Ms. Macellari, who is enrolled in a joint graduate program offered by Duke University's business school and the Johns Hopkins University, is asking for more than \$100,000 in damages.

The suit also names the Internet provider that hosts the Web sites, Digitalsmiths Corporation, based in Beaufort, S.C., charging that the company "knows, or should know," that its clients' sites contain unauthorized copies of copyrighted works.

According to the lawsuit, filed in the U.S. District Court for Southern Illinois, in East St. Louis, one of Ms. Macellari's friends was doing a Google search and noticed that Ms. Macellari's paper was on a term-paper site called Doing My Homework. Ms. Macellari, a graduate of Mount Holyoke College, says she wrote the paper in 1999 while she was studying at the University of Cape Town during her junior year abroad.

After her friend told her about the first site, Ms. Macellari discovered that the paper was also available at two other sites, Free For Essays and Free For Term Papers.

The paper, titled "South Africa's GEAR: Using a 'Revised Dependency Theory' to Assess South Africa's Situation," was still available on all three of the Web sites last week, with Ms. Macellari's name listed just after the paper's title. A note at the end of the paper claims that it is the property of the Web site on which it appears, and says "copyright 2003-2005."

But Ms. Macellari says she owns the paper. Her lawyer, Evan Andrew Parke, an attorney with McDermott Will & Emery, in Washington, said that Ms. Macellari had never given the sites permission to publish it or had any communication with the company or Mr. Carroll. Mr. Parke said she did post the paper to a university Web site briefly as part of her course work. "We don't know how they got it," he said.

Once she became aware that the paper was on the term-paper sites, she contacted a legal organization that helps people find lawyers who will represent them pro bono, as McDermott Will & Emery is doing, he added.

Doing My Homework and the other two sites ask users to submit at least one paper of their own before using the service, and in the past they required users to post a paper before accessing the work of others. Users must register with one of the sites before they can gain access to the papers in its database.

Students can browse the collection free, but to use the site's search feature to find the right paper quickly, they must pay \$9.95 per month. Most of the papers do not contain an author's name, and Ms. Macellari's name seems to have been left on her paper by mistake.

Mr. Carroll, who runs the Web sites, said he had not yet seen the lawsuit.

He said that all of the papers in his databases were submitted by their authors, and that those who submit papers agree to give up their copyright. He said he "occasionally" gets complaints from people who say that papers of theirs are in the collection without their permission. "Sometimes people get ahold of roommates' papers and put them up," he said. "I check into it. If I find out for sure it wasn't them, then I'd remove it."

"We don't have a spider that goes through and takes stuff off the Web" automatically, he said, referring to computer programs called Web spiders that are used by search engines and other companies.

He said his sites are only intended to help students "get ideas" for their own research, and he pointed out that disclaimers on the site urge people not to turn in work from Doing My Homework as their own. Mr. Carroll said he operates "about six" term-paper sites and that they draw on a collection of about 60,000 papers.

Unusual Case

Colleges have long been frustrated by Web sites that sell or give away collections of term papers, and some states have enacted laws that attempt to restrict the sale of term papers. Ms. Macellari's case, though, is unusual because it is brought by a student claiming that her intellectual property has been stolen by a term-paper Web site.

"I've never heard of a comparable case," said Gary Pavela, director of judicial programs at the University of Maryland at College Park.

"Colleges would love to find a way to sue these people, and there are some state laws that have been tried but haven't been prosecuted very aggressively," Mr. Pavela said. "This might be one of the avenues that could begin to shut them down."

Donald L. McCabe is a professor of management and global business at Rutgers University at Newark and the founding president of the Center for Academic Integrity, based at Duke University. "Even if this case doesn't shut them down," he said, "it's important in the sense that the message to students is that this is an issue that the academic community cares about."

"We need to convince students that academic integrity matters," he said.

In a continuing, anonymous survey of 48,000 students, conducted since 2002 by Mr. McCabe, 4 percent of respondents acknowledged having downloaded a term paper from a Web site. But Mr. McCabe said he expected that more students use the sites than admit it. "I would guess it's at least 10 percent who have resorted to it at some point or another."

Patricia Albanese, chief information officer for Mount Holyoke, said that the case is a reminder that professors should not require students to post papers on the Internet, unless they do so using password-protected areas of a college's Web site, as her office has long recommended.

"If it's out on the open Web, then it's vulnerable to just what happened" to Ms. Macellari, she said. "We'll use this as an example of one of the risks and liabilities of having a course published in the open Web that has content like this available."

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