



Forum agenda
Meeting to be held on Tuesday 12 March 2013 1–3pm (GMT)
BY WEBINAR

1. Update on COPE activities by the Chair

2. Forum discussion topic: Text recycling

<http://publicationethics.org/text-recycling-guidelines>

3. New cases

- 12-35 Paper submitted for publication without consent or knowledge of co-authors (IU)**
- 12-36 Change in author's name after publication (FJ)**
- 12-37 Ethical concerns and the validity of documentation supplied by the authors (JH)**
- 12-38 Findings of a published trial called into question by a subsequent audit of trial conduct (BS)**

4. Updates

- 12-04 Accusation of non-attribution of authorship**
- 12-19 Complaint regarding letters to the editor**
- 12-20 Department notification regarding sensitive topic**
- 12-21 A case of duplicate publication**
- 12-22 Publication of data without permission**
- 12-23 How to correct a published paper**
- 12-24 Plagiarism of a PhD thesis**
- 12-25 Plagiarism in a book title**
- 12-28 Serial plagiarism by an experienced author**
- 12-31 Concerns about the reliability of findings following re-analysis of a dataset from a published article**
- 12-33 Inadequate assurance of human research ethics for a questionnaire**
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2. Forum discussion topic: Text Recycling

(<http://publicationethics.org/text-recycling-guidelines>)

Self-plagiarism, also referred to as ‘text recycling’, is a topical issue and is currently generating much discussion among editors. Opinions are divided as to how much text overlap with an author’s own previous publications is acceptable, and editors often find it hard to judge when action is required. In an attempt to get some consensus and consistency on the issue, editors at **BioMed Central** have produced some guidelines (<http://publicationethics.org/text-recycling-guidelines>). They would very much welcome your feedback and invite you to comment on the guidelines below.

3. NEW CASES

12-35 Paper submitted for publication without consent or knowledge of co-authors (IU)

An article was submitted by corresponding author (CA) on 19 December 2011. After several revisions the article was accepted for publication on 23 March 2012. The article was published online 8 May 2012.

At the time of submission, CA was a PhD student at a research centre (X).

On 21 November 2012, co-author A (also head of the research group) contacted the publisher and editor-in-chief of journal A with a request to retract the published article claiming the following:

- Co-author A claims that this paper was submitted to journal A by CA during her absence (maternity leave).
- Co-author A claims that she and the other 7 co-authors (authors B, C, D, E, F, G and H) were not informed about the publication in journal A by CA.
- Co-author A claims that 90% of the data presented in this paper were obtained during work performed in the laboratories at research centre X, are the property of X, and can only be published by an X staff member and cannot be distributed or published without X's consent. According to co-author A, CA knows this as he signed a contract with centre X.
- Co-author A mentions that she recently submitted an updated version of the same paper to another journal. For this submission, co-author A is the corresponding author. All authors (including CA!) agreed to this publication. (NB: Journal B is a journal with a higher impact factor than journal A.)

On 3 December 2012, the editor-in-chief of journal A informed co-authors A and CA and all of the other co-authors (B, C, D, E, F, G and H) of the possibility of publishing an erratum.

On 6 December 2012, the Legal and Contracts Officer (LCO) of research centre X replied to the editor-in-chief that CA violated contractual obligations with X by submitting the article and transferring the copyright to the copyright owner of the journal. LCO seems to mix up 'ownership of copyright' and 'ownership of results (data)'. So far, no reply from any of the other co-authors has been received although they were copied in on the correspondence.

On 14 December 2012, the publisher contacted CA directly, asking him for his point of view. CA replied on 17 December 2012. From his reply it was not clear whether he completely understood the situation. He stated that he had asked co-author A for permission to submit the article but "had no answer for one year". He states that the research was done by him and that co-author A also contributed.

On 19 December 2012, the publisher again asked CA the following points:

- Did you get the approval of the other co-authors before you submitted the article? Are there, by chance, documents that prove this?
- Co-author A said that she was away from work for one year of maternity leave. Were you aware of this when submitting the article?

- Are there contractual obligations between you and research centre X that were not observed by submitting the article?

On 20 December 2012, the corresponding author replied that “after a long discussion with the Legal Officer (LO) of research institute Y” he remembered the document/contract that he had signed at research centre X and that he now agrees to retract the article, and he asks the publisher to do so.

However, the published article itself presents sound science. Furthermore, the legal issue between CA and research centre X needs to be separated from the case for retraction of a scientifically correct article. (A minor mistake in the published article that co-author A found in the meantime could be corrected by an erratum.)

On 20 December 2012, the publisher informed CA, co-author A and LCO that any contractual obligations between them and centre X will not be part of this issue. LCO corresponded separately with the LO of research institute Y on how to find an ‘amicable’ solution. This ‘amicable’ solution focused solely on the contractual obligations between research centre X and CA. One step in this solution would be submission of the article to the ‘correct’ journal (journal B) by co-author A.

LCO agreed to the amicable proposal of the LO of institute Y, and sent the publisher a statement on 21 December 2012 in which he disagreed that the case is merely an authorship dispute, but states that the foremost concern is the declaration that the corresponding author signed with research institute X which in his eyes is “wider than the ownership of copyright and results”. He also states that together with the LO from institute Y they came to an agreement NOT to publish. And he will launch a formal compensation claim.

On 21 December 2012, the publisher received a message from a co-author (the first time that one has replied) in which he mentions that CA published a paper without his approval, that he does not want to be linked to the ‘criminal acts’ of a PhD student, he suggests retracting the paper, as asked by co-author A and the LCO, and he will sue the journal.

In summary, the issues are:

- The corresponding author submitted an article without the knowledge of all or some of his co-authors.
- The corresponding author was under contract with research centre X at that time.
- The scientific content of the article is correct. A minor error that occurred since publication can be corrected by an erratum.
- Research centre X seems to have put pressure on CA to retract the article because of contractual obligations only. The scientific content was never a case in the correspondence between the different parties.

12-36 Change in author's name after publication (FJ)

An original work was published in our journal in September 2010. The article had five authors. Now, in February 2013, the third author is requesting an alteration in his/her name. The original name published was SFHS. The request is to change the name to SFH, both on the journal's website and Medline.

No valid reason could be provided by the author for this change in name. The last name is the cast and now he/she wants to write in future without the cast being evident.

Would this deletion be ethical?

Can there be any legal implications?

12-37 Ethical concerns and the validity of documentation supplied by the authors (JH)

We became concerned that not all of the co-authors were aware of a research paper submitted to our journal due to the difficulty receiving responses from the email addresses that had been supplied and their nature, given that the authors all worked in a hospital/academic institution. Despite repeated requests and attempts we remained dissatisfied with the responses and did not feel certain that all of the authors were aware of the paper. We therefore requested further documentation signed by all of the authors, but all of the signatures appeared to be signed by the same person, and hand writing analysis suggested this was highly likely. In addition, the statement from the ethics committee also had a similar signature. The letter from the 'head' of the ethics committee was on blank paper, not letterhead, and was not received as an original hard copy.

We therefore contacted the head of the ethics review committee who was different to the head on the document we had received and about which we had some concerns. The current head eventually confirmed after a second request that the doctor who had signed the previously supplied document was not on the committee. Ethics committee clearance has since been granted retrospectively after the paper was submitted.

As a result we have significant concerns about this paper, its ethical clearance and some of the documentation that has been supplied. We have advised the authors that we have suspended processing of their paper and that we would seek further advice from COPE. Our intention is to report our concerns to the hospital director and formally reject this paper.

We would appreciate guidance on any further action we should take.

12-38 Findings of a published trial called into question by a subsequent audit of trial conduct (BS)

In 2008, our published a phase 2 randomised controlled trial of a new medicine. In 2011, the regulatory authority in the country where the study was performed decided to undertake routine monitoring of completed studies and this trial was selected for random inspection. The author informed the journal of the inspection and provided a translation of the report (independently verified as accurate by our journal).

The following concerns were raised by the regulatory authorities:

- (1) There was no medical involvement in the process for informed consent, which was delegated to a non-medical practitioner. The country's regulations require that a medical practitioner informs a participant and confirms this. The local ethics committee has been informed by the regulator about this lapse.
- (2) The integrity of blinding was questioned in an earlier inspection in 2007 and because of comments about the treatment's efficacy and side effects by one of the investigators while the trial was underway.
- (3) The recording and assessment of adverse events was incomplete and the inspectors felt that the table of adverse events published in our journal did not reflect the clinical records for product safety.

The manuscript had two rounds of peer-review (seven reviews by four clinicians and a statistician). The only point of relevance to the above concerns was the comment that "the main weakness of the study is inadequate data on safety and adverse effects (in part unsurprising as this was a proof of efficacy study) and a rather overly positive presentation of the data". The manuscript was revised and re-reviewed by this reviewer and a statistician; both were satisfied that the points had been addressed in the revision. After publication of the research article, our journal published two letters as correspondence. In one, the possibility of certain adverse events was raised, to which the authors replied that these had not been observed.

The authors have submitted a correction that states incorrect instructions by the contract research organisation resulted in under-reporting of adverse events for headache, migraine, stress and depression in people who had experienced these conditions before enrolling in the trial. They also state that comments about the medicine made to local media were based on another study. The editors are concerned that taken in their totality, the issues raised by the regulator question the soundness of our publication. As we gather more information and await the ethics committee's decision about the process for informed consent, the editors would be interested in learning what actions COPE would recommend.

4. UPDATES

12-04 Accusation of non-attribution of authorship

Anonymised text of the case:

In 2008, our journal published a specific series, and an author offered to write short introductions to a series of summaries of the management of various medical problems. One of the articles used a summary written by the complainant, who was fully acknowledged in the table accompanying the article written by his colleagues, but not included as an author. Two years after publication, he complained that he had not been acknowledged as a full author and so could not use the publication in his CV. In response, the first author of the introductory article wrote an explanatory and apologetic email explaining how she had gone about writing these articles:

"This process involved amending the article to make it suitable for national publication and writing a brief overview to accompany the article. Modifications to the article to nationalise it were made by me but fully approved by the original author and submission was not done unless the author agreed. This process involved approaching the author for permission, an email exchange to confirm changes and a final sign off by the original author to indicate their satisfaction with the changes. No submissions were done without the approval of the author of the article and the author of the overview article. Various people agreed to write the accompanying overviews."

In April 2010, following the complaint, the editor wrote to apologise if there had been a misunderstanding, but also pointed out that the journal had acted in good faith, given the explanation above.

We heard nothing further until 2 years later when the complainant made contact again saying that he still wanted to be an author so that he could use the reference in his CV. The editor responded sympathetically but concluded that "we published it in good faith on the reasonable assumption that the authorship was agreed. It really isn't appropriate to ask us to re-attribute authorship in this way".

We told him that we had now decided to refer the case to COPE.

Advice:

The Forum agreed that the author does not meet the criteria for authorship under the guidelines of the International Committee of Medical Journal Editors (ICJME). Also, there are no original data involved so this kind of publication would not normally be recognised for academic appointments. The editor should stand by his decision.

Update:

The editor corresponded with the contributor following presentation of the case at the COPE Forum. He was unhappy with the verdict. The editor considers the case now closed.

12-19 Complaint regarding letters to the editor

Anonymised text of the case:

Our journal routinely sends letters commenting on published articles to the authors of those articles. This gives the authors an opportunity to respond to any criticisms. The letters and the responses are then considered together and we make a decision on which ones to publish.

If a letter is not selected for publication, our usual practice is to send the author's response to the person who wrote the letter to the editor. Most people are pleased that their comments are considered, even if they are not published. It was therefore a surprise when an author complained that his response had been provided to the person who wrote a letter about the article.

The author's complaint was that he had prepared the response for possible publication, rather than as a personal reply. The complaint was not that the letter and response were not selected for publication, but that it was a violation of confidentiality to send the response to the writer of the letter.

Our editorial executive committee thought it strange that the author had privacy concerns about one person seeing the response, but no concerns about the tens of thousands of people who would have seen it if it had been published. Does COPE have a different view?

Advice:

The Forum advised that if the instructions to authors state that the journal's policy is to send the author's response to the person who wrote the letter, then there is no case to answer. As long as the journal is clear about its policy and that this information is available to authors before submission, then the complaint is unfounded.

Update:

There have been no other developments and the editor considers the case now closed.

12-20 Department notification regarding sensitive topic

Anonymised text of the case:

An essay was submitted to a specialty medical journal. In the essay, the author described an ethical dilemma—involving patient care—encountered while in medical school. The manuscript received favourable reviews, although the reviewers expressed concern about the author's career if the essay was published. The editor called the author to discuss the ramifications of publication, and then the author was sent a letter requesting revisions. The revised manuscript was submitted and accepted for publication. Upon publication, the chair of the university medical school department discussed in the essay called the editor to express dismay at the essay and disappointment in not receiving advance notice of publication.

The editor did not feel that advance notice was the correct procedure because the essay was considered confidential, as all manuscripts are considered prior to publication. The university was offered the opportunity to reply to the essay via a letter to the editor, which they have done.

- Was it correct (and ethical) to not notify the department because of the confidentiality of the manuscript? Or, was it incorrect (and unethical) to not notify the department because of possible damage to the department's reputation upon publication of this essay?
- If the journal should have alerted the department or university, where in the scheme of things should this have occurred?
- Would the journal need the author's permission prior to contacting the university?
- What if the author said no?

Advice:

The Forum agreed with the editor's course of action, in giving the university the opportunity to reply to the essay by way of a letter to the editor. The Forum agreed that the issue should be handled as you would any letter to the editor.

If the editor is confident in the review process and the review process is solid, then it would not be appropriate to notify the university in advance. Any issues with the data should hopefully come out in the review process. The editor's duty is to the author. The fact that the authors were students may be important in specialised situations, such as those involving patients, but if the author has ownership of the data and it is their intellectual property, then there should be no issue here.

All agreed that the editor was right to give the university the right to reply. It is then up to the editor to decide if this is publishable.

Update:

The case was discussed at a recent editorial board meeting, and the editors consider the case now closed.

12-21 A case of duplicate publication

Anonymised text of the case:

Ten years ago, the author published a paper on the same subject in his country's specialty journal. The first report was short and the product of the author's graduate work. The publication was in their country's language. (Recently, the journal has been translating the abstracts of their previous publications into English, but the body of the text is still in their language.) Subsequently, the author submitted to our journal a more extensive article on the same subject, which included more data. This went through our peer review process and was published last year.

We were made aware of this problem several months ago. We consulted with the editor-in-chief of the original journal and he feels that it is a double publication and should be withdrawn. At the same time, we contacted the President of their country's specialty organization, who thinks that this is a new publication and the author has done nothing wrong.

Initially, my feeling was that if the original journal felt that this was an infringement on their copyright, then the paper should be withdrawn. However, the comments from the President of their specialty association have left me and our editorial staff in a quandary. We are unsure how to proceed.

The author has been contacted and feels his more extensive publication should stand. He feels that the original publication is a more abbreviated version and received only regional exposure.

We would welcome the Forum's opinion.

Advice:

The Forum agreed this is a very common problem. The main issue here is one of transparency and disclosure. It is acceptable to publish a longer version of a paper that was published previously as an abstract, as long as the original abstract is cited. If there are significant new data, then duplicate publication may not be an issue, but the original material must be cited. Hence, in principal, this is not duplicate publication but the problem here is the transparency issue and the lack of disclosure by the author.

There may also be a copyright issue, which the editor needs to discuss with the editor of the first journal. A suggestion was that if the editor is confident that this is not duplicate publication, he could publish a correction.

Update:

The editor is preparing a correction that acknowledges the previous publication. The correction will indicate that it is a more extensive presentation of the data, but there is some redundancy. This will make the issue transparent to the reader.

12-22 Publication of data without permission

Anonymised text of the case:

A director of an institute in France has expressed concern about a paper published in our journal. One of the authors (not the corresponding author) of the paper, person A, visited his laboratory in France for 5 months in 2009 to carry out some work. The director says that some methods used and results obtained in his laboratory have now been included in the paper without his knowledge or permission. Researchers from another institute in a different country are co-authors of the paper, and the corresponding author is someone from that institute. The director in France acknowledges that the experiments could have been repeated in conjunction with this other group, but says that it is not very ethical to work in this way.

I would be grateful for any advice on how to proceed in this matter. We have replied saying that we would contact COPE for advice.

In 2010, the editor-in-chief of another journal contacted the French group about a paper submitted by person A which included several members of the French laboratory as co-authors without their knowledge and permission. That editor-in-chief was concerned about apparent falsification of data by manipulation of a gel photo, which the French group were able to confirm. They contacted person A and the departmental head but have had no response.

Advice:

The editor provided additional information that there was no formal contract between person A and the laboratory in France, and the director of the laboratory has replied that none of the data have been published previously.

The advice from the Forum was to contact person A, relaying the concerns expressed by the French institute, and ask for an explanation. If there is no response or an unsatisfactory response from person A, then the editor may consider contacting person A's institution and asking them to investigate the matter. In the meantime, the editor may like to publish an expression of concern if an investigation is ongoing.

However, as the director acknowledges that the experiments could have been repeated elsewhere and if he cannot prove that the published results were actually produced in his laboratory, it may be difficult for the journal to pursue this further. Further advice was for the editor to encourage the French institute to take up the matter with person A and her current institute. Or the French institute could contact the corresponding author of the paper, and then he/she should then be responsible for putting together a response on behalf of all authors. If it turns out to be a simple matter of 'scientific discourteousness', a letter exchange would be a good way to publicly apologise.

Regarding the second paper, involving the other journal and possible falsification of the data, this should probably be set aside for the moment, in the interests of giving person A the benefit of the doubt. It is the other journal's responsibility to pursue this matter.

Update:

The editor contacted the director in France who brought the case to their attention, and forwarded the recommendations of the Forum COPE, asking him how he would like to proceed. He asked the editor to try to contact person A to ask for an explanation. The editor emailed and sent a letter asking person A to respond. They are still awaiting a response.

12-23 How to correct a published paper

Anonymised text of the case:

A paper was published in July 2012. The author was told by their institution that one of the figures had to be replaced, in the interests of national security. Failure to do this would result in imprisonment. The editor checked with one of his reviewers who said that replacing the figure will not affect the results or conclusions of the paper.

So, can we replace the published version directly in order to avoid further dissemination of this figure or should we republish this paper? Or should we withdraw the paper? Is it possible to block the paper to avoid further dissemination and then republish this paper with the new figure?

Advice:

As we were unable to contact this editor on the day, it was agreed that COPE council would provide advice and forward it to the editor.

Council advice was as follows.

This is a confusing case and several council members were concerned that they were not clear what the whole story was and suggested that the editor needed to be really sure that they agreed the figure needed to be removed. The suggestions below are mostly about process therefore.

There are several options to that the editor could consider.

Most council members agreed that once a paper is published, even if the first publication is online, it should not be changed without a clear notice of a correction as this undermines the integrity of the publishing record. If something subsequently needs to be changed, a corrigendum must be submitted to address an inaccuracy, omission.

Another suggestion was to withdraw the current paper and publish the new one after the manuscript has been peer reviewed. But all of authors on the original paper would need to agree. However, the problem with “withdrawing” a paper and publishing a new one is that the publication record becomes rather confused. Will the new version have the same DOI/citation or a different one? If the same, how will readers know that they are not looking at the same version as the one someone else perhaps saw and referenced last week? Therefore COPE council does not recommend this action.

In this specific instance the editor could replace or remove the figure provided that the overall conclusions are not affected (this is really critical). Two possible processes are outlined below based on what different journals do in correcting errors

- Some journals institute an erratum process that involves changing the online version so as to eliminate the error. At the time the corrected version goes live, publish an erratum stating what the error was and that the online version is being corrected. The corrected version of the article itself also carries a statement that it has been corrected and when.
- Other journals would remove the figure with a corrigendum, without replacing the full paper.

Update:

The editor agreed to follow the advice of the COPE Forum. He will replace the published paper with a corrected figure, and also include a note explaining why this has been replaced. The editor also plans to publish a separate correction notice.

12-24 Plagiarism of a PhD thesis

Anonymised text of the case:

We received a complaint from an author claiming that her PhD thesis had been plagiarized in a journal article. After many discussions, the editorial office decided that the authors should resolve this issue among themselves, as it was an author dispute.

After further correspondence, the editorial office is now also saying that because the thesis is not published anywhere, there is no need to cite it in the reference list. The instructions for authors state that: "The list of references should only include works that are cited in the text and that have been published or accepted for publication. Personal communications and unpublished works should only be mentioned in the text."

There are many opinions/views/cases available on different websites. But the prevailing view seems to be that any document, whether an unofficial discussion piece (or an unpublished thesis?), must be cited. What is the opinion of the COPE Forum?

Advice:

The Forum was unanimous in their assertion that the PhD thesis should be cited. Even if the PhD thesis is unpublished, it should still be cited. It counts as a type of publication. The intellectual property belongs to the authors, so their rights may have been violated.

However, the editor raised another issue. The Forum was told by the editor that one of the authors of the paper is a supervisor of the PhD thesis. Hence there may be incorrect author attribution here. Should the author of the PhD thesis in fact be an author on the paper? At this point it is impossible for the editor to sort this out, so the editor should contact the institution with this information, presented in a neutral way, without making any accusations. The institution need to investigate who owns the data. Following the investigation, the editor may have to publish a correction. In the meantime, one suggestion was to publish an expression of concern in the journal.

Update:

The editor sent the advice of the COPE Forum to the complaining author who said he would discuss the possibility of publishing an erratum with the authors of the article. The editor is awaiting a response.

12-25 Plagiarism in a book title

Anonymised text of the case:

We received a complaint of plagiarism by Dr A concerning a book that has just been published. This case is ongoing since January 2012.

Authors B and C published a new, very extended edition (+1000 pages), on a topic that previously was covered in part in an English book by author B (published in 2006). Part of this book was based on a German book published back in 1993 by Dr A and author B. The English book was taken off the market by the publisher because of alleged "plagiarism" by author B. The publisher apologized to author B for this withdrawal which seemed to have been a mistake (but there is no written documentation on this). Copyright of this book was transferred to author B. Dr A has made a complaint of plagiarism for this book too. Copyright of the German book was transferred to both authors (Dr A and author B). It is therefore unclear what exactly has been plagiarized (in the 2006 book and the revised edition).

As the publisher, we sought two independent reviews. Unfortunately, the publisher asked the authors to come up with the names of the "independent" reviews, so we are a little hesitant to rely on both reviews. However, the reviews are respected scientists, and both state that "similarity is inevitable because of the involvement from the same author (author B) and overlap in the topic treated. It is also clear that the book is not based on new material, but it brings together existing material in a presentable form, but has a different formulation form and interpretation of material".

Authors B and C mention that they have included all appropriate quotes/references to the previous book. Dr A has received parts of the text for review, and the authors have been willing from the start to rewrite anything that comes close to the original text of Dr A, should there be any similarity.

The lawyer, hired by author B, informed all parties, based on both reviews, that this is not a case of plagiarism. Dr A in the meantime has also hired a lawyer because he is not in

agreement. So far we have not heard anything from this lawyer. Dr A now requests a statement from publisher on the case.

We believe there are strong personal issues at work here. With books, there is no editor-in-chief that can investigate the case or make a decision with help of his editorial board/associate editors or other body in the form of a society.

At the moment we, as the publisher, will make the new book (of over 1000 pages) available to Dr A so that he can indicate which sections show overlap with the 1993 German book (published by him and author B) and probably the 2006 English book.

Is there any advice from the Forum on this complex case?

Advice:

The Forum agreed that this is a complex copyright issue rather than an ethical issue. This may have to be resolved by lawyers. The Forum supported the editor's actions of making the new book available to Dr A so that he can indicate which sections show overlap with the 1993 German book and the 2006 English book. It was suggested that following this, independent advice should be sought from an independent expert. It was also suggested that the editor may be able to obtain agreement in advance on the use of an independent arbitrator who would review the case and whose opinion the authors would abide by.

Update:

The editor has been informed that the complaining author is trying to 'organize' the community in order to 'discredit' the book. So far nothing has been heard from his lawyer. Dr A has not provided any detailed information of where the plagiarism has occurred despite the fact that he requested a copy of the book in order to look at the chapters and the book was sent to him for comparison with the request to send the editor his findings.

12-28 Serial plagiarism by an experienced author

Anonymised text of the case:

Suspicions were raised on 20 September 2012 by a reviewer who commented that some of the passages in a submission from Dr J were similar to an earlier paper published in our journal by the same author. An iThenticate check indicated a similarity index of 60%; however, the overlap was not from that earlier paper but from another source by a different author which had contributed 41% of the material.

This prompted an iThenticate check of the published paper, which gave a similarity index of 57%, with 45% of the material from three papers by other authors. (It should be noted that this paper was reviewed and accepted before iThenticate was available for checking incoming submissions.)

It was clear that the new submission should be rejected. The key issue was the action to be taken about the paper that had already been published.

The editor of the journal in which two of the key sources had been published kindly provided copies and the published paper was checked by hand against these two earlier papers. This check established that the iThenticate report was reasonably accurate. It appeared that one of the plagiarized papers had been used as a means to improve the quality of the English while

the other had provided a framework for the reporting of the statistical results: Dr J had substituted new figures in the running text of the earlier paper.

COPE guidelines were followed and a carefully worded letter was sent asking Dr J for an explanation. In summary, his reply said that: (a) he was building on the work of the earlier authors, (b) he did not understand or mean to do it and (c) he was very sorry and would not do it again.

Dr J had made six other submissions to our journal, all of which had been rejected on the grounds of quality. iThenticate checks on these revealed similarity indexes between 66% and 77%. Typically up to three sources had been plagiarized to contribute up to 63% of the material. A search using Google Scholar identified that Dr J had published over 20 other papers in different journals since 2005.

In the light of this information, Dr J's explanation of naivety was considered to be implausible and the decision was taken to retract the published paper. Dr J was given a final opportunity to respond and gave the same explanation for the overlap. The retraction will be published in the next issue of our journal and on the journal website. In view of the extent of the plagiarism, the decision was also taken to inform the president of his institution.

There remains the question of whether the editors of the other journals in which Dr J has published work should also be informed of this case.

The editor would welcome the comments of the Forum on this issue.

Following this incident, the journal has reviewed its policy to detect and discourage plagiarism in submitted work.

- As a matter of routine, the journal now checks all of the work submitted for publication using iThenticate.
- Submissions that appear to include a significant amount of previously published material are investigated further to establish whether that material has been referenced and attributed appropriately.
- Where the overlap is found to exceed an acceptable level, we write to the author(s) providing a link to the full report and inviting them to withdraw the submission, or alternatively to revise it extensively to reduce the overlap and to indicate where they are quoting the work of others (or their own previously published work). We also ask for their comments on the overlap.
- If the author cannot provide an acceptable explanation or where the overlap is very significant, then we will immediately reject the submission.
- The issue of plagiarism is being included in the Journal Reviewer Development Programme to heighten awareness of the problem within the Reviewer Panel.
- We are seeking to engage in discussions and the exchange of information on plagiarism with editors of other journals in the field.

We have also retrospectively checked the overlap of all submissions currently in process and identified several others with unacceptably high similarity indexes. We are asking those authors to withdraw their submissions or to revise them to eliminate the overlap.

Of the 231 submissions that have been checked to date, 71% have an iThenticate similarity index of less than 30%. Over 12% have a similarity index in excess of 40%—the level at which iThenticate gives a plagiarism alert. Excluding the eight submissions from Dr J, there were 9% falling into this category. The remaining 16% fall in the range 30–39% and have been investigated. In all of these cases, the overlap was in acceptable quotations and in the bibliography and no further action has been taken. The, as yet unanswered, question is whether these figures are typical for an international journal.

Advice:

The Forum agreed with the editor's course of action and also agreed that the editor could contact the editors of the other journals. The editor could inform the other editors that he is retracting the paper, stating the reasons (eg sending the retraction notice), and saying that he noticed that their journals have also published papers by this author. One suggestion was that the editor could run the other papers (from the other journals) through the plagiarism detection software, but this is very time consuming.

COPE does not recommend using percentages as cut-offs for detecting plagiarism. COPE believes that each paper should be judged individually and by eye after an initial screen. Percentages can mean very different things in different disciplines and in different sections of papers. COPE is considering developing a flowchart for what to do about plagiarism detected using plagiarism detection software.

Update:

A retraction was published in the journal. There has been no further communication from the authors. As suggested by the COPE Forum, the editor contacted the editors of the other journals who had published work by the author in the past, drawing their attention to the retraction but without further comment. Most of them have understood the implications of the email. The editor considers the case closed.

The journal continues to get a significant number of papers with high similarity indices. About half are understandable (eg, a paper that makes accessible a report which received very limited circulation, derivatives of theses, etc): others are naivety.

12-31 Concerns about the reliability of findings following re-analysis of a dataset from a published article

Anonymised text of the case:

Following publication of an article, a reader posted a comment raising some questions about the data analysis in the study and the availability of the dataset. We followed-up with the authors and they offered to share the dataset with the reader—the dataset involves genetic information from potentially identifiable patients and as a result the authors indicated that the deposition of the data was not possible due to patient privacy concerns. After several months the reader indicated that he had not received the dataset from the authors and that he had discussed the study with a member of the editorial board who shared the concerns about the reliability of the results reported. We further followed-up with the authors to reiterate the request for the dataset and they made the dataset available to the editors and the reader.

The reader has re-analyzed the datasets provided by the authors and he indicates that his results do not support the conclusions reported in the article. The re-analysis has been evaluated by the editorial board member who previously commented on the article and he agreed that the reliability of the findings in the article is compromised by the results of the re-analysis. We asked the authors to provide a response to the results of the re-analysis and we indicated that, in the light of the concerns raised, it may be necessary to consider retraction of the article. The authors have replied and offered to collaborate with the reader in further analyses, however they suggest that the differences in the results may be due to the different methodologies employed for the analyses and they have not formally agreed to retract the article.

We have offered the reader to submit his re-analysis for publication but he is not interested in doing this; he is however willing for us to make his re-analysis publicly available via a public notification on the published article if we decide that such a notification is necessary.

In the light of the concerns raised about the study, should we post a formal public notification on the article in order to alert readers of the concerns about the validity of the findings? If so, would it be appropriate to proceed with a retraction or given that the authors have not agreed to this, consider instead the publication of an expression of concern?

Advice:

The Forum suggested that a better course of action would have been if the editor had asked the authors for their comments on the re-analysis, and then submitted the results of the re-analysis and the authors comments to an independent expert to review.

Although the reader is happy to have the re-analysis attached to a commentary, this will not be formally indexed or linked to the original article. The Forum agreed that ideally, the reader should publish the re-analysis. The suggestion was for the editor to try to persuade the reader to publish the results of the re-analysis. Getting the re-analysis published formally is the best option. If the reader still refuses to publish, then the editor should ask the authors to respond to the re-analysis and then ask an independent reviewer to look at all of the data and then publish this as a comment on the article itself.

Update:

In the light of the advice provided by the COPE Forum, the editor followed-up with the reader and he has agreed to submit his re-analysis for publication. The editor is awaiting the submission of the piece describing the re-analysis.

12-33 Inadequate assurance of human research ethics for a questionnaire

Anonymised text of the case:

A questionnaire was distributed to knowledge workers in an organisation to investigate the following hypotheses:

- H1. There is a positive and significant relationship between ethics and organizational performance.
- H2. There is a positive and significant relationship between ethics and intellectual capital.
- H3. There is a positive and significant relationship between intellectual capital and organizational performance.

Partly due to the very high rate of response (148/160), consecutive queries were made to the authors about the procedures for subject consent.

Our most recent (and direct) query was: "What we need to know more about is what was done to protect the interests of the individuals who were surveyed. Was there any inducement for them to take part (for example, a reward, or a punishment for not doing so)? Did you collect any consent forms from those individuals? What did they say (please supply a translation as an additional document)? Were any reassurances made to them, or is there a possibility that giving an answer that managers, the government or religious authorities don't like could result in harm for the individual? If there are possibilities of harm were the 160 individuals surveyed warned about them? How? Were they told what the data would be used for? What were they told? When you have amended the paper to give some indication and can supply a (translated) consent form, please visit the instructions to authors to complete your submission".

In response to these queries the following reply was received. "We have set a cover letter in the first part of questionnaire which included the following items: the questionnaire was developed without any name and individual information. As discussed before during the learning programs within the organization, strong attention and commitment to ethical issues are important to reach organizational objectives. Considering the importance of both ethics and IC, the ultimate goal of this study is to explore the relationship between them, and finally their impact on organizational performance. The result of this research will be published by considering privacy issues. It is important to note that the organization's management has a strong commitment to the above noted subjects. Besides a non-valuable reward, the most important incentive for employees' participation is that they are in this believed that their organization should be pioneer in comparison with their competitors. Due to being knowledge-based organization, employees have actively participated in such studies, and also they have perceived their positive outcome well, accordingly involving in such studies was accepted as a common subject in that organization".

It thus appears that no consent forms were collected and nothing was said about possible harm to participants. There is no assurance that they were able to answer freely. Given the wider context of the research, do human research ethics constitute a barrier to publication of this paper?

Advice:

The Forum confirmed that consent forms are not necessary if the questionnaires are anonymous. Ideally, the authors should produce an "ethical reviewer waiver" so that the editor knows that an expert has looked over the protocol and deemed that ethics approval is not required. If the study was conducted at a university, then there should be a university ethics committee. If the editor decides to publish the paper, he could write a note saying that this paper does not have any ethical oversight. But if the editor still has some concerns, he could consider contacting the authors again for more information, and writing out in a very clear way the questions that he requires answers to.

Update:

The editor followed the advice of the COPE Forum. However, when peer-reviewed, the reviewers' decision was 'reject', so the paper was rejected.

12-34 Journal refuses to correct the record

Anonymised text of the case:

An author contacted our journal in August 2011 informing us that a paper he had published in our journal in 2005 had been published, word for word, in another journal (journal X), under a different title and author group, in 2007.

We followed the appropriate COPE flowchart and contacted the editor of journal X. The editor of journal X told us in September 2011 that he would publish a retraction and a letter submitted from the author group admitting a "disagreeable mistake".

Journal X publishes infrequently, so I checked over the past 12 months for the retraction and published letter. The notice and letter were never published and the article is still available through the journal's website and SCOPUS. I contacted the editor of journal X in October 2012 to ask him if he planned to retract the article and publish the letter, as we had agreed. He replied that the article was no longer available. I sent him the link where I was able to retrieve it and he did not reply back.

The original author of the paper contacted the author group's institution in September 2011, but he never received a response.

In the COPE flowchart for suspected plagiarism, the journal that published the plagiarized article issues a retraction; however, what should be done if that journal will not correct the record? Journal X is not a member of COPE.

Advice:

The Forum noted that readers will be confused by having two versions of the paper available in the literature. Hence the advice was for the editor to publish a notice linked to the article explaining the relationship between it and the plagiarized article, which has not been retracted and is still available online. The Forum also recommended alerting the other publisher to the fact that the editor is planning on publishing this notice to see if that will make them respond and formally retract the article. The Forum agreed that there was not a lot else the editor could do but did suggest writing an editorial on this issue.

Update:

The editor contacted the editor/publisher again following the advice of the COPE Forum, attaching a notice letting him know that the journal would publish the notice if he did not retract the article. The author agreed to retract it but removed it instead from his site; it was still available in an internet search. The editor suggested he replace the original with a version that included a retraction notice and a watermark on each page that indicated the article was retracted. He agreed to this but did not know how to do it, so the journal prepared the document for him. This was done on 18 February 2013 and the journal is waiting for him to upload this version to his website.