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Abstract

Plagiarism, i.e. the appropriation of other people's material without giving proper credit, is widely considered as one form of scientific misconduct. The article shows, however, that the introduction of notions of intellectual property into the regulation of scientific and scholarly research tends to obfuscate the proper aims of the latter. As an alternative, the article develops a concept of research integrity that draws inspiration from unfair competition law. To this end, it illustrates the many teleological and structural parallels between the two areas. In particular, both unfair competition law and the emerging rules on research misconduct pursue a functional agenda. Unfair competition law safeguards the functioning of undistorted competition, whereas the prohibition of research misconduct ensures the proper functioning of an open scientific and scholarly discourse. (HRK / Abstract übernommen)