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MEDIA ETHICS OBSERVATORY

EXPERT OPINION

ON THE PIECE “BORIS AVAGYAN’S NEW ADVENTURES: HE IS PROVIDING FALSE FACTS ON THE CRIMINAL CASE AGAINST HIM” PUBLISHED ON “CIVILNET” ONLINE TV ON JANUARY 26, 2022

Applicant: Hakob Karapetyan, Editor-in-Chief of Fip.am Fact Investigation Platform of “Union of Informed Citizens” NGO

A. FACTS

1. On April 20, 2022 Media Ethics Observatory received the appeal of Hakob Karapetyan, editor-in-chief of FIP.am Fact Investigation Platform of "Union of Informed Citizens" NGO, against the piece “Boris Avagyan’s New Adventures: he is providing false facts on the criminal case against him” (<https://archive.fo/eolbl>) published on CivilNet online TV on January 26, 2022.
2. The disputed piece is available at the following link: <https://archive.fo/eolbl#selection-1279.1-1279.87>.
3. On May 17, 2022, MEO sent a letter to CivilNet, informing about the complaint.
4. The “Union of Informed Citizens” (UIC) considered that the piece published by CivilNet contains plagiarism from the piece of the “Fact Investigation Platform.”
5. The complainant wrote: *“The wording of the section of the piece in question under subheading “A case was initiated against Boris Avagyan in 2016” (except for the last paragraph) coincides with that of the section “Who is Boris Avagyan?” of the mentioned piece by FIP. In other words, 15 out of 16 sentences of the section (except for the last paragraph) represent the content of the FIP piece. ... Moreover, the text contains entirely the same hyperlinks, which are presented (with one exception) in the same order. Thus, the “Fact Investigation Platform” believes that in the specified section of the CivilNet piece (except for the last paragraph), there is plagiarism both in terms of the incorporation of the listed facts in the part of the complete presentation of Boris Avagyan’s biography and in terms of reprinting the text without citations.”*

6. Hakob Karapetyan found it necessary to emphasize that it is an almost complete part of CivilNet's piece, and in only one sentence before the disputed part of the piece did CivilNet mention that the *"Fact Investigation Platform" based on Russian sources had thoroughly presented the details of Boris Avagyan's criminal case back in March of the previous year.*" According to FIP.am editor-in-chief, *"this way, the reader gets an impression that FIP has written only about the criminal case and not about all the above-mentioned biographical facts. Added to that, it is not stated in any good faith either that the rest of facts or the text containing them are extracted from the FIP piece, or at least that the all these facts have been previously listed by FIP."*
7. **The position of CivilNet** was also presented in the appeal, according to which *"CivilNet has complied with all the rules of referencing, noting in the article that "Fact Investigation Platform" based on Russian sources had thoroughly presented the details of Boris Avagyan's criminal case back in March of the previous year."* CivilNet representatives underlined that a hyperlink to the given piece of Fip.am was inserted in the article, and only after that the quotations from the article were made. They also noted that *"Hayk Hovhannisyan, the author of the CivilNet article, worked at FIP last year and was the co-author of the given piece."*
8. Thus, the Fact Investigation Platform and CivilNet jointly appealed to MEO *"as an independent and neutral arbiter to determine whether there is plagiarism in this case."*
9. MEO initiated the discussion of the appeal at its April 28, 2022 session.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA LAW ON COPYRIGHT AND RELATED RIGHTS

Article 6 The Author

An author is a natural person who creates the work.

Article 7 Co-authorship

1. Copyright in a work created by the creative activity of two or more persons belongs to the co-authors jointly regardless the structure of the work.
2. The right to use the work as a whole belongs to co-authors jointly. Relations between the co-authors shall be regulated by a contract between them. In case of the absence of such a contract, the copyright in the work shall belong to all the authors jointly, and the remuneration to be received shall be distributed among them equally. None of the co-authors of the work created by co-authorship and constituting an inseparable whole shall have the right to unreasonably prohibit the other co-authors the use of the work.

II. CODE OF ETHICS OF ARMENIAN MEDIA AND JOURNALISTS

- 2.1. To the extent possible, specify the sources of information;
- 2.4. To respect the copyright, to preclude plagiarism, and to mention the sources whenever quoting or reprinting.

C. EXPERT OPINION

Media Ethics Observatory

having discussed

- the above-mentioned appeal by Hakob Karapetyan, Editor-in-Chief of FIP.am Fact Investigation Platform of “Union of Informed Citizens” NGO, and CivilNet online TV;

welcomes

- the readiness to solve the above-mentioned dispute within the frames of self-regulation, especially appreciating the fact of appealing jointly to MEO;

MEO, taking into consideration all the circumstances and arguments presented by the parties, and comparing them with the content of the publication,

states

- A number of factors, in particular, the mentioning of the FIP “Who is Boris Avagyan” piece in the CivilNet publication as a source of information, the presence of a hyperlink in the piece, the authorship or co-authorship of former FIP and current CivilNet employee Hayk Hovhannisyan, as well as the absence of specific contractual obligations limiting the right to use the results of the work carried out at his previous job do not provide sufficient grounds for considering the subject of the dispute as plagiarism.

Meanwhile,

- avoiding the use of quotation marks when reproducing or closely paraphrasing significant parts of the text from the previous publication, failing to provide concrete references to the original source, not clearly presenting to the reader which specific facts of the article previously published on FIP were used in the CivilNet piece, and to what extent the CivilNet publication can be recognized from the point of view of copyright as an individual work, allows to speak about an unscrupulous attitude towards sources of information.

MEO urges the Armenian media

- in order to avoid such contradictions and disputes, to demonstrate extreme accuracy in the matter of copyright.

Although CivilNet is not a member of the self-regulatory initiative and is not obligated to publish this expert opinion, MEO calls on the media to disseminate it, thereby promoting the observance of principles of responsible journalism.

***Adopted on May 11, 2022
by the following MEO composition:***

Narineh AVETISYAN, Executive Director of Vanadzor “Lori” TV Company
Karineh HARUTYUNYAN, Executive Director of Gyumri “GALA” TV

Company

Ara GHAZARYAN, Lawyer

Ashot MELIKYAN, Chairman of Committee to Protect Freedom of
Expression

Gnel NALBANDYAN, Chief Editor of “Zham” news program of “Armenia”
TV Company, Chief Editor of “Newmag” magazine

Boris NAVASARDIAN, President of Yerevan Press Club

Nouneh SARKISSIAN, Managing Director of Media Initiatives Center

Anzhela STEPANYAN, Editor of Armavir “Alt” TV Company

[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 69 as of today. In its judgments MEO is guided by Code of Ethics of Armenian Media and Journalists, adopted at the self-regulation body's meeting on March 10, 2007, and revised on May 16, 2015