

PROCEDURE FOR ACTIONING COPYRIGHT INFRINGEMENT ALLEGATIONS AND TAKE-DOWN NOTICES

OVERVIEW

The University does not condone copyright infringement. Under the *Copyright Act 1968*, service providers that act as intermediaries for the transmission, caching, hosting and linking to third-party copyright material may be protected from liability for copyright infringement provided that they take prompt action in response to notifications of infringement. This Procedure sets out the University's process for dealing with allegations of copyright infringement to promote a compliance culture as well as enable the University to be eligible for the safe harbour protections under the *Copyright Act* if available to universities.

Definitions

Infringement Allegation means an allegation that the University has infringed copyright.

Server Administrator means the University staff member or area responsible for the administration of a University server

Web Content Manager means the University staff member or area responsible for the administration of a University website

Take Down Notice is an Infringement Allegation in respect of material transmitted by, stored on, cached in or linked from University IT, that is accompanied by a request for the removal of that material from University IT.

University IT has the same meaning as in the IT Acceptable Use and Security Policy

PROCEDURES

Receipt of Infringement Allegations and Take Down Notices

1. All webpages on University servers must include the University's [Copyright statement](#) and [online Take Down Notice Form](#). These are incorporated as part of the standard University webpage template.
2. The University's Copyright Officer is the designated representative to receive Infringement Allegations and Take Down Notices. Infringement Allegations or Take Down Notices are generally received from parties external to the University, however members of the University community are also encouraged to report any alleged copyright infringement by the University. If any member of the University community other than the Copyright Officer receives an Infringement Allegation or Take Down Notice, it must be immediately forwarded to the Copyright Officer.

Procedure for dealing with Infringement Allegations

3. Upon receipt of an Infringement Allegation, the Copyright Officer will investigate the allegation and respond to the complainant as appropriate.
 - 3.1 If there has been copyright infringement by University personnel, the Copyright Officer will notify the Head of School or Branch / Executive Manager who will determine any remedial or disciplinary action.
 - 3.2 If there has been copyright infringement by a student or other University IT user and such infringement is in breach of the University's IT Acceptable Use and Security Policy, the IT Acceptable Use Procedures will apply.
 - 3.3 If the infringement may amount to a significant breach of copyright by the University or indicates systemic non-compliance with the Copyright Act, the infringement will be notified to the University Compliance Centre.

Procedure for dealing with Take Down Notices

4. To enable the University to be eligible for the safe harbour protections under the Copyright Act (if available to universities), the University must expeditiously remove, or disable access to, the material specified in Take Down Notices. Upon receipt of a Take Down Notice, the Copyright Officer will assess whether the University's use of the material is permitted under any statutory licences or exceptions. If the Copyright

Officer is not satisfied, the Copyright Officer will forward the Take Down Notice to the relevant Web Content Manager or Server Administrator and request that they:

- 4.1 remove the relevant material from University IT by the close of the following business day;
 - 4.2 where relevant, notify the person who originally requested that the material be placed on University IT about the Take Down Notice and that the reported material has been removed (it may not be possible to inform the original requestor if, for example, they no longer are employed by the University); and
 - 4.3 e-mail the Copyright Officer with confirmation that the above steps have been taken.
5. If the copyrighted material is not removed from University IT within the timeframe specified in 4.1, or if the Web Content Manager or Server Administrator could not be contacted, the Copyright Officer will request the Manager, Online Services or Manager, Risk and Security to disable access to the relevant University website or server until the material is removed.
 6. The Copyright Officer will respond to the sender of the Take Down Notice as necessary.

Disputing the Take Down Notice

7. The person or area that originally arranged for the material to be placed on University IT may dispute the Take Down Notice, by providing the Copyright Officer with information as to why they believe the material does not infringe copyright.
8. If, upon review of the facts, the Copyright Officer determines that the allegation of infringement can be opposed, the Copyright Officer will liaise with the sender of the Take Down Notice or issue a counter notice in the form prescribed by the Copyright Regulations. Until the dispute is resolved, the copyrighted material must not be made accessible on University IT.
9. If the Copyright Officer determines that there was copyright infringement, the procedures under paragraphs 3.1-3.3 will apply.