

Copyright Infringement/Takedown Notice - Procedures



/explore/policies-and-procedures/copyright-infringement-takedown-notice-procedures

Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

Copyright is a broad term that encompasses the exclusive economic rights of the creator or author of an original work to control its use, reproduction and communication. A work must be in a material form in order to be protected by copyright.

Third-party copyright material means copyright works created by someone other than yourself.

Takedown notice means a notice issued by a copyright owner, or nominated agent acting on their behalf, outlining alleged unlawful activity on a network or online environment.

1. Purpose of procedures

These procedures set out steps to be taken when potential copyright infringements are detected by, or notified to, USC in relation to material hosted or accessed through University networks, systems or online environments. They operationalise further the Copyright – Managerial Policy and the Copyright – Procedures and apply to all staff, other individuals working on behalf of the University, students and visitors.

2. Procedures

2.1 Receipt of a copyright infringement or takedown notice

Pages on the University's external website will incorporate copyright information that will direct third parties to a template form should they wish to report a possible infringement. This template will comply with prescribed regulations and will be submitted to the Information Officer (Copyright and Compliance).

If someone other than the Information Officer (Copyright and Compliance) receives notification of a possible infringement, the recipient must immediately forward the notice, and any accompanying documentation, to the Information Officer (Copyright and Compliance).

(a) On receipt of an infringement notice, the Information Officer (Copyright and Compliance) will:

i. Contact the Manager, ICT Systems, Information Technology Service (ITS), and/or the Manager, Systems and Resources, Marketing and External Engagement

ii. Notify the rights holder within three working days that the infringement notice has been received and is being investigated

(b) At the request of the Information Officer (Copyright and Compliance), the designated person in Information Technology Service or Marketing and External Engagement will:

i. Remove the infringing material from University networks, systems and online environments within five working days

ii. If the infringing material cannot be removed, access to it must be blocked, or the user's access disabled, within five working days

iii. Notify the Information Officer (Copyright and Compliance) of the identity of the user for further contact and education

(c) On completion of this action by Information Technology Service or Marketing and External Engagement, the Information Officer (Copyright and Compliance) will:

i. Contact the user with a copy of the copyright infringement claim

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Director, Information Services

FIRST APPROVED

28 July 2015

LAST AMENDED

3 December 2018

EFFECTIVE START DATE

3 August 2015

REVIEW DATE

28 July 2020

STATUS

Active

RELATED DOCUMENTS

Acceptable Use of Information Technology Resources - Governing Policy

Copyright - Governing Policy

Copyright - Procedures

Copyright Infringement/Takedown Notice - Procedures

Intellectual Property - Governing Policy

Intellectual Property: Commercialisation - Procedures

Intellectual Property: Commercialisation Revenue - Procedures

Intellectual Property: Student IP - Procedures

Intellectual Property: Transfer of Rights to Creators - Procedures

Staff Code of Conduct - Governing Policy

Student Conduct - Governing Policy

Student General Misconduct - Procedures

RELATED LEGISLATION / STANDARDS

Copyright Act 1968 (Cth)

Copyright Regulations 1969 (Cth)

usc.edu.au/policy

ii. Provide the user with a notice stating the material has been removed or access has been disabled and an explanation of the grounds for this action

iii. Provide the user with information on how to issue a counter-notice within the designated 3 month period

iv. Notify relevant Head of School or head of administrative area

2.2 Disputing a copyright infringement or takedown notice

(a) If the user disputes the infringement claim, they must:

i. Provide the Information Officer (Copyright and Compliance) with documentation supporting their claim that the material on the University's network or systems is not infringing

ii. Provide this documentation within two months of receipt of the takedown notice

(b) If, after examination of the documentation supplied by the user, the Information Officer (Copyright and Compliance) feels there are grounds to dispute the notice, the Information Officer (Copyright and Compliance) will

i. Contact the rights-holder, or their representative

ii. Issue a counter-notice in the prescribed format within three months of receipt of the takedown notice

During the period of dispute and liaison regarding a possible counter-notice, the infringing material must not be accessible on University systems, networks or online environments.

2.3 Reporting other possible copyright infringements

(a) If staff, other individuals working on behalf of the University, students or visitors believe infringing material may be hosted or accessed through University systems, networks or online environments, they must:

i. Notify the Information Officer (Copyright and Compliance) with details of:

1. A description of the material

2. The location of the material (i.e. network drive name, URL, course number)

3. Reasons why they feel the material infringes copyright

(b) Upon receipt of this information, the Information Officer (Copyright and Compliance) will:

i. Investigate whether the material is infringing

ii. If the material does infringe copyright, the above procedures 2.1(a) through 2.1(c) will be enacted.

END