

# Copyright Takedown Procedures

## Section 1 - Overview

(1) UNE's [Copyright Policy](#) outlines that breaches of copyright law made by members of the University will be treated seriously by the University. Clarity of the procedures for handling potential breaches of copyright is an essential element of minimising copyright non-compliance.

(2) Any allegations that the University has infringed the copyright of others must be acted upon as quickly as possible and in accordance with this Procedure. The Copyright Coordinator is the University's Designated Representative to receive notices of possible infringement (including formal Takedown Notices) and will coordinate the actions required for removal of the material and follow up of the allegations.

(3) This Procedure is made under the [Copyright Policy](#) in order to:

- a. outline the process by which alleged infringements of copyright detected within the University should be reported to the Copyright Coordinator and actioned;
- b. specify the process by which the receipt of outside allegations of breaches of copyright by the University should be addressed, particularly formal Takedown Notices; and
- c. by clarifying these processes, minimise delays in acting on allegations and therefore reduce the consequences to the University of breaching copyright.

## Section 2 - Procedures

### Procedure upon receipt of a Takedown Notice:

(4) A Takedown Notice is any notice alleging that material is contained on the University's systems and networks or linked from the University's systems and networks in breach of copyright.

(5) To encourage the reporting of potential copyright infringements on the University's systems or networks, all web pages that are designed using the prescribed University web template will include a copyright notice. That copyright notice will direct copyright rights holders (or their agents) to submit a Takedown Notice to the University's Copyright Coordinator using a specific form on the website if they wish to request removal of material from the University IT Facilities on the basis that it infringes copyright. The University's copyright notice will include a [Takedown Notice template](#), which complies with the form prescribed in the [Copyright Regulations 2017 \(Cth\)](#).

(6) If any member of the University community other than the Copyright Coordinator receives a Takedown Notice, either electronically or in hard copy, the person receiving the Takedown Notice must:

- a. mark the Takedown Notice with the date and time of receipt;
- b. immediately notify the Copyright Coordinator in writing;
- c. forward the Takedown Notice and any accompanying documentation to the Copyright Coordinator;

(7) Upon receipt of a Takedown Notice the Copyright Coordinator must immediately:

- a. liaise with UNE Legal Services of the claimed copyright infringement (if known);
- b. forward a copy of the Takedown Notice and any other relevant documentation to the relevant Web Content Manager or Server Administrator, requesting that they undertake the actions set out in paragraph 8 below; and
- c. notify the Head or Director of the School or Unit responsible for the relevant copyrighted material, and the user who directed the service provider to store the copyright material on UNE's system of the receipt of the Takedown Notices (if known);
- d. notify the copyrights holder that the Takedown Notice has been received and is being actioned.

(8) At the request of the Copyright Coordinator, the UNE Web Team or Server Administrator must:

- a. remove the relevant material from the University IT Facilities by the close of the following business day. To facilitate this step, the Designated Representative will contact the UNE Web Team to request that the claimed infringing material is removed or disabled. The removal or disablement of claimed infringing content is not acceptance by UNE that the content has been used unlawfully;
- b. where possible the Designated Representative will inform the person who originally requested that the material be placed on the University's IT Facilities that the removal of the copyrighted material has been requested for the reasons stated in the Takedown Notice (it may not be possible to inform the original requestor if, for example, they are no longer employed by the University); and
- c. email the Copyright Coordinator with confirmation that the above steps have been taken.
- d. If the copyrighted material has not been removed from the University IT Facilities by the close of the following business day, or if the UNE Web Team could not be contacted, the Copyright Coordinator will contact a Technology and Digital Services representative who will arrange for access to the relevant University server to be blocked until the material is removed. Confirmation of this action must be sent by email to the Copyright Coordinator.

## Disputing the Takedown Notice

(9) If the person who originally requested that the material be placed on the University's systems wishes to dispute the Takedown Notice, they must notify the Copyright Coordinator within three months and provide all substantiating facts to the Copyright Coordinator.

(10) If, upon review of the facts, the Copyright Coordinator and Legal Services team believes that the Takedown Notice could be challenged, the Copyright Coordinator will issue a counter notice in the form prescribed by the [Copyright Regulations 2017](#).

(11) Until the dispute is resolved, the copyrighted material must remain off the University IT Facilities or access to it blocked.

## Other Notifications of Infringement

(12) If any member of the University community believes that the availability of any material on the University IT Facilities may be in breach of copyright, that person is required by the [Copyright Policy](#) to notify the Copyright Coordinator. That notice must be in writing and provide the following details:

- a. a description of the relevant material;
- b. the location (URL, host name or IP address and filename) of the relevant material; and
- c. why the person believes the material is in breach of copyright.

(13) The Copyright Coordinator will investigate the alleged breach including where possible, consulting with the person who originally requested that the material be placed on the University's system. If the Copyright Coordinator and the Legal Services team forms the opinion that the relevant material is infringing or is reasonably likely to be

infringing, the procedure contained in paragraphs 6 to 8 above must be carried out. At the completion of that procedure, the Copyright Coordinator will inform the relevant Head or Director of the School or Unit and the user who directed the service provider to store the copyright material on UNE's system or network.

## Status and Details

<b>Status</b>	Not Yet Approved
<b>Effective Date</b>	To Be Advised
<b>Review Date</b>	To Be Advised
<b>Approval Authority</b>	
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