

Take-Down Policy: Addressing Copyright Concerns

Purpose of policy

This policy serves to minimise institutional risk to the School and its constituent departments and employees from the risks arising from inappropriate material being made available through the School's website and associated systems. It details the response, responsibility and resolution steps following a legitimate challenge to any material hosted on the sites and systems specified.

Scope

This policy applies to all open access content within the london.edu domain and publicly accessible School databases such as the Library catalogue and research publications database. Examples of such content may include images, research outputs, School publications and electronic theses.

It applies to objects that are able to be publicly harvested from School systems by third-party services and automated agents as well as to objects publicly accessible from these systems by human users.

How to make a complaint

If you are a rights holder and are concerned that you have found material on our websites for which you have not given permission or is not covered by a limitation or exception in national law please contact us in writing at the address below stating the following:

1. Your contact details
2. The full bibliographic details of the material
3. The exact and full url where you found the information
4. Proof that you are the rights holder and a statement that under penalty of perjury you are the rights holder or are an authorised representative
5. The reasons for your objections

Contact Details

Director, Learning Innovation,

London Business School,

Regent's Park,

London Business School

NW1 4SA

The policy

1. Grounds for complaint might include:

1.1. Unauthorized use by reason of reproduction and/or making available the protected material

1.2. Breach of any moral right (integrity/right not to have work subjected to derogatory treatment)

1.3. Issues on grounds other than copyright and/or related rights

2. On receipt of a valid (based on UK law) complaint from a third-party, the School Copyright Officer (or a Dean's Office designate in his/her absence) will:

2.1. Arrange for the temporary removal of the offending item(s) from the relevant School website(s) and associated systems within 5 working days

2.2. In the case of item(s) held in a publicly accessible School database, retain a live metadata record for the item with a note explaining that the item is subject to a takedown request

2.3. Acknowledge receipt of the complaint by email or letter within 5 working days

2.4. Make an initial assessment of the validity and plausibility of the complaint, seeking advice as required.

3. The School Copyright Officer, on behalf of and with reference to the School Secretary, will consider the validity of the complaint.

3.1. If the complaint appears to have merit the contributor/owner of the material will be contacted and;

3.1.1. The contributor/owner will be encouraged to discuss the complainant's concerns with the School Copyright Officer

3.1.2. The School Copyright Officer will attempt to resolve the issue by adjudicating between the complainant and the contributor/owner

3.1.3. Rights and legal advice may be sought as required from suitable individuals including the School's legal advisors and JISC-Legal.

4. The School Copyright Officer will endeavour to resolve the issue swiftly and amicably to the satisfaction of all parties:

4.1. Where a resolution is not clear, the matter will be brought before the School Secretary to consider.

4.2. There are three potential outcomes:

4.2.1. The complaint is judged invalid, then the item will be restored to the live public-facing website and/or system unchanged

4.2.2. The complaint is judged to have partial merit, and the item will be modified and restored to the live website and/or system after contacting the complainant. A note to the effect that this item has been modified will be added to the metadata record for the item.

4.2.3. The complaint is judged valid and the item will not be immediately restored. It may be restored after an embargo period if that outcome is acceptable to all the parties. A note to the effect that the item has been removed will be added to the metadata record for the item.

4.3. A link to any replacement or alternative versions will be added in the case of 4.2.2 and 4.2.3 as appropriate

5. A record will be kept of the complaint, review and final decision:

5.1. An email of notification will be sent to the complainant regarding the final decision

5.2. The complaint will be noted at the subsequent meeting of the School's Executive Committee

School CLA Licence Co-ordinator:

Tansy Rothwell- Director, Learning Innovation

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*Acknowledgement: This policy is based on a University of Leicester takedown policy originally supplied by Gareth Johnston, Document Supply & Leicester Research Archive Manager, for which grateful thanks are due.