

## Take Down Notice Procedure

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<b>Approving authority</b>	Pro Vice Chancellor (Information Services)
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<b>Document URL</b>	<a href="http://policies.griffith.edu.au/pdf/Take Down Notice Procedure.pdf">http://policies.griffith.edu.au/pdf/Take Down Notice Procedure.pdf</a>
<b>TRIM document</b>	2014/0006772
<b>Description</b>	This document outlines the University's internal procedures for dealing with notification of alleged copyright infringements from copyright owners or their representatives.

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### Related documents

[Student Misconduct Policy](#)  
[Information Technology Code of Practice](#)  
[Griffith University Copyright Guide](#)

### External Links:

[Copyright Act 1968](#)

[\[Introduction\]](#) [\[Designated Representative\]](#) [\[Take Down Procedures\]](#) [\[Penalties for Copyright Infringement\]](#)  
[\[Appeals\]](#)

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## 1. INTRODUCTION

Griffith University respects the rights of copyright holders and their representatives and has implemented policies and procedures to support these rights without impacting on the legal use by authorised users of this material. Legal use can include, but is not limited to, ownership, license or permission, and fair dealing under the Commonwealth Copyright Act 1968. The University's Copyright Guidelines provides guidance to Griffith staff and students on the rights of copyright owners. This document outlines the University's internal procedures for dealing with notification of alleged copyright infringements from third parties.

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## 2. DESIGNATED REPRESENTATIVE

The University's designated representative for notification of alleged copyright infringements is:

Chief Technology officer  
Division of Information Services  
Griffith University  
Kessels Road  
Nathan QLD 4111  
Email: [b.callow@griffith.edu.au](mailto:b.callow@griffith.edu.au)  
Phone: 07 373 56433  
Fax: 07 373 57845

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### **3. TAKE DOWN NOTICE PROCEDURES FOR COPYRIGHT OWNERS OR THEIR REPRESENTATIVES**

A take down notice to the Designated Representative must have the following information:

- a) Description of the works claimed to be infringed and in which they hold copyright (or represent the copyright owner);
- b) Description of the allegedly infringing works to be removed, or to which access is to be disabled, including its location (i.e. URL address, IP address or network address);
- c) A statement in good faith that the use of the material is not authorised by the copyright owner, the owner's representative or the copyright legislation;
- d) Sufficient information to permit the University to contact the copyright owner or representative;
- e) A signed statement that the complaining party is authorised to act on behalf of the copyright owner.

#### **3.1 Investigation of the Take Down Notice**

The Designated Representative in conjunction with the University's Information Policy Officer will attempt to determine if the use of the material is permitted under the provisions of the Copyright Act and/or under license. If this is not the case, the University will proceed to remove the infringing material.

#### **3.2 Removal of Infringing Material**

Within 3 working days, the Designated Representative will act to:

- Remove or disable access to allegedly infringing material. Every effort will be made to contact the site owner or file sharer to seek voluntary take down of the material. That person will receive a copy of the Take Down Notice. If this is not successful, the Designated Representative will act to remove or disable access to the material;
- Notify the copyright owner or representative that the University has removed or disabled access to the allegedly infringing material;
- Notify the site owner that the allegedly infringing material has been removed or access has been disabled.

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### **4. PENALTIES FOR COPYRIGHT INFRINGEMENT**

Griffith staff or students who are found to have intentionally or repeatedly violated the copyright and licences of others may be denied access to the University's computing and networking facilities and resources. In addition, a person may be penalised according to the provisions laid out in the Student Misconduct Policy or Information Technology Code of Practice.

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### **5. APPEALS**

Any person upon whom a penalty has been imposed may appeal against that penalty using provisions set out in the Student Misconduct Policy or the appeal procedures within the relevant Griffith University Staff Enterprise Agreements.