



University of Nottingham Libraries Takedown Policy

This policy applies to information resources digitised and made available online by the University Library, or in collections curated and maintained by the library.

The University of Nottingham makes a range of materials available to both registered users and the general public, both within our libraries and online. Most of this material is purchased from third party content providers and made available to users under a relevant licence. Some material however is created by staff and students of the University.

Before making such material available online, University of Nottingham Libraries endeavours to mitigate risk of damage to third parties by checking the copyright status of material wherever feasible and advising the content depositor of their responsibilities with regard to copyright.

If you feel that your copyright has been infringed in any way, please notify the Copyright Officer immediately, preferably by email (copyright@nottingham.ac.uk) and include the information detailed below in your response. Postal complaints made under this policy may be sent to:

Copyright Officer,
University of Nottingham Libraries
University of Nottingham
B152, King's Meadow Campus,
Lenton Lane,
Nottingham NG7 2NR

Valid grounds for the removal of content include:

- Violation of intellectual property rights, including copyright
- Breach of moral or other rights protected by law (for example, derogatory treatment of work, libel, data protection, privacy)
- Ethical issues including plagiarism, falsified research, failure to adhere to ethical guidelines

Complaints procedure

1. All complaints made under this policy must be made in writing and must contain the following information:
 - a. the complainant's full name, address, telephone number and email address;
 - b. a full description of the material about which the complaint is made, including the full URL of the location of the material (the "Protected Material");
 - c. the grounds of complaint including the law that is said to be infringed, e.g.
 - i. Unauthorised use by reason of reproduction and/or making available the Protected Material
 - ii. Breach of any moral rights (the author's integrity/right not to have work subjected to derogatory treatment)
 - iii. Issues on grounds other than copyright and/or related rights, such as trade mark infringement, defamation, breach of confidence, or data protection
 - iv. Any other relevant information in support of the complaint;
 - d. A statement that the complainant is the legal owner of the rights in the material about which complaint is made (unless the work is an orphan work);
 - e. A statement that the information contained within the complaint is accurate and that the complainant believes that the reproduction, publication, distribution and use of the Protected Material is infringing their rights, as described in the complaint.

2. On receipt of a complaint University of Nottingham Libraries will:
 - a. Acknowledge receipt of your complaint in the manner it was received (i.e. by email or letter) within 5 working days of receipt.
 - b. Following an initial assessment, render the Protected Material inaccessible other than to system administrators within 10 working days of receipt.
 - c. Retain the live metadata record for the Protected Material.
 - d. Make a full assessment of the validity and plausibility of the complaint, seeking advice from the institution's legal team as required.
3. If the complaint appears to have merit University of Nottingham Libraries will attempt to resolve the issue:
 - a. If a depositor fails, upon request, to refute a complaint within 60 days of notification, the complaint will be taken as upheld.
 - b. For items where permission has been granted by a third party, contact with the relevant person/company will be made and they will be encouraged to allay concerns regarding the complaint.
 - c. For works considered to be orphan works, if the complaint is based on rights infringement, due diligence records will be examined and satisfactory evidence indicating proof of ownership of the item concerned will be requested from the complainant.
 - d. Rights and legal advice may be sought as required from suitable individuals.
4. University of Nottingham Libraries will endeavour to resolve the issue swiftly and amicably to the satisfaction of all parties.
5. There are three potential outcomes:
 - a. If the complaint is judged invalid or unproven, then the Protected Material, will be restored to the collection unchanged
 - b. If the complaint is judged to have partial merit, the Protected Material will be modified accordingly and restored to the live collection and a note to the effect that item has been modified will be added
 - c. If the complaint is judged valid, the Protected Material will not be restored
 - d. if the withdrawal of the Protected Material means that the whole work is rendered unusable due to modification
 - i. The whole work will not be restored.
 - ii. The metadata record for the Protected Material will remain as a matter of record.
 - iii. A link to any replacement or alternative versions will be added.
6. An email or letter of notification will be sent to the complainant to confirm the final decision.
7. A record will be kept of the complaint, the review and the final decision.