

**DIGITAL MILLENIUM COPYRIGHT ACT
ONLINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION ACT**

Steps to Take Upon Receiving a Notification of Claimed Copyright Infringement

A. Introduction

UNF is an online service provider because we transmit, route, or provide connections for digital online communications, between points specified by our users, of material chosen by our users, without modifying the content of the material they send or receive.¹ As an online service provider, it is UNF's responsibility to respond to reports of copyright infringement by our users, on our networks, or on web sites hosted by our system.

Our University has designated Lance Taylor [dmca-agent@unf.edu] as our agent² to receive notifications of claimed copyright infringement. Please forward any claims of copyright infringement on our UNF computer networks or on web sites hosted by our UNF system to Lance Taylor. It is our University's policy to "accommodate and not interfere with "standard" technical measures used by copyright owners to identify and protect their works, such as digital watermarking and access codes."³ In other words, we will take all lawful and reasonable measures to assist copyright owners to ensure that their works are adequately protected. However, in order to protect our users' privacy, it is our University's policy to refrain from regularly monitoring our computers for potential copyright infringement. But we will respond quickly and effectively to all reports of copyright infringement that we receive.

The following guidance sets forth the procedures we take after we receive notice of claimed copyright infringement.

B. Initial Notice of Takedown Obligations

UNF's Designated Agent should examine the notice of copyright infringement to determine whether it contains all the following elements required by the law in order to be effective:

1. A physical or electronic signature of a person authorized to act on behalf of the owner (i.e., the copyright owner or its licensee) of the right that is alleged to be infringed.
2. Identification of the copyrighted work claimed to have been infringed.
3. Identification of the material that is claimed to be infringing and that is to be taken down or disabled, and information "reasonably sufficient" to enable the service provider to locate the materials.

¹ See, 17 USC 512 (k) (1) (A- B).

² See, the Copyright Office web site requiring designation of an agent to receive notifications of claimed copyright infringement at <http://www.educause.edu/ir/library/html/cem9913.html>

³ See, "The Digital Millennium and Copyright Act, Highlights of New Copyright Provision Establishing Limitation of Liability for Online Service Providers," by Lutzker and Lutzker LLP at: <http://www.arl.org/info/frn/copy/osp.html>

4. Information “reasonably sufficient” to enable the service provider to contact the complainant.
5. A statement that the complainant has “a good faith belief” that use of the material in the manner complained of is not authorized by the copyright owner, the owner’s agent, or the law.
6. A statement that the information in the notification is accurate and that, under penalty of perjury, the complainant is authorized to act on behalf of the copyright owner.

C. Action Upon Receipt of Notice

1. If the notice substantially complies with these six elements, the Agent or his/her designee (Agent) must “expeditiously” take down or disable access to the allegedly infringing material and notify the sponsor of the material of the allegation of infringement.
2. If the notice fails substantially to comply with requirements 1, 5 or 6, but substantially complies with requirements 2, 3 and 4 the Agent is deemed to have knowledge of the infringing material unless the Agent “promptly” attempts to contact the complainant or “take other reasonable steps” to obtain a notification that substantially complies with all six of the statutory requirements. Upon receipt of the balance of the required information, the Agent must “expeditiously” take down or disable access to the allegedly infringing material and notify the sponsor of the material of the allegation of infringement. Only if the complainant does not respond, or if the notice does not substantially comply with the requirements 2, 3 or 4, may the Agent disregard the notification.

D. Counter-Notification

The sponsor of the allegedly copyrighted material may provide a “counter notification” to the Agent and contest the takedown or disabling of the material. A counter notification must include the following information to be effective:

1. A physical or electronic signature of the sponsor.
2. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared.
3. A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material.
4. The subscriber’s name, address and telephone number, and a statement that the subscriber consents to the jurisdiction of the federal district court for the judicial district in which the subscriber is located and that the subscriber will accept service of process from the complainant.

If the counter notification does not contain the required information, the Agent should notify the sponsor of the defects of the notice and give him or her the opportunity to correct the deficiencies.

E. Action Upon Receipt of Counter Notification

The Agent must, upon receipt of an effective counter notification, “promptly” provide a copy to the complainant, together with a notification that the removed material will be reposted or enabled in ten business days unless legal action is commenced against the sponsor.

F. Replacement of Material

The Agent must replace the removed material within 10 to 14 business days following receipt of the counter notification, unless the Agent receives notice from the complainant that it has commenced an action seeking injunctive relief against the sponsor of the allegedly infringing material. If such a notice is received within the prescribed period, the Agent is not obligated to repost the allegedly infringing material.

G. Repeat Offenders

The University will terminate access to its networks for any persons who continue to violate copyright protection after having been notified of their infringement.