



## Notice & Action Policy

**Policy Number: PP15.1**  
**21<sup>st</sup> February 2014**

### Scope of the Policy

This policy outlines the steps to be followed by a complainant when issuing a complaint regarding unlawful content to DRI and lays out the course of action to be adopted by DRI, in responding to this complaint.

Note:

Article 14, of the E-Commerce Directive, provides that a service provider, upon obtaining knowledge or awareness, must act expeditiously to remove or to disable access to the illegal content. The procedure for dealing with such situations is not however, regulated in any detail under the Directive. The EU intends to adjust Directive 2000/31/EC regarding enforcement of intellectual property rights. It is important therefore that the IP & Copyright taskforce maintain awareness of developments in this area, review recommendations issued and adjust the policy if necessary.

### Aims and Objectives

The aim of the policy is to support the implementation of best practice procedures for notification and action on illegal content hosted by DRI. The policy

- Reduces the risk associated with breaches of copyright or any other law
- Ensures that DRI, once in receipt of a complaint, acts expeditiously to address the complaint
- Ensures the evaluation of complaints
- Ensures the process for making decisions is transparent and legitimate enough to withstand legal scrutiny

### Public Policy Statement

DRI is not the owner of the copyrights to the metadata, or the digital object to which these

metadata refer. This information has been provided to DRI by a large number of contributing institutions and organisations under certain terms and conditions. These data providers have asserted that the owners of these rights have agreed to the ingest, or have assured DRI that appropriate due diligence searches have been carried out.

If you have discovered material in DRI which is unlawful e.g. breaches copyright (either yours or that of a third party) or any other law, including but not limited to those relating to patent, trademark, confidentiality, data protection, obscenity or defamation please contact DRI via our web form providing the following information:

- Your contact details.
- Full details of the resource, including the author, title and DOI
- The nature of your complaint.
- An assertion that your complaint is made in good faith and is accurate.
- If you are complaining about breach of your own copyright, please state that you are the rights owner or are authorised to act for the rights owner.

Upon receipt of notification the 'Notice and Action' procedure is then invoked as follows:

1. In the case of any complaint, DRI will act expeditiously according to the circumstances.
2. An initial assessment of the validity and plausibility of the complaint will be made by the DRI Notice and Action representative.
  1. if the complaint is plausible based on Irish law, access to the resource will be suspended pending verification of the complaint ;
  2. if the complaint is judged to be implausible or incorrect, we will inform the complainant of this and our reasons;
3. We will advise the person/institution who deposited the resource in question, outline the nature of the complaint and give them the opportunity to refute the complaint;
4. We will investigate the complaint in full, obtaining advice as required, and contact the complainant and the depositor with the result of this investigation and what action we have taken/will take;
5. If the investigation finds in the complainant's favour, then we may remove the resource permanently from the repository unless the rights holder gives us permission to retain it. The metadata records of an item will only be withdrawn from view for reasons such as their being

found to violate the legal rights of any person. We reserve the right to retain the metadata record in perpetuity.

6. DRI will update the complainant on the status of their complaint within 30 calendar days of the receipt of the initial complaint.