

Copyright Safe Harbour Quick Checklist

What services are covered?

- A. **Providing facilities to access the internet** - eg public access computers or wifi - where you do not substantially modify the content being transmitted
- B. **Automatic caching** - eg as part of providing computers or servers that are used to search online - where you do not substantially modify the content being cached and where you respect any technical restrictions such as password protection on the material being cached.
- C. **Hosting materials for clients** - eg by providing a repository or website where clients can upload materials – where the materials have not been selected or curated by you or your staff,¹ and where you do not charge or otherwise receive a financial benefit from the service.
- D. **Linking to third party materials** - eg running a search engine or providing a directory of resources on other websites - where you do not charge or otherwise receive a financial benefit from the service.

Compliance steps for all institutions

These steps should be followed by institutions that provide facilities to access the internet (eg public access computers or wifi), undertake automatic caching, or provide custom search engines or linking services.

1. Provide the title of and contact details for a designated person to receive copyright notices on your website.
2. Have a policy for termination, in appropriate circumstances, of the accounts of repeat infringers.
3. Remove material from your cache if it has been removed from the original site for being infringing – as soon as practicable after receiving a takedown notice from the copyright owner/licensee, usually within 3 working days.
4. Remove any links from your system that point to infringing material – as soon as practicable after receiving a takedown notice from the copyright owner/licensee, usually within 3 working days.
5. Comply with any relevant industry codes if they exist (none currently do).

Notice and takedown system for hosting services

In addition to the above, institutions providing hosting services should follow the below notice and takedown procedure for any allegedly infringing material uploaded by others to their system.

6. Remove material uploaded by third parties to your system as soon as practicable (usually within 3 working days) after you:
 - a) receive a credible takedown notice from the copyright owner/licensee alleging that it is infringing; or
 - b) become aware that it is infringing.
7. Notify the user who uploaded the material to your system that it has been taken down, and they have 3 months to issue a counter-notice challenging the claim of infringement.
8. If you receive a counter-notice, send it to the copyright owner/licensee, informing them they have 10 working days to commence legal action.
9. If the copyright owner/licensee does not notify you within 10 working days that they have commenced legal action, or if the action is unsuccessful, restore the material.

¹ Note that this only applies to services where materials have been chosen and uploaded by clients – if your institution is responsible for selecting or uploading the material (eg a curated online collection) or actively moderates content before it is uploaded (eg a user generated platform where material is selected by staff) the safe harbour does not apply to that service.

