



Kingston University

COPYRIGHT INFRINGEMENT POLICY

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1 Equality Statement

Because we value diversity and equality highly we have designed this policy to be fair and inclusive. In putting this policy into practice we expect all members of the University community to abide by the spirit and detail of the Equality Act 2010 and One Kingston, our policy and strategy for equality, diversity and inclusion

2 Policy Title

Copyright Infringement Policy

3 Policy Statement

From time to time the University receives copyright infringement notices from its network provider JANET, e-Resource providers and other third parties acting on behalf of rights holders. The purpose of this policy is to:

- Ensure that staff and students are aware of University procedures for investigating
- copyright infringement notices and breaches of the terms and conditions for licensed content.
- Ensure that staff and students are aware of their responsibilities in relation to the use of third party copyright materials.
- Support staff and students in using third party copyright materials and the University network appropriately.

3.1 Principles

3.1.1 Copyright infringement and breaching the terms and conditions of licensed content, such as downloading of copyrighted music or video, or excessive downloading of e-resources beyond permitted limits, is unlawful and in contravention of the Copyright Designs and Patents Act 1988.

3.1.2 The University is obliged to investigate reports of copyright infringement and take appropriate action.

3.1.3 The University recognises that its staff and students have varying levels of knowledge about copyright infringement and takes seriously its role in educating and supporting them in developing this awareness as part of professional practice.

3.1.4 The University has licenses with the Copyright Licensing Agency (CLA), ERA and a number of electronic resources to provide access to resources for the purposes of research and teaching that would otherwise be restricted by copyright.

3.1.5 The use of University IT facilities, including e-resources, the network and equipment is governed by the ICT Security Policy and Acceptable Use Policy for ICT Users.

3.1.6 Access to e-resources may be suspended by the publisher. Such suspensions are not the decision of the University.

3.1.7 The University will not pass the personal details of its staff and students to third parties investigating copyright infringement unless required to do so by law.

3.1.8 Breaches of this policy may result in disciplinary action being taken subject to the staff disciplinary procedure or student disciplinary procedure.

4 Policy Scope

Included in the scope of this policy:

- Usage of copyrighted materials by members of Kingston University.

5 Governance & Review

The policy owner will review the policy content annually at least.

The policy will be reviewed by the University Copyright Group in the first instance.

The policy owner will review the policy immediately in circumstance where any detail within the policy has significantly changed.

This policy will be signed in the first instance by the policy owner, with subsequent approval by the CIO and final signoff by the University Information Committee.

All University policy documents must be signed and submitted to the University Secretary's office for record.

6 Responsibilities

Copyright Officer (Library & Learning Services) – responsible for coordinating content contributors and governance.

Head of Content Development (Library and Learning Services)– responsible for signoff as the policy owner.

Simon Harrison – responsible for signoff as CIO.

UIC – responsible for final approval of all information policies prior to effective date.

Job title Responsibilities

Copyright Officer	Content coordination
Head of Content Development	Policy owner
Chief Information Officer	Signoff
UIC	Final policy approval

7 Contacts

Contact details for the above individuals can be found through the University address book.

8 Related Resources

Regulations for the use of Library Services and LRCs

IT Security & Usage Policy.

Copyright, Designs and Patents Act, 1988

9 Policy:

9.1 General

9.1.1 On receipt of a valid copyright infringement report or licence breach notification the Infrastructure Security Manager or Digital Services Manager will alert the Service Desk.

9.1.2 Service Desk staff will then make at least three attempts to contact the user over a period of 48 hours. The user must then ensure that copyright infringement ceases and does not re-occur. Users will be required to confirm in writing that they have removed the offending material and that they have read the University guidelines on My Kingston about using copyright materials legally. Failure to do so may result in disciplinary action being taken subject to the staff disciplinary procedure or student disciplinary procedure.

9.1.3 In the event that a user disputes the validity of a copyright infringement report or licence breach notification, the matter will be referred to the Infrastructure Security Manager or the LLS Digital Services Manager who will be the final arbitrator. A user has the right to appeal their decision by writing to the Head of Content Development within 10 working days**. The fact that another third party is responsible for carrying out copyright infringement or breaching the terms and conditions of licenced content using a user's network connection will not exempt the user from action under this policy.

9.2 Guidelines

9.2.1 Infrastructure Security Manager

The Infrastructure Security Manager receives copyright infringement notices from JANET and legal agents acting on behalf of rights holder.

Upon receipt of a copyright infringement notice the Infrastructure Security Manager will make all reasonable attempts to identify the user in question and to confirm that their IT account activity suggests that the infringement report is a valid one. Valid infringement reports will be passed to the Service Desk for immediate action.

9.2.2 Digital Services Manager

The Digital Services Manager receives licence breach notifications from e-Resource providers. Upon receipt of a licence breach notification the Digital Services manager will make all reasonable

attempts to identify the user in question and to confirm that their IT account activity suggests that the notification is a valid one. Valid infringement reports will be passed to the Service Desk for immediate action.

9.2.3 Service Desk Staff

Service Desk staff will handle all copyright infringement reports and licence breach notifications as top priority calls.

9.3 JANET Reports

9.3.1 Service Desk staff will log the call under the user ID and determine whether any previous copyright infringement reports have been logged against the person in question.

9.3.2 In the event that a user has received a previous copyright infringement report their access to IT facilities will be suspended immediately in accordance with the ICT Security Policy.

9.3.3 In the event that a user has received no prior copyright infringement reports Service Desk staff will, over a period of 2 working days*, make three attempts to contact the user by telephone to explain the problem.

9.3.4 Service Desk staff will also send a standard email including details of the infringement and the action required.

9.3.5 Users will be asked to rectify the problem within one working day* by removing the infringing content and any associated software.

9.3.6 If Service Desk staff are not able to make contact with the user after three attempts the user's access to IT facilities will be suspended in accordance with the ICT Security Policy which states that suspensions will be lifted in 3 working days* unless further suspension in support of an investigation is authorised by the Vice Chancellor and which, if extended, will be regularly reviewed by the University in accordance with the staff disciplinary procedure or student disciplinary procedure.

9.3.7 Service Desk Staff will inform the Infrastructure Security Manager when the matter is satisfactorily resolved. The Infrastructure Security Manager will liaise with JANET.

9.4 Third Party Reports

9.4.1 Service Desk staff will log the call under the user ID and determine whether any previous copyright infringement reports have been logged against the person in question.

9.4.2 In the event that a user has received a previous copyright infringement report their access to IT facilities will be suspended immediately in accordance with the ICT Security Policy.

9.4.3 In the event that a user has received no prior copyright infringement reports Service Desk staff will, over a period of 2 working days*, make three attempts to contact the user by telephone to explain the problem.

9.4.4 Service Desk staff will also send a standard email including details of the infringement and the action required.

9.4.5 Users will be asked to rectify the problem within one working day by removing the infringing content and any associated software.

9.4.6 If Service Desk staff are not able to make contact with the user after three attempts the user's access to IT facilities will be suspended in accordance with the ICT Security Policy which states that suspensions will be lifted in 3 working days* unless further suspension in support of an investigation is authorised by the Vice Chancellor and which, if extended, will be regularly reviewed by the University in accordance with the staff disciplinary procedure or student disciplinary procedure.

9.5 E-resources

9.5.1 Service Desk staff will log the call under the user ID and determine whether any previous licence breach notifications have been logged against the person in question.

9.5.2 In the event that a user has received a previous licence breach notification their access to IT facilities will be suspended immediately in accordance with the ICT Security Policy.

9.5.3 In the event that a user has received no licence breach notification Service Desk staff will, over a period of 2 working days*, make three attempts to contact the user by telephone to explain the problem.

9.5.4 Service Desk staff will also send a standard email including details of the licence breach notification and the action required.

9.5.5 Users will be asked to rectify the problem within one working day* by removing the infringing content and any associated software.

9.5.6 If Service Desk staff are not able to make contact with the user after three attempts the user's access to IT facilities will be suspended in accordance with the ICT Security Policy which states that suspensions will be lifted in 3 working days* unless further suspension in support of an investigation is authorised by the Vice Chancellor and which, if extended, will be regularly reviewed by the University in accordance with the staff disciplinary procedure or student disciplinary procedure.

9.5.7 Service Desk Staff will inform the Digital Services Manager when the matter is satisfactorily resolved. The Digital Services Manager will liaise with e-Resource providers.

9.6 ICT Users

9.6.1 All users have a responsibility to ensure that they comply with the ICT Security Policy and Acceptable Use Policy for ICT Users, and in particular that they do not use the Kingston University network to download or share copyright protected material.

9.6.2 Upon receipt of a copyright infringement notification or licence breach notification users must remove the offending material from their equipment together with any software used to access it within one working day*. Users must also read the guidance provided by IT Services staff and confirm in writing that these actions have been taken.

9.7 CLA License Breaches

9.7.1 Our Copyright Licensing Agency (CLA) license allows University staff to make multiple copies of portions of books and journals for use in teaching and studying. Copying under the license is

managed by the Digitisation Service within Library and Learning Services. Academic staff wishing to make copyrighted material available to their students as part of a module have the responsibility to submit this to the Digitisation Service to ensure that all copies made comply with the license.

9.7.2 The license does not apply to all journals and books and the amount that can be copied under the license is limited- more information on the license can be found at <http://he.cla.co.uk/>

9.7.3 It is the responsibility of all academic staff to ensure that teaching resources on the Virtual Learning Environment comply with the CLA license, including material uploaded by students.

9.7.4 On being informed of or discovering a breach of the CLA license on the VLE, Library and Learning Services staff will contact the member of staff responsible for the module in question to inform them of the breach and to request that the material in question is submitted to the Digitisation Service for proper assessment. The user will then have three working days* to remove the offending material.

9.7.5 If the offending material is not removed within three days* the member of staff will be contacted again and asked to remove the material. The member of staff's line manager will also be informed to ensure that training in copyright compliance is included in appraisal targets.

9.7.6 If the member of staff has not removed the offending material after being contacted twice, Library and Learning Services staff will contact the Technology Enabled Learning Team and request that the material is removed by them.

9.7.7 Repeated breaches of the CLA License may leave the offending member of staff open to investigation under the staff disciplinary procedures.

*Working days = When periods of days are referred to in this document, unless otherwise stated a 'day' is normally a *University working day*, which is any day except weekends, bank holidays and the period between Christmas and New Year when the University's administrative offices are closed. This applies even when some areas of the University, such as libraries and learning spaces, are open during these times.