

Take-down Policy

Approved November 19, 2015

Background

The L. Tom Perry Special Collections may make digital copies of its collections available for the purpose of education and research, and post them publicly, in the following situations:

- They are in the public domain.
- The rights are owned by the L. Tom Perry Special Collections.
- The L. Tom Perry Special Collections has permission to make the materials accessible.
- The L. Tom Perry Special Collections makes these materials accessible for education and research purposes as a legal fair use.
- There are no known restrictions on use of the materials.

Policy

At the time of digitization Special Collections will indicate what it knows about copyright and rights of privacy, publicity, or trademark, and will exercise due diligence not to violate intellectual property rights when posting digitized materials. However, due to the nature of archival collections it is not always possible to identify or record this information. If Special Collections is notified by rights owners or others that posted digital materials violate intellectual property rights, Special Collections will investigate and if the notification is determined to be legitimate, it will take down the materials.

During the investigation, Special Collections will block from public view or remove material while it addresses the rights issue. If after investigation it is determined that the materials do violate intellectual property rights and may not legitimately be posted, they will be removed.

Digital Millennium Copyright Act

While the Library will consider notifications of intellectual property rights violations from anyone, the Digital Millennium Copyright Act outlines a procedure for rights owners to request removal of materials posted on the Internet in violation of intellectual property rights. Rights owners filing complaints with Special Collections are encouraged to follow the format outlined in the Act.

To file a formal notice of copyright infringement with the L. Tom Perry Special Collections pursuant to Section 512(c)(3) of the Digital Millennium Copyright Act, the complainant should provide a written communication that sets forth the items specified below.

1. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site as required by 17 U.S.C. § 512(c)(3)(A)(ii).

2. Information reasonably sufficient to permit the Library to locate the material as required by 17 U.S.C. § 512(c)(3)(A)(iii), preferably the URL of the allegedly infringing content (the specific document URL of the work).
3. Information reasonably sufficient to permit the Library to contact the complainant, such as an address, telephone number, and, if available, an electronic mail address, as required by 17 U.S.C. § 512(c)(3)(A)(iv) (email address is preferred).
4. 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, its agent, or the law" as required by 17 U.S.C. § 512(c)(3)(A)(v)
5. A statement that the information in the complainant's letter is accurate, and under penalty of perjury, that he/she is "authorized to act on behalf of the owner of an exclusive right" as required by 17 U.S.C. § 512(c)(3)(A)(vi).
6. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed" as required by 17 U.S.C. § 512(c)(3)(A)(i).
7. The written communication should be sent to:

ATTN: DMCA Complaints/Agent
3760 HBLL
Brigham Young University
Provo, Utah 84602
Fax: (801) 422-0463
Email: peter_midgely@byu.edu

If you have any questions, contact us at ltpsc.reference@gmail.com.