

Sample notice of infringement and take down for website content

The following is a sample notice of infringement and take down in relation to website content. This sample:

- is generic and intended to satisfy the copyright law of most countries which are parties to the Berne Convention (an international treaty governing copyright), including the USA.
- does not constitute legal advice and may not be appropriate for every individual. The sample should be tailored to your particular circumstances, including the laws of the country in which the website is located.

If you are unsure of your legal rights, or whether the sample is appropriate for your needs, you should get legal advice.

SUBJECT: Notice of Claimed Infringement of Copyright by Copyright Owner

To [Name of website],

My name is [Full legal name].

Your website is infringing on copyright [owned by me] [NOTE: you must be the copyright owner or have an exclusive licence of the copyright in order to report an infringement].

I request:

- the immediate removal of the infringing material described below from your servers.
- that you immediately notify the infringer of this notice and inform them of their duty to remove the infringing material immediately, and notify them to cease any further unauthorised posting of my copyright material to your server in the future.

Copyright material

I am the [SPECIFY YOUR OWNERSHIP STATUS: sole owner or exclusive licensee] of copyright in the following copyright material:

[PROVIDE SPECIFIC DESCRIPTION, including relevant information such as name of work, type of work, author, date, publisher, ISBN, URL where it is available lawfully, etc. Consider also attaching a copy of the copyright material.]

This copyright material is protected under Australian and international copyright law.

Infringing material

The unauthorised and infringing material on your website is located at:

[PROVIDE WEBSITE URL where infringing material is located. You need to provide sufficient information to enable the website to identify where the infringing material is being made available without your permission]

The [INSERT description of content] located at this URL contains [CHOOSE: <all> OR <excerpts from>] my copyright material:

[GIVE SPECIFIC DESCRIPTIONS, e.g. page numbers, which parts contain your work specifically, etc.]

Statement of good faith

I am providing this notice in good faith and with the reasonable belief that the use of the above infringing material on your website is not authorised [CHOOSE: <by me> OR <by the copyright owner or its agent>] or the law, and is therefore an infringement of the copyright in my copyright material. [NOTE: as discussed above, you must be confident that the infringing use is not permitted under law or you will risk legal liability for making a claim of infringement without grounds].

[NOTE: If the website is sent to a US website, US laws require the following additional statement:

I confirm that the information in this notification is accurate, and under penalty of perjury, that I am authorised to act [as the owner/on behalf of the owner] of the exclusive right that is allegedly infringed].

If you require further information or wish to discuss this with me, please contact me directly.

Thank you.

[INSERT YOUR SIGNATURE (physical or electronic)]

[Name]

[Address]

[Phone number]

[Email]

[Note: Generally speaking, you must include your contact information. Please use your personal details, as you are sending this notice in an individual capacity and not in relation to the University]