

# INFOhio Open Space OER Commons Intellectual Property Rights Procedure

Date last updated: 4/22/2019

INFOhio provides the OER Commons (“OERC”) Platform as a dynamic digital library of open educational resources. INFOhio also complies with the Digital Millennium Copyright Act (“DMCA”), and has designated an agent to receive notices regarding intellectual property infringement. If you believe a user of the OERC Platform has infringed your intellectual property rights, we encourage you to contact us using the procedure outlined below.

## **Procedure for Reporting Intellectual Property Infringement:**

It is INFOhio’s procedure to (i) block access to or remove any content (including, without limitation, educational materials, text, graphics, and/or photos) (collectively, "Content") that it believes in good faith to infringe the intellectual property rights of third parties following receipt of a compliant notice; and (ii) remove and discontinue service to repeat infringers.

If you believe that Content residing on or accessible through the OERC Platform constitutes copyright infringement, or that your intellectual property rights have been otherwise violated, please send a notice of infringement containing the following information to the Designated Agent listed below:

1. Identification of the copyrighted work or other intellectual property that you claim has been infringed on or through the OERC Platform, including the registration number(s) for any such material if applicable;
2. Identification of the Content that you claim has infringed on the identified copyrighted work or other intellectual property, including (i) a description of how the material in question is using the copyrighted work or other intellectual property in a way that constitutes infringement, and (ii) a description of where the material in question is located on or in the OERC Platform, with sufficient detail that we may verify the existence of the material within the OERC Platform (e.g., a precise URL);
3. Your contact information, including your full name, mailing address, telephone number, and email address;
4. A statement by you that you have a good faith belief that the disputed use of the copyrighted work or other intellectual property is not authorized by the rights owner, its agents, or the law;
5. A statement by you, made under penalty of perjury, that the information provided in your notice is accurate and that you are the rights holder or are authorized to act on behalf of the rights holder; and
6. An electronic or physical signature of the person authorized to act on behalf of the rights holder.

Please note that any information provided in connection with an intellectual property complaint will be forwarded to the Registered User whose Content has been removed or disabled, so that they may contact you directly to discuss your concerns.

## **Once Proper Bona Fide Infringement Notification is Received by the Designated Agent:**

It is INFOhio's procedure:

1. to remove or disable access to the allegedly-infringing Content;
2. to notify the Registered User whose Content has been removed or disabled; and
3. that repeat offenders will have their allegedly-infringing Content removed from the Service and that INFOhio will terminate such repeat offenders' access to the Service.

## **Procedure to Supply a Counter-Notice to the Designated Agent:**

If the Registered User whose Content has been removed or disabled believes that the Content is not infringing, or the Registered User believes that he or she has the right to post and use such Content from the rights owner, the owner's agent, or pursuant to the law (including as a fair use), the Registered User must send a counter-notice containing the following information to the Designated Agent listed below:

1. Identification of the Content that has been removed or disabled, including a description of where the material in question appeared on the OERC Platform before it was removed or disabled (e.g., a precise URL);
2. A statement by you, made under penalty of perjury, that you have a good faith belief that the Content was removed or blocked as a result of a mistake or misidentification of the Content in question;
3. Your contact information, including full name, mailing address, telephone number, and email address;
4. A statement by you that you consent to the jurisdiction of the Federal Court for the judicial district in which your address is located or, if your address is outside of the USA, for the judicial district in which INFOhio is located, and that you will accept service of process from the person who provided notification of the alleged infringement; and
5. Your electronic or physical signature.

Please note that any information provided in connection with a counter-notice will be forwarded to original complaining party, so that they may contact you directly to discuss their concerns.

If a counter-notice is received by the Designated Agent, INFOhio will send a full and complete copy of the counter-notice to the original complaining party, along with a notice informing them that INFOhio may replace the removed Content or cease disabling it in 10 business days. Unless the rights owner files an action seeking a court order against the Registered User, the removed

Content may be replaced, or access to it restored, in 10 to 14 business days or more after receipt of the counter-notice, at our sole discretion.

Please note that under Section 512(f) of the DMCA, any person who knowingly misrepresents that Content or activity is infringing may be subject to liability for damages, including attorney's fees.

Please contact INFOhio's at the following information:

Cathy Kerner  
INFOhio  
1500 W Lane Avenue  
Columbus OH 43221  
Phone: 614-947-7900  
Email: [central@infohio.org](mailto:central@infohio.org)

Requests sent via email will typically be processed most expeditiously.