

Information about Copyright & Take-Down at Rhodes

Last reviewed: October 2018

Rhodes University strives to recognise and respect copyright and intellectual property, something that is codified in a number of University policies. Nevertheless, it is inevitable that individuals will sometimes slip up. This page explains what you can do if you discover material hosted by Rhodes University that you believe infringes your rights or should otherwise be taken down.

Requests for Take-Down/Notification of Infringement

In terms of section 75 of the Electronic Communications and Transactions Act ("the Act") Rhodes University has designated the Internet Service Providers' Association (ISPA) as an agent to receive notifications of infringements as defined in Section 77 of the Act. If you believe that material hosted by Rhodes University infringes your rights or should otherwise be removed or taken down, please contact ISPA to request take-down:

- **Postal address:** PO Box 518, Noordwyk 1687, South Africa
- **E-Mail:** complaints@ispa.org.za
- **Telephone:** +27 10 500 1200

More information about take-down notices, and the take-down notice form are available [on the ISPA website](#).

Please ensure that take-down notifications contain the [information required by section 77\(1\)](#) of the Act.

Take-Down Procedure

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On receipt of a take-down notification from its designated agents or any other body it deems competent, Rhodes University's Information & Technology Services Division will act in the following manner:

1. We will confirm that it is technically feasible for the content described in the claimed infringement to exist in the way described (e.g. that the IP address in question belongs to the University and is part of an allocated network). Where this is not the case, we will inform the notifying party of this.
2. If the notice refers to an organisation or juristic person that we provide an indirect Internet connection to, we will pass the notice on to their representative for them to deal with in terms of their own policies. In this instance, we will then consider the matter resolved once the notice has been passed on.
3. Where the notice refers to the University's network, the claimed infringement will then be evaluated by a senior (grade 12/skilled technical for claims relating to mass media; grade 14/professionally qualified for all other claims) staff member in the Information & Technology Services Division to determine whether it violates the terms of the University's Acceptable Use Policy (available at [AUP](#)).
4. In the event that we believe the claimed infringement is not in violation of the University's Acceptable Use Policy (or if there is any doubt on our part), we will pass the matter to an appropriate organ of the University (e.g. the Ethical Standards Committee or relevant Faculty Board) for further investigation. We will inform the notifying party of this, and of the final outcome of their investigation.
5. In the event that the claimed infringement is in violation of our Acceptable Use Policy or we receive an unfavourable review from an organ described in point 3 above, we will act as follows:
 - a. Where the content is hosted on a shared system under the Information & Technology Services Division's direct control (or it is possible to contact the administrators of such a system timeously), we will remove or restrict access to the content in question whilst avoiding restricting access to other legitimate content unnecessarily.

- b. Where the content is hosted on a system that is outside the Information & Technology Services Division's direct control, we will restrict Internet access to the system in its entirety (by disabling its network port or otherwise as we see fit) until such time as we can establish that the content in question has indeed been removed.
 - c. In the case of *bona fide* users of the University's internal network, we will then act against the responsible party in accordance with section 3.7 of our Acceptable Use Policy.
 - d. In the case of third parties making use of our Public Network, we'll attempt to revoke access entirely unless there is substantive evidence that the matter will be dealt with appropriately outside the University. In some instances where access is provided anonymously it may not be possible for us to do this.
 - e. If requested, we will inform the notifying party once the content has been removed.
6. Where there may be undue delay in fulfilling any of the aforementioned steps, we'll inform the notifying party of the reasons for this.

In cases where machine-passable information about the claimed infringement is provided (e.g. [ACNS](#)), an automated system may be used to perform some or all of these steps.