

European University Institute (EUI)

Disclaimer and Takedown Policy of Cadmus, EUI Research Repository

It is the policy of Cadmus, the EUI Research Repository, to immediately suspend access to content that is subject to complaint while that complaint is verified. This is also in accordance with the Italian Law of 22 aprile 1941, n. 633 '*Protezione del diritto d'autore e di altri diritti connessi al suo esercizio*' and successive modifications, and the EU Directive 2019/790 of 17 April 2019 on 'Copyright and related rights in the Digital Single Market'.

Although all efforts have been made to ensure that material that infringes the law will not be present in EUI Repository, the risk cannot be entirely eliminated.

To minimise and manage this risk the EUI Library has adopted a 'Disclaimer and Takedown' Policy, as indicated below.

Disclaimer

If you feel that your copyright has been infringed in any way, please notify the Repository Manager immediately, preferably by email (cadmus@eui.eu), and include the term 'EUI Cadmus Copyright' in the subject heading. Postal complaints made under this policy may be sent to the Repository Manager, EUI Library, European University Institute, Badia Fiesolana - Via dei Roccettini 9 - I-50014 San Domenico di Fiesole (FI), Italy.

Takedown Policy

1. All complaints made under this policy must contain the following information:
 - a) the complainant's full name, address, telephone number and email address;
 - b) a full description of the material about which the complaint is made, including the full URI (handle) / URL of the location of the material ("Claimed protected material");
 - c) the grounds of complaint, including the law that is said to be infringed, e.g.
 - i. Unauthorised use by reason of reproduction and/or making available the Claimed protected material

- ii. Breach of any moral rights (the author's integrity/right not to have work subjected to derogatory treatment)
 - iii. Issues on grounds other than copyright and/or related rights, such as trade mark infringement, defamation, breach of confidence, or data protection
 - d) Any other relevant information in support of the complaint;
 - e) A statement that the complainant is the legal owner of the rights in the material about which complaint is made;
 - f) A statement that the information contained within the complaint is accurate and that the complainant believes that the reproduction, publication, distribution and use of the Claimed protected material is infringed as described in the complaint;
2. On receipt of a valid complaint the Library will:
- a) Acknowledge receipt of your complaint in the manner it was received (i.e. by email or letter) within 5 working days of receipt
 - b) Temporarily remove the Claimed protected material from the collection, and any associated EUI Repository resources incorporating the relevant material
 - c) Retain the live metadata record for the Claimed protected material
 - d) Acknowledge receipt of your complaint by email or letter
 - e) Make an assessment of the validity and plausibility of the complaint, seeking advice from the EUI's legal advisor as required.
3. If the complaint appears to have merit the Library will attempt to resolve the issue:
- a) For items where permission has been granted by a third party, contact with the relevant person/company will be made and they will be encouraged to allay concerns regarding the complaint
 - b) For orphan works, if the complaint is based on rights infringement, due diligence files will be examined and satisfactory evidence indicating proof of ownership of the item concerned will be requested from the complainant
 - c) Rights and legal advice may be sought as required from suitable individuals
4. The Library will endeavour to resolve the issue swiftly and amicably to the satisfaction of all parties

5. There are three potential outcomes:
 - a) If the complaint is judged invalid or unproven, then the Claimed protected material and any associated EUI Repository resources, will be restored to the collection unchanged
 - b) If the complaint is judged to have partial merit, the Claimed protected material and any associated EUI Repository resources, will be modified accordingly and restored to the live collection and a note to the effect that item/EUI Repository resources have been modified will be added
 - c) If the complaint is judged valid, the Claimed protected material will not be restored, and nor will any associated EUI Repository resources if they are rendered unusable due to modification and
 - i. A note to the effect that the Claimed Protected Material/ EUI Repository resources have been permanently removed will be added
 - ii. The metadata record for the Claimed Protected Material/ EUI Repository resources will remain as a tombstone
 - iii. A link to any replacement or alternative versions will be added
6. An email or letter of notification will be sent to the complainant to confirm the final decision.
7. For matters where permission was granted to a third party, the Library will notify the contributor of the final decision.
8. A record will be kept of the complaint, the review and the final decision.