DMCA notices @ Caltech

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Open Repositories 2015 (OR15)
Indianapolis
9 June 2015
Caltech

- 300 faculty, 1K+ grad students, <1K undergrads
- Research intensive university
- ~3000 articles & book chapters/yr
- Faculty Open Access policy, effective 1/2014
CaltechAUTHORS

Institutional repository launched in 2001

Downloads

<table>
<thead>
<tr>
<th>Year</th>
<th>Downloads</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
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<td>350,000</td>
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<td>2015</td>
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Activity Overview

- 49,112 Items
- 6,010,051 Downloads
- 78% Full text
- 73% Open access
DMCA notices

4 routes through which notices arrive at Caltech:

- Direct to faculty
- Information Management Systems & Services (IMSS)
- Office of the General Counsel (OGC)
- Library
Campus Coordinated Approach

Initial point of contact:
• Faculty – most commonly refer to OGC
• IMSS – notify OGC / refer to Library
• OGC – refer to Library

Library is the responsible party for evaluating validity of complaint, recommending compliance steps, communicating with publishers and faculty.
1st Brush with DMCA, July 2013

- IMSS receives complaint
- IMSS refers to OGC
- OGC refers to Library
Library Investigation

• Poorly researched notice, claiming 3 violations of Elsevier copyright

• 2 Elsevier related preprints and an ACM published article for one faculty. No credence to DMCA claim

• Another prof quickly changes to publisher links for complete publications list – eliminating legitimate posting of some PDFs
Return of DMCA, November 2013

- Faculty-owned domain – faculty notified
- Referred to Library via OGC
- Multiple potential violations of Elsevier content. All PDFs replaced by DOI links.
- Library is committed to faculty education. IR offered as a safe harbor – rights vetted by Library staff before posting
DMCA & ASCE, February 2014

- Multiple claimed violations, both in IR and on faculty website
- Alleged violations not in sync with publisher policy
- SHERPA-RoMEO guidance was followed
- Called ASCE HQ to verify representation claim
- Clarified ASCE actual policy with staff
- Pledged to continue user education efforts
- ASCE white-listed Caltech websites
- Adjusted distribution permissions in IR
Lessons

• Critical need to coordinate DMCA response on campus
• OGC support of Library in event of dispute
• Library is best positioned to validate/refute claims of copyright violation
• Publishers do not want to antagonize their authors
• Faculty outreach crucial to resolve and prevent copyright issues
Questions?

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CaltechAUTHORS:
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