



[DMCA #1698352]: DMCA Takedown Notice

1 message

Bryan - WordPress.com <dmca@automattic.com>
Reply-To: dmca@automattic.com

Fri, Nov 22, 2013 at 12:22 PM

Hi there,

We have received the following DMCA Takedown Notice (<http://chillingeffects.org/dmca512/faq.cgi#QID130>) for material published on your WordPress.com site:

--- BEGIN NOTICE ---

*** Sent via Email – Inappropriate postings of Elsevier’s journal articles / DMCA Notice of Copyright Infringement

Dear Sir/Madam,

I write on behalf of Elsevier to bring to your attention the inappropriate posting of final published journal articles to your institutional website. I am President at Attributor (A Digimarc Company), which assists some of the world’s most prominent publishers, including Elsevier, with digital content protection (www.digimarc.com/guardian). Following the discussion below, a formal DMCA takedown request is included as Appendix A.

As you probably know, Elsevier journal article authors retain or are permitted a wide scope of scholarly use and posting on their own sites and for use within their own institutions. Those rights are more expansive when it comes to author preprints or accepted manuscripts than with respect to the final versions of published journal articles. Elsevier recognizes that in some cases authors or their institutions may not be fully aware of these rights and can by mistake post the final version of their articles to institutional websites or repositories. Unfortunately, it has come to our attention that copies of final published journal articles have, perhaps inadvertently, been posted for public access to one of your institutional websites.

I therefore request your cooperation to remove or disable access to these articles on your site, including but not limited to the articles identified in Appendix A. We have identified merely a sample in Appendix A, and as a publisher of close to 2,000 journals this might mean that more articles published by Elsevier could be found on your site. Please may I therefore draw your attention to Elsevier’s posting policy and ask for your attention to ensuring that your posting practices comply with this?

<http://www.elsevier.com/about/open-access/open-access-policies/article-posting-policy#published-journal-article>

In particular I note that Elsevier currently doesn’t permit posting of the final published journal article, and if there is a mandate or systematic posting mechanisms in place then Elsevier asks for a cost-free agreement with the institution before accepted author manuscripts are posted.

I would also recommend considering the use of DOI links as a way to access to the version of records of a published article. This would allow authors to list their work and to provide easy access to peers.

Finally, should you need any help in properly identifying a final published article to prevent any future improper posting, please do get in touch via the email address below.

I appreciate your anticipated cooperation and if you have any questions or feedback, or if you believe you have received this message in error (as you have received permission to post this article from Elsevier), please contact: UniversalAccess@Elsevier.com

Thank you.

Sincerely,
Eraj Siddiqui

Attributor (A Digimarc Company)

Appendix A

Copyright Infringement Notice

This notice is sent pursuant to the Digital Millennium Copyright Act (DMCA), the European Union's Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society (2001/29/EC), and/or other laws and regulations relevant in European Union member states or other jurisdictions.

Please remove or disable access to the infringing pages or materials identified below, as they infringe the copyright works identified below.

I certify under penalty of perjury, that I am an agent authorized to act on behalf of the owner of the intellectual property rights and that the information contained in this notice is accurate.

I have a good faith belief that use of the material listed below in the manner complained of is not authorized by the copyright owner, its agent, or the law.

My contact information is as follows:

Organization name: Attributor Corporation as agent for [Publisher Company]
Email: counter-notice@attributor.com
Phone: 650-340-9601
Mailing address:
400 South El Camino Real
Suite 650,
San Mateo, CA 94402

My electronic signature follows:

Sincerely,
/E Siddiqui/
E. Siddiqui
Attributor, Inc.

***List of Works and Location of Infringing Page or Material ***

Infringing page/material that I demand be disabled or removed in consideration of the above:

*** INFRINGING PAGE OR MATERIAL ***

Infringing page/material that I demand be disabled or removed in consideration of the above:

Rights Holder: Reed Elsevier

Original Work:	Title of article
Infringing URL:	URL of article

--- END NOTICE ---

As per the DMCA's requirements, we have disabled public access to the material. Republishing this material without permission of its copyright holder or the submission of a valid DMCA counter-notice - or continuing to publish material that results in DMCA Takedown Notices - will result in a permanent suspension of your WordPress.com site and account. Publishing such material is a direct violation of the WordPress.com Terms of Service (<http://wordpress.com/tos/>), which you agreed to upon registration.

Repeated receipt of DMCA takedown notices for your WordPress.com site will also lead to its suspension. If you believe that this notice was received in error, it is important that you formally challenge this notice to ensure that

your WordPress.com site remains operational.

If you wish to formally challenge this notice, we have provided a form that you may use to construct a properly-formatted counter-notice. You may find this form here:

<http://automattic.com/dmca/dmca-counter-notice/>

Thank you.

Bryan V.
Community Guardian
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