

The American Name Society Notice, Take Down, and Reclosure Policy

General Information about the American Name Society and the DMCA Copyright Infringement Take Down Policy

The digitalized archives are made accessible to the general public for the conjoint purpose of research and education. The ANS has made its best effort to investigate the contents of digitalized archives with the purpose of determining any possible legal rights embodied in said materials and to adhere to all known copyright and rights of privacy, publicity, and/or trademark of the material. As a general rule, information published on the American Name Society website will be considered in the public domain and will be removed, be it temporarily or permanently, only in exceptional circumstance and at the discretion of the American Name Society Executive Council and its Take Down/Reclosure Sub-Committee. Although all reasonable efforts have been made to ensure that material that infringes the law will not be presented on the American Name Society website, the risk cannot be entirely eliminated. In cases where copyright holders could not be reached or identified, the materials are provided here under an assertion of fair use (17 U.S.C. 107).

As a scientific organization, we strive to adhere to the highest possible standards of ethics and the law. Given those professional standards, we welcome notices from copyright owners whose work has not been properly identified so that we may provide the appropriate information in the future. This page delineates the circumstances and procedures for which material is taken down from our website and/or information previously made available is reclosed.

Disclaimer

It is the policy of the American Name Society to make material accessible in one or more of the following situations:

- The rights of the material are owned by the American Name Society
- The material is in the public domain
- The American Name Society has been given permission to make the material accessible
- The information is made accessible for scientific and/or educational purposes as a legal fair use, or
- There are no known restrictions upon the use of the material
- In appropriate circumstances, after formal review, the decision may be made to suspend, remove, terminate access, or take other appropriate actions against users or third parties who infringe on the copyrights of others.

How to notify the American Name Society about alleged copyright infringed material:

If you have reason to believe that any material displayed on the American Name Society website contains unauthorized reproductions of copyrighted, please file formal notification with our Society. All formal takedown requests must include the following:

- The title of the material that is claimed to be infringing or to be the subject of infringing activity and that is either to be removed or to which access is to be disabled
- The creator of the item to be removed
- The relation of the requestor to the creator (if the requestor is the creator, indicate 'self')
- The exact URL of the material to be removed
- A formal request for the removal of the material
- A formal statement by the requestor of the take down notice that the information provided in the notice is accurate and that the requestor is either the copyright owner him/herself or authorized to act on the owner's behalf
- Preferred method of contact for the requestor including the full name of the person who is sending the take down notice, his/her postal address, his/her email address, and his/her telephone number.
- A physical or electronic signature of the person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed

Furthermore, all formal requests must contain the following two statements:

- "I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law."
- "The information provided in this notice is accurate, and under penalty of perjury, I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed."

All aforementioned elements must be sent in writing in the form of a registered letter to the following address:

Professor M. F. McGoff, PhD

Senior Vice Provost and Chief Financial Officer

Binghamton University (SUNY)

Binghamton, New York 13902-6000

(607) 777-2143

mmcgoff@binghamton.edu

NOTE WELL: ANY NOTICE THAT DOES NOT COMPLY WITH ALL OF THE REQUIREMENTS OF TITLE 17, UNITED STATES CODE, SECTION 512(c)(3) WILL NOT RECEIVE A RESPONSE.

NOTHING IN THIS POLICY IS INTENDED TO EXPAND UPON OR SUPPLEMENT THE LEGAL RIGHTS, PROCEDURES, AND REMEDIES AUTHORIZED AND GRANTED UNDER THE DMCA. Please also note that **you may be liable for damages, including but not limited to costs and attorneys' fee, under the DMCA, if you knowingly materially misrepresent:** (a) that material on the American Name Society website infringes upon your copyright; or (b) that material on the American Name Society website was removed or disabled by mistake or misidentification.

The American Name Society's Response to Take Down Notices and Reclosure Policy

Upon receiving a formal request, the "Notice and Take Down" procedure is then invoked and the following policy procedure will be initiated. An acknowledgement of a request for removal will be sent to the requestor. The Take Down/Reclosure Sub-Committee of the American Name Society, in consultation with the remaining members of the Executive Council of the American Name Society, will formally review the plausibility and validity of the request as well as the explanation of thereof for just cause. Upon determination of just cause, the item(s) in question will be removed from public view pending the completion of the review process. The final outcome of the review of a request to remove items from the American Name Society website may be one or more of the following:

- The item is not changed and is returned to public view.
- The item is not changed, but access is restricted for a period of time.
- The item is permanently removed from the American Name Society website.
- Another outcome.

At the conclusion of the review process, notification of the action(s) taken will be sent to the address or email on file. The take down policy applies to all material on the American Name Society website. The reclosure policy describes the circumstances under which material, once made public, may subsequently be closed by the American Name Society.

Refuting the Complaint

Should the Take Down/Reclosure Sub-Committee of the American Name Society, in conjunction with the Executive Council of the American Name Society, judge that the requestor and the request is to be refuted, the American Name Society will notify the requestor in writing via the contact information provided by the requestor. The requestor shall have 30 days to respond to this refusal. After the 30 days, the following actions can occur: either the requestor does not respond or the requestor accepts that the refusal is fair (in which case, the American Name Society reserves the right to reinstate the material) or the requestor rejects the refusal, in which case, there will be a dispute on the basis of the law or the content and the entire issue may be sent to the institution's legal advisor to address as necessary. Failure on the part of the requestor to respond to the refusal within the 30 days, allows the American Name Society to assume that the actions taken by the Society to address the notice are accepted by the requestor.

Unauthorized Use of Material Taken from the ANS Website by a Third Party

The American Name Society will take appropriate actions against users or third parties who infringe upon the copyrighted material made available via the American Name Society's website. All unauthorized usage of material taken from the American Name Society website may result in one or more of the following actions being taken: a.) the formal request for the acknowledgement of the American Name Society as the source of the material; b.) the formal request for the immediate removal of the material from display by the unauthorized user, pending possible granting of authorization for future use by the third party; c.) the initiation of legal action.