



Copyright Clearance and Takedown Policy

The Canadian Lesbian and Gay Archives (CLGA) is taking a “best endeavours” approach to finding rights-holders for copyright materials which we have digitized. This policy sets out the circumstances under which we may remove online material.

Guiding Principles

The CLGA holds one of the world’s most important collections of materials by, for, and about LGBTQ+ people. As part of our mission, we are committed to making these collections available to researchers, through our reading room and online.

Before making material available online, the CLGA seeks to: mitigate risk, of damage to third parties by:

- When feasible, checking the copyright status of material.
- Where possible, contacting rights-holders for permission to make material available.
- Carrying out assessments to identify sensitive and/or personal information in our research collections.

In addition, we also take the following steps to further reduce the risk to rights-holders and/or individuals:

- Access to certain types of digital content may require users to agree to terms and conditions of use, and/or require registration with the CLGA.
- Archival material less than 50 years old will normally be available on a non-commercial basis only (unless permission has been given for commercial use) and may be subject to other restrictions imposed by rights-holders.
- In most cases, archival material that is less than 10 years old won’t be made available online unless explicit permission has been given by the rights-holder to do so.

The terms and conditions of use of all digital content are made clear to users at point of access.

Clearing Copyright for Digitized Collections

To provide researchers with online access to material documenting LGBTQ+ experiences in Canada, we are digitizing some library material, archival records and other materials that are under copyright. We are using a “best endeavours” approach to obtaining permission to make these collections available.

Where copyright holders can be identified, they have been contacted in order to seek the necessary permissions.

In some cases it is extremely difficult to identify all potential copyright holders. This is particularly the case for archival records, most of which consists of unpublished documents and is often in manuscript form (handwritten letters or notebooks, for example). Names may be illegible or missing, may be impossible to identify securely or trace, or the current copyright owner may simply be unknown. For this type of material, we have made all reasonable efforts to ensure copyright holders' interests are respected and permission sought where it is feasible to do so. However, we cannot guarantee to have traced or contacted every potential rights-holder.

In order to reduce the risk to rights-holders, all potentially in-copyright material that we put online is made available under a non-commercial licence. Furthermore, all our online collections are subject to a takedown policy. If we are contacted by a potential rights-holder we will assess the case, and if appropriate, ensure the material is removed temporarily or permanently from our on-line presence. This also applies to cases in which rights-holders who have previously given permission wish to retract it for any reason.

Takedown Contact

To contact us about removal of material, please send an email to copyright@clga.ca, or write to us at the following address:

Canadian Lesbian and Gay Archives (CLGA)
P.O. Box 699
663A Yonge Street
Toronto, Ontario
M4Y 1Z9

Takedown Procedures

In making material available online the CLGA acts in good faith. However, despite the safeguards outlined in this policy, we recognize that from time to time material published online may be in breach of copyright, or contain personal information. On receipt of a request to takedown material from our websites, the CLGA will assess the case within 4 business days.

The CLGA may approve withdrawal of the material if one or more of the following criteria is met:

- The material is in copyright, and the copyright-holder refuses permission for it to be made available online.
- The material contains personal information about someone who is still alive and continued online access would be unlawful or unfair to them.
- The material acquires sensitivity by virtue of being made available online.

The removal of material will be considered as lasting until such time as copyright in the material expires, or until the rights-holder agrees that the material can be reinstated.

Any takedown notice requesting removal of copyright material must be sent by the copyright owner and/or the owner's legal representative. The CLGA will not respond to notices requesting removal of copyright material by any unaffiliated third party.

Document Title	Copyright Clearance Takedown Policy
Version Number	1.0
Author and Title	Raegan Swanson, Executive Director
Date Approved	May 18, 2017
Date of Next Review	May 2020