

Web2Rights

Risk Management Checklist

1. Risk management needs to be informed and proportionate
2. Make sure you understand who will be effected by any actions, including your institution, partners on your project, JISC and other funders, your users and the potential ramifications of such actions
3. Use your project plan and risk assessment tables to identify and measure potential risks to your project and implement suitable mitigating strategies
4. If the work is to be used in a commercial context (i.e. to generate financial gain) then a rights owner who later becomes aware of the use of their work may be more likely to pursue an action for infringement of copyright than if the work is being used for educational purposes
5. The risk of using, without permission, a third party work that is vital to the project might be considered high. An example might be where a next generation technology is to be adapted from an existing program. In these circumstances it may be preferable (even if more time consuming) to program from scratch
6. The nature of the content that you wish to use, for example, the rights in high value content, such as commercially produced films, music and software, are likely to be actively enforced, infringements sought out and acted upon
7. Various strategies can be put in place to mitigate potential risks
 - Notice and take down procedure or moderation policy
 - Investigating liability insurance
 - Considering whether technical controls might be deployed
8. In the event that an owner of copyright does sue, there are various legal remedies that they could seek including, damages, an injunction/interdict and the delivery up of infringing copies
9. Sometimes rights holders do not sue and instead may no longer trust you and/or the organisations affiliated with your project, cause damage to reputation or instigate other actions such as the removal of services and/or funding
10. If it goes wrong, don't panic: Whilst not all rights holders will employ legal remedies, an apology and promise of swift action to rectify can go a long way!