

IP Alert: New Procedure for Electronic Registration of DMCA “Safe Harbor” Agents Goes Live December 1; Companies Have 13 Months to Comply

December 1, 2016

Effective December 1, 2016, the U.S. Copyright Office has a new rule impacting the designation by companies that serve as "online service providers" of agents to receive notifications of copyright infringement claims under the Digital Millennium Copyright Act (DMCA) (Section 512 of the Copyright Act) and thereby qualify for the Act's "safe harbor" provisions.

Under the rule, all online service providers (which can include any company that facilitates user communications or hosts user-generated content) will now be required to designate their DMCA agents via a new online registration system established by the Copyright Office. The designation and contact information must be registered electronically by December 31, 2017. In addition, online service providers will now be required to update or renew these designations at least once every three years.

Since 1998, companies considered to be online service providers have been required to record with the Copyright Office contact information for their agents designated to receive infringement claims if they wished to take advantage of the DMCA's safe harbor provisions. Until now, that information has been provided to the Copyright Office via paper filings, scans of which have been made available for review on the Copyright Office's website. The new online filing system is meant to streamline this submission and tracking process for online service providers, while also making the designated agent information more accessible to the public.

What does this mean for your organization? If you have previously designated a DMCA agent with the Copyright Office, now is a good time to review that information and ensure it is up to date. You then have until December 31, 2017, to submit your current agent designation via the online registration system. You should also calendar the obligation to review and update this information at least once every three years. To access the new designated agent registration system, [click here](#).

If you are uncertain as to whether or not your organization will be impacted by the new rule, have questions about the DMCA safe harbor, or have any other questions about your organization's DMCA compliance, please reach out to any member of the Gray Plant Mooty Intellectual Property Group.