Insights: Alerts

U.S. Copyright Office Creates New Registration Process for DMCA Agents

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Under the Digital Millennium Copyright Act (DMCA), website operators and other Internet Service Providers (collectively, ISPs) can obtain protection from liability for copyright infringement claims based on the material generated or posted by their users if they meet the "safe harbor" requirements contained in Section 512 of the DMCA. These requirements include adopting and posting a copyright infringement policy, designating an agent to receive infringement notices and registering the agent with the U.S. Copyright Office, and promptly responding to notices of copyright infringement.

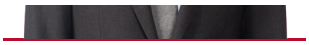
Since the DMCA's enactment, the U.S. Copyright Office has operated a paper-based registration system that required a single lifetime registration for DMCA agents. However, on December 1, 2016, the U.S. Copyright Office announced that it was overhauling the registration process and migrating to a new, online system. The migration to the online system affects all registrants, including those already registered through the old system, who must now re-register through the new online system. In addition, the U.S. Copyright Office has changed the duration of the registration to three years, which will require registrants to re-register every three years. While new registrants began using the online system on December 1, 2016, existing registrants have until December 31, 2017 to re-register through the online system.

ISPs with an existing registration should review their agent information and DMCA policy, update each as necessary, and re-register through the online system prior to December 31, 2017 in order to continue to take advantage of the safe harbors provided by the DMCA. In addition, ISPs should remain vigilant regarding the periodic registration requirement to ensure that their registrations do not lapse.

If you have questions about the new registration process or need assistance registering or updating your registration, please contact Kilpatrick Townsend's Cybersecurity, Privacy & Data Governance or Intellectual Property Team.

Related People





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