

# **Deadline Approaching: Action Required by December 31 To Avoid Losing DMCA Safe Harbor Protection**

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The U.S. Copyright Office is making changes to the Digital Millennium Copyright Act (DMCA) safe harbor agent registration process. The changes impact both new online service providers as well as existing online service providers who have already registered an agent. Read on for details about what you will need to do.

## **What do I need to know about the new DMCA agent registration system?**

In order to qualify for DMCA safe harbor protections, you must designate an agent to receive notifications of claimed infringement under the DMCA using the Copyright Office's new electronic system by **December 31, 2017**. Section 512 of the DMCA provides safe harbors to shield online service providers from certain claims for copyright infringement based on user generated content transmitted, cached, stored, referred, or linked on their website, app, or other online service.

## **Where can I register my agent?**

Visit the [DMCA website](#).

## **What if you previously registered a DMCA agent using the old paper system prior to December 1, 2016?**

You must re-register using the new electronic system by **December 31, 2017**.

## **What else is new?**

Under the new DMCA regulations, DMCA agent registrations are no longer perpetual – you must renew your registration every three years.

## **Do you really need to worry about this?**

Yes, you should take action if:

1. You previously registered a DMCA agent using the old paper system prior to December 1, 2016;
2. You have a DMCA take-down policy in the Terms of Service for your online service; and/or
3. Your online service stores, transmits, caches, refers, or links content generated by users, including websites that allow users to post, upload, or display text, photos, videos, audio, etc. If users can upload any content to your website, app, or other online service, you are an “online service provider: under the DMCA and should protect yourself with DMCA safe harbor.

## **Do you need to make any changes to your Terms of Service?**

This is a good opportunity to review and update your Terms of Service, especially if you have not done so in the last two or three years.

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