



IMPORTANT NOTICE: PREVIOUS DMCA DESIGNATED AGENTS MUST RE-REGISTER ONLINE BEFORE DEC 31

June 26, 2017

If you operate, manage, or host a website, mobile app, blog or other digital service that allows users (aka third parties) to post comments or upload media, such as pictures, videos or audio files, then you need to be taking advantage of the [Digital Millennium Copyright Act](#) (“DMCA”) [Safe Harbor](#) to protect yourself from copyright infringement liability for infringing materials posted on your site by users of your service.

The [U.S. Copyright Office](#) recently introduced a [new online DMCA Agent Directory](#) and registration process to replace the prior paper-based system and directory for DMCA Designated Agents, which became effective on December 1, 2016. Designating a DMCA Agent with the Copyright Office is part of the process to protect you from copyright infringement liability for third party posts (aka user-posted content) on your app/blog/website and corresponds to the DMCA Takedown Notice Procedures that should be included in the Terms of Use on your website/blog/app. **If you do not register (or re-register) a DMCA designated agent, you risk losing the [safe harbor protections of Section 512 of the DMCA](#), leaving you potentially vulnerable to certain types of claims of copyright infringement.**

NOTE: Even if you previously designated an agent with the Copyright Office prior to December 1, 2016 (via a paper form), you will need to submit a new designation electronically using the online registration system by December 31, 2017, or your prior designation will expire and become invalid.

In order to register, you will need to [create an account](#). You will need to include a primary contact (with the option to include a secondary contact) when you register, and then an email will be sent to the primary contact with instructions on how to active the account. Once the account is activated, you will be able to complete the DMCA designed agent registration process.

You will need to register the following information:

- **Full Legal Name of Service Provider** (legal entity name) and related contact information
- **Alternative Name(s) of Service Provider** (including all names under which the service provider is doing business, such as domain name(s), blog or mobile app name(s), assumed/trade name(s), etc.)
 - NOTE: Separate legal entities are not considered alternate names. Related or affiliated service providers that are separate legal entities (e.g., corporate parents and subsidiaries) are considered separate service providers, and each must have its own separate designation.
- **Name of Agent Designated to Receive Notification of Claimed Infringement** (which can be the name of an individual or a specific position or title [e.g., Copyright Manager, VP Legal Affairs, or General Counsel] or a specific department [e.g., Copyright Compliance Department] or third-party entity [e.g., ACME Takedown Service] rather than an individually named person as the agent...which may be preferable to avoid having to update the form if the named individual should ever leave the company) and related contact information
- **Pay the Fee** (the current registration fee to designate an agent, or amend or resubmit a designation is \$6.00 per service provider, with no additional fee for any alternate names)

In addition to registering a designated agent, you will also need to post copyright infringement notice provisions on your site and comply with the DMCA takedown and notice procedures. Click on the following links for more information about the [DMCA Safe Harbors](#) and what you need to do to benefit from them, as well as [DMCA Designated Agent FAQs](#).

Renewal Requirements. In an attempt to ensure that the [DMCA Agent Directory](#) contains accurate and up-to-date information, your agent designation will expire and become invalid three years after it is registered (or last amended) with the U.S. Copyright Office, unless you renew it prior to the expiration for another three-year period. The online system will send renewal reminders to the primary and secondary contacts, service provider, and designated agent listed in your account 90 days, 60 days, 30 days, and 7 days prior to your renewal deadline.

Related Practices

Intellectual Property

Practice Area Contact

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