

INSIGHTS

Reminder: Re-Register Your DMCA Agent Designations Before End of Year or Risk Losing Safe Harbor Protections!

December 19, 2017

U.S. Copyright Office Goes Paperless for DMCA registered agents; All paper registrations invalid as of December 31, 2017.

As you're making your end of year lists and checking them twice, better make sure you've registered your company's DMCA designated agent with the U.S. Copyright Office's new online platform.

Under the Digital Millennium Copyright Act (DMCA) safe harbor provisions, online service providers ("OSPs") – which include anyone operating a website that allows customers or users to post content – must designate an agent to receive copyright infringement claims, and must register that agent with the U.S. Copyright Office. The DMCA safe harbor shields OSPs from copyright infringement liability, but, as an OSP, you can only claim the benefits of the safe harbor if you have registered your copyright agent with the Copyright Office.

In November of last year, the Copyright Office issued a [rule](#) requiring all DMCA designated agents be registered through the office's new online platform, and, further, that all existing agent designations (i.e., those that had previously been filed via paper submission) must be updated to the new online platform by December 31, 2017. Failure to re-register with the new online platform will result in a loss of DMCA safe harbor protections (*See* 17 U.S.C. §512(c)(2)).

Other notable changes to the DMCA designated agent registration process include:

- Registration is no longer perpetual – DMCA agent designations must be re-registered every three years;
- The registration fee is reduced from \$140 for up to ten domains/apps to a flat rate of \$6 per agent designation; and
- OSPs must provide the physical street address of their designated agents, as opposed to a P.O. Box.

These changes, and the addition of the U.S. Copyright Office's online platform, are intended to streamline the process for registering a designated agent and make it easier for the public to access a point of contact when reporting alleged copyright infringement. More information regarding the new registration requirements and the transition period is available from the [Copyright Office](#).

If you have questions or need help registering your designated copyright agent, please contact your Bracewell lawyer.