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# December 31st Deadline For Websites With User-Generated Content

By RIW on November 30, 2017

## New rules from copyright office require re-registration of DMCA agent

Does your company's website host, store, or link to content created or posted by users? If so, be aware that the U.S. Copyright Office recently changed its rules regarding DMCA (Digital Millennium Copyright Act) Agent registration. The new rules require all companies that have registered DMCA Agents before December 1, 2016 to re-register their DMCA Agent by December 31, 2017.

What does all this mean? The DMCA includes a "safe harbor" provision for companies with websites that include user-generated content, which could include photos, writing, music, designs – anything covered by the Copyright law. Without the safe harbor provisions, companies would be liable for any such content which infringed another's copyright.

However, in order to qualify for the safe harbor, the DMCA requires companies to designate a specific person to receive and resolve all notices of infringement – a "DMCA Agent." The DMCA Agent should be clearly specified on the company website – typically within the Terms and Conditions – and must be registered with the Copyright Office.

The old system required a paper filing with the Copyright Office and a \$105 fee. The Copyright Office has now implemented an online filing system for DMCA agent designation, created to encourage and allow for current and accurate agent designation. Apparently, 22% of agent designations were for defunct websites, and of the operating sites, only 35% had accurate DMCA Agents. Thus, DMCA agents, even if previously registered (before December 1, 2016), must be re-registered using the new online system before December 31, 2017 in order to maintain a valid designation. An invalid designation could result in liability for any infringing user-generated content.

The new system has several advantages. It is easy, and much less expensive – only \$6 for designations and renewals. The new system also allows for more options for designating an agent. Rather than only allowing for the name of a specific person, companies may now designate a specific title (e.g. IP Counsel, or Compliance Officer) or department (e.g. Legal Department), within the organization or an outside service provider. Renewals are due every three years.

The link to check the old designated agent directory is here:

[https://www.copyright.gov/onlinesp/list/a\\_agents.html](https://www.copyright.gov/onlinesp/list/a_agents.html)

The new directory may be found here: <https://dmca.copyright.gov/osp/>

To register or re-register your DMCA Agent, go to: <https://dmca.copyright.gov/osp/login.html>

Questions? Please contact [info@riw.com](mailto:info@riw.com)



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