

One Minute Memo[®]



December 31, 2017: Last Day To Designate DMCA Agent Or Lose Safe Harbor Eligibility

By Vincent Smolczynski

Starting December 31, 2017, all online service providers (which includes website owners) who want to take advantage of the Digital Millennium Copyright Act (DMCA) Safe Harbor must designate a registered agent with the U.S. Copyright Office via the electronic registration system. Any prior designation not made through the online registration system will expire and become invalid after December 31, 2017.

The DMCA provides a safe harbor from copyright infringement liability for online service providers that allow content to be posted by third parties. To qualify for the safe harbor, online service providers must designate an agent to receive complaints of alleged copyright infringement on behalf of the company.

If you have not done so already, to use the new electronic agent registration system each service provider must first open an account with the Copyright Office [here](#). From there, you must provide the first name, last name, position or title, organization, physical mail address (street address or post office box), telephone number, and email address of two representatives of the service provider who will serve as primary and secondary points of contact for communications with the Office, and a telephone number and email address for the service provider.

Of note, designations made electronically are effective for a period of three years from the date of filing. Although the Copyright Office is obligated to notify companies of their agent designation renewal dates, we suggest companies calendar the renewal dates themselves. For additional information, check out the Copyright Office's FAQs on the electronic agent designation process [here](#).

If you have any questions, please contact Seyfarth Shaw Intellectual Property Attorneys, Vincent Smolczynski at vsmolczynski@seyfarth.com, Kenneth Wilton at kwilton@seyfarth.com, Edward Maluf at emaluf@seyfarth.com or Brian Michaelis at bmichaelis@seyfarth.com.

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