

RetailLawBCLP

TIME IS RUNNING OUT FOR RETAILERS TO REGISTER DMCA AGENT, PRESERVE SAFE HARBOR PROTECTIONS

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Retailers who host third-party content and comments on their websites have until **the end of 2017** to register as internet service providers through the new online system in order to preserve their protections under the Digital Millennium Copyright Act's ("DMCA") safe harbor provisions. The online system launched about a year ago, and if service providers do not register before the end of 2017, any designations submitted before December 2016 will expire and become invalid, which could result in a service provider losing the safe harbor protections.

Previously, agent designations were submitted to the Copyright Office in paper form. The Copyright Office would then make those forms available through an online index of internet service providers. The paper-generated directory contains significant inaccuracies and outdated information. Under the new system, DMCA agents are required to register through the online system, and update their contact information to renew their designations at least every three years at dmca.copyright.gov/login.html. The renewal requirement was designed to help ensure that the directory is up to date with accurate information. The agent designation information is used to create an on-line searchable database at dmca.copyright.gov.

The DMCA's safe harbor provision, 17 U.S.C. § 512, protects service providers – which range from national retailers and mom-and-pop retail sites to website hosting companies – from liability for the infringing activities of their users and other third parties on the internet, so long as the service providers meet certain conditions. These include providing "notice and takedown" procedures that give copyright holders a quick and easy way to notify websites that they may be hosting infringing material posted by third parties, and designating an agent to receive such notices.

Service providers have until the end of the year (December 31, 2017), to migrate their DMCA agent designation to the new system. Detailed information about the new system is available on the Copyright Office's [website](#).

MEET THE TEAM



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