

U.S. Copyright: December 31, 2017 Deadline to Avoid Loss of Safe Harbor Protection Under the Digital Millennium Copyright Act

The Digital Millennium

Copyright Act (“DMCA”) provides internet service providers (“ISPs”) with an important safe harbor from copyright infringement liability based on infringing material residing on their systems or networks at the direction of internet users. Among other requirements for safe harbor eligibility, each ISP must designate an agent to receive notifications of claimed infringement and provide information concerning the agent to the U.S. [More](#)

The Digital Millennium Copyright Act (“DMCA”) provides internet service providers (“ISPs”) with an important safe harbor from copyright infringement liability based on infringing material residing on their systems or networks at the direction of internet users. Among other requirements for safe harbor eligibility, each ISP must designate an agent to receive notifications of claimed infringement and provide information concerning the agent to the U.S. Copyright Office, which keeps a directory of such agents on its website.

Until now, the Copyright Office accepted paper submissions from ISPs concerning their designated agents. This year, however, the Copyright Office switched to a mandatory electronic-only filing system for designation of DMCA agents. Under the new system, DMCA agents have until **December 31, 2017** to submit their agent designations to the Copyright Office electronically through the Copyright Office’s online application system, which can be accessed [here](#). This requirement applies to all ISPs, including those who had previously submitted designations on paper under the prior system.

Thus, to avoid a loss of safe harbor protection under the DMCA, all ISPs must submit designated agent information to the Copyright Office electronically no later than December 31, 2017. For more information, please see the Copyright Office's [website](#) or contact [Craig Mende](#) or [David Donahue](#).

—[DD](#)

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