

[Latham & Watkins Intellectual Property Litigation and Copyright Litigation Practices](#)

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## REMINDER: Electronic (Re-)Registration of DMCA Agent Required By December 31

***Online service providers have until December 31, 2017 to register (or re-register) their designated DMCA takedown agent and maintain § 512(c) safe harbor eligibility.***

The Digital Millennium Copyright Act<sup>1</sup> provides a safe harbor from copyright infringement liability for some websites and online service providers (OSPs) that store user-generated content. OSP's must follow certain rules set out by statute and regulation for the Act to apply. One such rule is registering and designating an agent with the US Copyright Office (the Copyright Office) to receive "takedown notices."<sup>2</sup>

As of December 1, 2016, the Copyright Office changed its process for registering and designating such agents.<sup>3</sup> The changes apply to both existing OSPs with already registered agents, and to new OSPs who have yet to register an agent. OSPs that have previously registered an agent through the old paper process must re-register via an electronic filing with the Copyright Office. OSPs registering their agent for the first time must do so via the same electronic filing.

Most importantly, all OSPs have until December 31, 2017 to register or re-register their takedown agents by electronic means, or their safe harbor status will lapse on January 1, 2018.<sup>4</sup>

For more information on the other implications of the Copyright Office's rule changes as they pertain to an OSPs' safe harbor status, or for more detailed instructions on registering a takedown agent, please read Latham's more in-depth *Client Alert*, [New DMCA Agent Registration Rules Essential to Section 512 Immunity](#).

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**Endnotes**

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1 Online Copyright Infringement Liability Limitation Act, 17 U.S.C. § 512(c) (2016).

2 Id. § 512(c)(2).

3 37 C.F.R. 201.38 (2016). The full text and Copyright Office summary of the rule change is available here: <https://www.federalregister.gov/documents/2016/11/01/2016-26257/designation-of-agent-to-receive-notification-of-claimed-infringement#h-16>.

4 See id. § 201.38(e)(1)-(2); 81 FR 75695, 75704 (2016).