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Maintaining Immunity from Liability for Copyright Violations by Your Users

19/2/2017

If you have a website or online service that allows users to publish on your website or platform (such as uploading video or audio, or posts, talkbacks or comments), you could be exposed to liability for hosting material that violates copyright. The Digital Millennium Copyright Act of 1998, a U.S. law enacted in 1998 (the "DMCA"), provides internet service providers with immunity from liability in the U.S. for copyright infringement claims based on content posted independently by users.

In order to benefit from this "safe harbor", you must:

1. Post a copyright policy on your website or platform, and implement that policy;
2. "Expediently" take down or block material in response to notices of infringement and terminate subscribers who are repeat infringers; and
3. Register a "designated agent" with the US Copyright Office to handle complaints of copyright infringement.

You may have received advice and assistance from us in adopting a copyright policy which details how copyright owners can report infringements to you, what they must include in their notices, and where they should send such notices, as well as how you can register your designated agent with the Copyright Office.

Re-Registration Requirement

Even if you have registered an agent with the U.S. Copyright Office, you will now need to re-register using the Copyright Office's new online system in order to maintain your eligibility for immunity

under the DMCA. According to the new rules, you must resubmit your new information by the end of 2017.

The good news is that the new online system is much more efficient than the previous one. Instead of mailing a paper form and waiting months for the information to appear on the Copyright Office website, the new online system will post the new information relatively quickly, if not immediately. In addition, the fee for registering is only US\$ 6.00, instead of US\$ 105 or more.

To register using the new system you first have to create an account (which you can do [here](#)). The information you enter when creating an account will not be posted on the Copyright Office's website. After creating an account, you will be able to register an agent. This requires entering information about your entity/website (and all its aliases) and your designated agent. Information for both will appear on the page on the Copyright Office's website for the designated agent.

While you will be required to enter an e-mail and phone number for yourself or the entity you represent, these will also not appear on the website, but will be used by the Copyright Office to contact you. Your address will appear, but according to the Copyright Office, you can list an address other than your registered corporate address or actual business location.

For the designated agent, you can put a person's name, but now it is also permissible to just indicate a title or company division (for example, "Copyright Officer" or "Copyright Department") or even a third party, such as a law firm. Whoever is listed, this should be a party who will handle your mail promptly as these complaints must be responded to quickly.

Meitar now offers clients the ability to list us as your designated agent. This also allows us to inform you of the proper steps to take in response to a notice claiming that information you host infringes someone else's copyright.

To list our firm as your designated agent to receive copyright infringement notices, please use the following information:

Copyright Claims

Meitar Liquornik Geva Leshem Tal, Law Offices

16 Abba Hillel Rd.

Ramat Gan 5250608, ISRAEL

Phone: +972-3-610-3100

Fax: +972-3-610-3111

E-mail: copyright@meitar.com

This information should also be included for the designated agent information in the Copyright Policy we may have previously prepared for you (this might be a part of your website or service terms).

Please do not use our information for creating your initial account

on the online system. Your account is personal to you and it will be used by the Copyright Office to contact you when necessary. It should therefore include your information.

Renewals

After registration using the new online system you will have to renew or resubmit the designated agent information every three years to maintain eligibility under the new rules. This is so the Copyright Office can be sure that the information is current. (Every time you make any kind of change to the information, this is considered a resubmission and the three-year clock is reset). The Copyright Office says that it will send e-mail reminders prior to the renewals, but we recommend setting an internal calendar reminder for yourself to make sure you renew on time.

If you need assistance registering or reregistering your designated agent information, or if you need advice on ensuring you are eligible for the safe harbor provisions of the DMCA or on responding to infringement notices, feel free to contact us.

Contact Person

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More Information

For more information about Meitar's Technology and Intellectual Property group, [click here](#)

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