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intellectual property law

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****CLIENT ALERT****

**Copyright Office Requires Update of All
DMCA Agents to Maintain Protection from Liability**

If your company owns or operates a website that allows users to post content online (text, images, video, etc.), then a recent rule change from the U.S. Copyright Office means action is necessary to protect your company from potential liability for copyright infringement. Under the Digital Millennium Copyright Act (“DMCA”), operators of websites that allow user-generated content to be posted are insulated from liability for copyright infringement under certain conditions. Those conditions include posting and implementing a DMCA Takedown Procedure, whereby plaintiffs can request removal of infringing content from your website. DMCA protection also requires companies to register agents with the Copyright Office who are responsible for handling takedown demands. Considering the significant potential liability that can arise due to actions by users of your websites, the DMCA provides extremely valuable and cost effective protection that we recommend to all clients operating interactive websites.

On December 1, 2016, the Copyright Office will implement a new electronic agent registration system. However, even if your company has registered an agent in the past, you must now reregister that agent through the new electronic system. To avoid a lapse in protection, this new agent registration must occur no later than December 31, 2017. Filing fees have been significantly reduced to \$6.00 per agent, regardless of how many domain names must be registered for a single company. Wood Herron & Evans LLP will provide assistance with registering or reregistering your agent at a flat fee rate, allowing for a simple and cost-effective means of maintaining protection from liability. If your company has never implemented this protection under the DMCA, now is also the perfect time to discuss registering an agent and implementing a DMCA Takedown Procedure.