Digital Millennium Copyright Act (DMCA)

Protects online service providers from liability for copyright infringement
DMCA – Online Service Provider

• “A provider of online services or network access, or the operator of facilities therefor.”

• Construed broadly and likely includes MLSs as well as participants and subscribers hosting an IDX display.
DMCA Procedural Requirements

• Designate a Copyright Agent to receive takedown requests
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• Implement a termination policy for repeat infringers
DMCA Procedural Requirements

• Designate a Copyright Agent to receive takedown requests
• Implement a termination policy for repeat infringers
• No knowledge of infringing activity or facts that make infringing activity apparent
DMCA Procedural Requirements

- Designate a Copyright Agent to receive takedown requests
- Implement a termination policy for repeat infringers
- No knowledge of infringing activity or facts that make infringing activity apparent
- No direct financial benefit attributable to infringing activity
DMCA Procedural Requirements

• Designate a Copyright Agent to receive takedown requests
• Implement a termination policy for repeat infringers
• No knowledge of infringing activity or facts that make infringing activity apparent
• No direct financial benefit attributable to infringing activity
• Comply with Takedown Procedure
All of the slides from today’s presentation are available via the link below and on the Window to the Law page of www.realtor.org.

Visit www.copyright.gov for model forms for designating a copyright agent.

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