How to Comply with the Digital Millennium Copyright Act ("DMCA") Safe Harbor for Copyright Infringement Liability Protection
1. Designate a Copyright Agent

- Designate Copyright Agent with the Copyright Office.
- Identify Copyright Agent on your Website.
  - NAR identifies its Copyright Agent in the Terms of Use on www.nar.REALTOR
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• Copyright Office’s New Digitized Agent Registration Process.
  – Available: https://www.copyright.gov/dmca-directory/
  – FAQs available: https://www.copyright.gov/dmca-directory/faq.html

• All previously designated Copyright Agents must be reregistered using the new digitized process by December 31, 2017.

• Agent designations must be renewed every three years.
2. DMCA Takedown Procedure

• Must comply with DMCA Takedown Procedure.

• Takedown requests will be sent to your Copyright Agent.

• Make sure your Copyright Agent understands the DMCA Takedown Procedure to ensure compliance!
3. No Knowledge of Infringing Activity

- May not have knowledge of infringing activity.
- Can’t turn a blind eye to infringing activity.
4. No Financial Benefit

- May not receive a direct financial benefit attributable to infringing activity.

- Direct financial benefit means the infringing activity is a draw to users.
4. Repeat Infringer Policy

• Must post a repeat infringer policy to your website.

• NAR’s repeat infringer policy is available in the Terms of Use for www.NAR.REALTOR under the “Termination” and “DMCA” sections: https://www.nar.realtor/terms-of-use

• Feel free to adapt NAR’s repeat infringer policy language for your own website.
Additional Copyright Risk Management Resources:
https://www.nar.realtor/topics/Copyright

NAR Sample Photography Agreements:

All of the slides from today’s presentation are available on the Window to the Law page of www.nar.realtor.

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