

General Personnel

Administrative Procedure - Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process

Before using this exhibit, consult the Board Attorney to first identify whether the District is an online service provider (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 *et seq.* It provides certain limitations on the liability of OSPs for copyright infringement under the DMCA's *Safe Harbor Provision* (SHP). OSPs are operators of websites that allow users to generate content of their own and upload that content to the OSP's website.

If the District is an OSP, the SHP shields the District from being sued when or if infringing copyrighted content is uploaded to its website(s), and it provides limitations on liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for an OSP. The SHP is only available if an OSP designates an agent to receive notifications of claimed infringement, provides the agent's contact information to the U.S. Copyright Office, and posts that information on the its website in a location accessible to the public (www.copyright.gov/onlinesp/).

If the District is an OSP, the Director or designee will follow these steps to identify and register a DMCA agent to receive notifications of claimed infringement:

1. Identify an agent to receive notification of claims of infringement. This may be the Director, Technical Assistance Supervisor, or another administrator.
2. Fill out the *Interim Designation Form* (www.copyright.gov/onlinesp/agent.pdf) to designate a DMCA agent (*designation of agent*), or, if changing agents, use the *Amended Designation Form* (www.copyright.gov/onlinesp/agenta.pdf) to amend a previously designated agent. **Note:** The *Amended Designation Form* replaces a previously filed *Interim Designation Form*.
3. Determine the fee (listed on the forms discussed in #2). **Note:** Consult the Board Attorney about filing alternative names when registering and whether additional fees may apply. The fee for filing allows for the listing of only one name for OSP. It is the OSP's legal name. If the District uses other names or additional URLs, it should include them in the same filing to avoid additional fees to register.
4. Draft a check payable to the Register of Copyrights and mail it and the form to: Copyright RRP, P.O. Box 71537, Washington, DC 20024.
5. Post the District's DMCA agent's contact information in a publicly accessible location on the website. See policy 5:170, *Copyright*. **Note:** Consult the Board Attorney about further steps necessary for registering and posting DMCA agent information. For example, some websites make users verify that they are not infringing copyright when they upload content, along with a Terms of Service and Copyright Policy. Other steps may include training from the Board Attorney about procedures to terminate repeat infringers, responding to takedown notices, etc.

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. §101 *et seq.*