



Nov 30, 2016

Categories:

[Publications](#)

Authors:

[AJ Correale](#)

[Carl Eppler](#)

[Nilesh \(Neal\) Patel](#)

[Samantha M. Quimby](#)

[Cynthia L. Stewart](#)

Attention Website Operators and Online Service Providers: It's Time to Refile Your Designated Agent Information with the U.S. Copyright Office

Beginning December 1, 2016, the Copyright Office is rolling out its new online filing system for designating an agent to receive notices of copyright infringement. Website operators and other online service providers who store user content must submit new designated agent information electronically before the deadline to continue to take advantage of the Digital Millennium Copyright Act's (DMCA's) safe harbor from copyright infringement liability.

The new online filing system replaces the interim, paper-based system that had been used since the DMCA was first enacted in 1998. Under the old system, service providers could designate agents by sending in paper forms to the Copyright Office, which the Copyright Office then scanned and publicly posted in its [directory of agents](#). Previous filings made under the old, paper-based system will continue to meet the DMCA's requirements until they are phased out on December 31, 2017.

In connection with its new online filing system, the Copyright Office has issued its [Final Rule](#) relating to designating an agent with the Copyright Office. Highlights are as follows:

- **Beginning December 1, 2016**, the Copyright Office will no longer accept paper agent designations. All new filings must be made electronically using the online filing system.
- All service providers who have previously filed with the U.S. Copyright Office for DMCA safe-harbor protection under the old, paper-based system will have **until December 31, 2017** to refile using the online filing system or lose the safe harbor protection. To do this, the service provider, or its designee, must establish an account that will be used to log into the

system and register.

- The DMCA filings will expire every three years, so they will need to be renewed. The Copyright Office's new system will send out email reminders.
- Filing fees are significantly lower (\$6 per entity). There is no limit to the number of alternative names, URLs, service names, software names, and other commonly used names that can be listed on a service provider's filing for this fee. All alternative names that the public would be likely to use to search for the service provider's designated agent must be provided. However, separate legal entities must file separately and are not considered alternative names.
- The designated agent does not have to be a natural person. Service providers now have the option to designate a specific person (e.g., Jane Doe), specific position or title of an individual (e.g., Copyright Manager), a department within the service provider's organization or within a third-party entity (e.g., Copyright Compliance Department), or the service provider or third-party entity generally (e.g., ACME Takedown Service).
- The designated agent's physical mail address, telephone number and email address must be provided to the Copyright Office, and a designated agent may now provide a post office box to be displayed as its physical address. However, in a nod to technological obsolescence, a fax number is no longer required.

For more information, please contact [Carl Eppler](#), [Sam Quimby](#), [Neal Patel](#), [AJ Correale](#) or [Cindy Stewart](#) in Frost Brown Todd's [Intellectual Property Law and Litigation Practice Group](#).

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.