

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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- **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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