

**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](http://www.nar.REALTOR)

# 1. Designate a Copyright Agent

- **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](http://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:

<https://www.nar.realtor/law-and-ethics/who-owns-your-property-photos>

All of the slides from today's presentation are available on the Window to the Law page of [www.nar.realtor](http://www.nar.realtor).

**Chloe Hecht**

[checht@realtors.org](mailto:checht@realtors.org)





Copyright © 2017 National Association of  
REALTORS®. All rights reserved.

