

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 Superintendent 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 Superintendent, an Assistant Superintendent, or another administrator.
2. Review the video tutorial or video tutorial transcript entitled "Creating a DMCA Designated Agent Registration Account" at www.copyright.gov/dmca-directory/help.html, which provides step-by-step instructions for creating a Registration Account with the U.S. Copyright Office.
3. Go to dmca.copyright.gov/login.html and follow the tutorial instructions to create a Registration Account.
4. Review the video tutorial or video tutorial transcript entitled "Designating an Agent for Service Provider" at www.copyright.gov/dmca-directory/help.html, which provides step-by-step instructions for designating an agent with the U.S. Copyright Office.
5. Log in to your DMCA Designated Agent Registration Account at dmca.copyright.gov/osp/login.html and follow the tutorial instructions to designate a DMCA agent.
6. Continue following the tutorial instructions to the "Certify and Pay" step, and pay the requisite fee on Pay.gov using one of the payment methods provided. **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.
7. 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.: 17 U.S.C. §101 et seq., Federal Copyright Law of 1976

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