

What Is the DMCA?

Digital Millennium Copyright Act (DMCA)

Passed in 1998 and implemented in 2000, the **Digital Millennium Copyright Act** (DMCA) updated U.S. law to meet the requirements of international copyright treaties. The DMCA addresses challenging issues relating to uses of copyrighted material in the digital environment: it limits the liability of online service providers that meet certain conditions, while providing certain procedures for addressing online infringement; it prohibits circumvention of digital technologies that control or limit access to copyrighted works; and it prohibits the removal or modification of certain types of copyright management information contained in protected works. Title II of the DMCA (sometimes also referred to as the Online Copyright Infringement Liability Limitation Act, or OCILLA) is codified at Section 512, Title 17, of the United States Code.

What Is Protected under Title II of the DMCA?

Title II of the DMCA—which is often simply called “the DMCA”—shields online service providers in certain cases from liability for copyright infringements committed by their users and subscribers. The DMCA establishes four so-called “safe harbors” for service providers that engage in four broad types of activities: (a) providing transitory digital network communications; (b) caching material within their system or network; (c) storing information at the direction of their users; or (d) providing information location tools. Under Section 512 of the Copyright Act, service providers are shielded from most liability as long as they meet certain conditions. The law also provides a framework under which copyright owners can protect works from unauthorized use and distribution by users of the online services, and a service provider that is properly notified by a copyright owner of alleged infringement on its network or system must take certain actions in order to qualify for the limitations on liability. Because the DMCA offers safe harbor only to service providers, individual users or subscribers who directly infringe copyrights using those services can still be held liable.

Visit Winston & Strawn’s [Copyright Infringement Litigation Practice](#) for more information surrounding our experience with the DMCA.

Related Capabilities

