

## The UCLA Online Institute for Cyberspace Law and Policy

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# The Digital Millennium Copyright Act

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On October 12, 1998, the U.S. Congress passed the Digital Millennium Copyright Act, ending many months of turbulent negotiations regarding its provisions. Two weeks later, on October 28th, President Clinton signed the Act into law.

The Act is designed to implement the treaties signed in December 1996 at the World Intellectual Property Organization (WIPO) Geneva conference, but also contains additional provisions addressing related matters.

As was the case with the ['No Electronic Theft' Act](#) (1997), the bill was originally supported by the software and entertainment industries, and opposed by scientists, librarians, and academics.

### *Highlights Generally:*

- Makes it a crime to circumvent anti-piracy measures built into most commercial software.
- Outlaws the manufacture, sale, or distribution of code-cracking devices used to illegally copy software.
- Does permit the cracking of copyright protection devices, however, to conduct encryption research, assess product interoperability, and test computer security systems.
- Provides exemptions from anti-circumvention provisions for nonprofit libraries, archives, and educational institutions under certain circumstances.
- In general, limits Internet service providers from copyright infringement liability for simply transmitting information over the Internet.
- Service providers, however, are expected to remove material from users' web sites that appears to constitute copyright infringement.
- Limits liability of nonprofit institutions of higher education -- when they serve as online service providers and under certain circumstances -- for copyright infringement by faculty members or graduate students.
- Requires that "webcasters" pay licensing fees to record companies.
- Requires that the Register of Copyrights, after consultation with relevant parties, submit to Congress recommendations regarding how to promote distance education through digital technologies while "maintaining an appropriate balance between the rights of copyright owners and the needs of users."

- States explicitly that "[n]othing in this section shall affect rights, remedies, limitations, or defenses to copyright infringement, including fair use..."

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*Additonal Resource Material - Digital Millennium Copyright Act:*

[Full Text of the Digital Millennium Copyright Act](#)

[The U.S. Copyright Office Report on Distance Education](#) Pursuant to Section 403 of the Digital Millennium Copyright Act - May 1999

[The U.S. Copyright Office's Final Rule on Exemptions to the Anti-Circumvention Provisions](#) of the Act – October 2000

[The WIPO Copyright Treaty - Geneva - December 2-20, 1996](#)



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