

TAS TEACH Act Checklist

The TEACH Act

The Technology, Education, and Copyright Harmonization Act, or TEACH Act was passed by Congress in 2002 to allow educators more opportunity to use copyrighted works in distance education programs, while simultaneously protecting the rights of copyright holders. The TEACH Act facilitates and enables the performance and display of copyrighted work in distance education through a supported Content Management System (CMS), such as Blackboard or Canvas.

TEACH Act Requirements

To ensure that your copyrighted use complies with the TEACH Act you must satisfy **all** the following requirements.

Institutional Requirements:

- ☐ My institution is a nonprofit accredited educational institution or a governmental agency
- ☐ The institution has a policy on the use of copyrighted materials
- ☐ The institution provides accurate information to faculty, students, and staff about copyright
- ☐ The institution's systems will not interfere with technological controls within the materials used

Instructor Requirements:

- ☐ My class is part of the regular offerings of my institution
- ☐ The performance or display of the materials is provided at my direction during the relevant lesson and is integral part of the class instructional activities
- ☐ I will use a lawfully acquired copy of the materials (one owned by myself or TAS.)
- ☐ The materials are specifically for students in my class and I will use the school supported CMS (e.g. Blackboard, Canvas) to ensure that only these students will have access to the materials
- ☐ I will use technology that reasonably limits students' ability to retain or further distribute the materials
- ☐ I will make the materials available to students only for a period of time that is relevant to the context of the class session
- ☐ I will store the materials on a secure server
- ☐ I will not make copies other than the one I need to make the transmission
- ☐ The materials transmitted are one of the following:
 - Full performance of nondramatic literary work (e.g. reading of text, an audio book, or poetry)
 - Full performance of a nondramatic musical work (e.g. the playing of instruments or the singing of songs)
 - A reasonable or limited* portion of a dramatic works (e.g. opera, Broadway musicals, ballet, radio, cinema, theater, and television scripts)

- A reasonable or limited portion of an audiovisual work (e.g. films, television shows, and videogames)
 - The display** of a work (e.g. images of art, pictures, and figures) in an amount comparable to that which is typically displayed in the course of a live classroom session. Examples include images of art, pictures, and figures.
- ☐ Material the law specifically excludes from its coverage under the TEACH Act:
- Materials specifically marketed for classroom use for digital distance education
 - Copies I know or should know are illegal
- ☐ If I am using an analog original, I checked before digitizing it to be sure:
- There is no digital copy of the material available for students to use. This copy can include films available in library databases as well as rental/subscription services such as Amazon.com, Netflix, or Hulu.
 - If no such digital copy is available, I copied only the amount that I am authorized to transmit.
- ☐ I will provide students with information about the TAS copyright policy and encourage them to learn about their rights and responsibilities when utilizing copyrighted works
- ☐ I will include this notice on my TAS course page: “Materials used in connection with this course may be subject to copyright protection. Any copyrighted materials posted to this class page are intended for your personal use and should not be shared with other or retained beyond the end of the course.”

I (the undersigned) hereby request that TAS (or allow me to) digitize the requested item and post a link for it to my Blackboard course page. This request is made with the purpose of online education in accordance with the "TEACH Act" provision of U.S. Copyright Law. I certify that this request, in my opinion, qualifies for the exemption found in 17 U.S.C. § 110(2).

Name: _____ Date: _____

*Here “Reasonable and limited” does not mean you cannot use the entire work however, you must only use the amount needed to illustrate your point or adequately teach the work. If you are interested in having students watch a *full* performance of a dramatic work or an audiovisual work, then you must first check to see if it is already legally available in a digital format online through an authorized vendor. This format can include films found in library databases as well as rental/subscription services such as Amazon.com, Netflix, or Hulu.

** The U.S. Copyright Act, 17 U.S.C. § 101 states that a display involves showing copies of a work “either directly or by means of a film, slide, television image, or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images nonsequentially.”