

TEACH Act

(https://www.usg.edu/copyright/additional_resources/teach_act/)

For more information regarding requirements of the TEACH Act, please visit the University System of Georgia's "[Guide to the TEACH Act.](#)"

Introduction

The Technology, Education and Copyright Harmonization (TEACH) Act was enacted in November 2002 as an amendment to the Copyright Act of 1976. Found in section 110(2) of the Act, it covers distance education as well as face to face teaching which has an online, web enhanced, transmitted or broadcast component. It exempts from liability the transmission, including over a digital network, of a performance or display of a copyrighted work by an accredited non-profit educational institution to students officially enrolled in a course or a government body to officers or employees of government as a part of their official duties or employment. It does not cover making textual materials available to students. The performance or display must be:

- Part of systematic mediated instructional activity.
- At the direction of or under the actual supervision of the instructor.
- An integral part of a class session.
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All copies that are transmitted must be lawfully made copies. The performance and display may be received anywhere as long as the following technological conditions are met. The institution:

- Must apply technological measures that reasonably prevent recipients from retaining works beyond the class session and further distributing them, and
- May not interfere with technological protections taken by copyright owners.

The TEACH Act places considerable responsibilities on educational institutions that wish to take advantage of the exemption it offers. The greater freedoms granted to instructors are balanced with increased responsibility for the management of distance education. It does not, however, modify the previous standards for the fair use of copyrighted materials.

Providing Online Access to Materials Performed or Displayed

The following guidelines apply to the performance or display of electronic materials placed within courseware maintained by the institution.

Limit Access

1. **Authentication**—To comply with the TEACH Act's provisions, the institution must use secure authentication technology to restrict access to copyrighted materials placed within a course. When properly maintained, official courseware packages (such as WebCT) that are restricted to students in the class meet the requirements of the TEACH Act. Performances and displays of copyrighted materials, other than those which the individual instructor created, should not be available on a faculty member's webpage unless:

- Permission from the copyright holder has been obtained.
 - The institution has a license that permits such use of the work.
 - Course webpages are password protected to students in the class and meet all of the TEACH Act requirements.
2. Current Enrollment—Access to performances and displays of copyrighted materials must be limited to students currently enrolled in the course.
 3. Time Limits—Copyrighted electronic materials should be available for a prescribed time period only, normally a single class session. This can be achieved through control of the content via password or time limits applied to the internal hyperlink or folder access.
 4. Amounts: Displays—Display of copyrighted works such as graphics, photographs, short poems, etc., in the online classroom must be comparable to that typically displayed in a face-to-face classroom.
 5. Amounts: Performances—How much of copyrighted work may be performed without obtaining a license to do so depends on the type of work. The following amounts may be performed:
 - Entire nondramatic literary and musical works.
 - Other works such as audiovisual works and motion pictures – only a limited and reasonable portion may be performed.

- No portion of a work produced solely for use in online instruction.

While entire works may not be performed without a license, a reasonable portion is judged by the length of the copyrighted work, the instructor's purpose, level of the course, etc.

6. Download Controls—Reasonable measures must be taken to prevent retention and / or dissemination of electronic works for longer than the prescribed time period, generally a single class session. Copyrighted images and graphics should be made available in a format limiting printing and saving controls. Copyrighted electronic materials such as video and audio should be streamed to avoid the downloading and saving of the file.

Requirements to Use a Work

The work performed or displayed must be:

- An integral part of the class session as determined by the instructor.
- Part of a systematic mediated instructional activity.
- Directly related and of material assistance to the content of the course.

The work must NOT be:

- Part of a work marketed specifically for online education.
- Already available through alternative sources in a digital format.
- Unlawfully or suspected unlawfully made copies of works covered by U.S. copyright law.
- Over the limits permitted as a fair use.

Notices

Faculty must place the following notice prominently within each course site:

“The materials on this course website are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated.”

Additional Information

For additional information on the TEACH Act see:

- <http://www.ala.org/washoff/teach.html>
- <http://www.lib.ncsu.edu/scc/legislative/teachkit/>
- <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>