

TEACH ACT GUIDELINES

In general, faculty who want to incorporate works into digital transmissions for instructional purposes pursuant to TEACH must:

1. Avoid use of commercial works that are sold or licensed for purposes of digital distance education.
2. Avoid use of pirated works, or works where you otherwise have reason to know the copy was not lawfully made.
3. Generally limit use of works to an amount and duration comparable to what would be displayed or performed in a live physical classroom setting. In other words, TEACH does not authorize the digital transmission of textbooks or coursepacks to students.
4. Supervise the digital performance or display, make it an integral part of a class session, and make it part of a systematic mediated instructional activity. In other words, the faculty should interactively use the copyrighted work as part of a class assignment in the distance education course. It should not be an entertainment add-on or passive background/optional reading.
5. Use software tools provided by the university to limit access to the works to students enrolled in the course, to prevent downstream copying by those students, and to prevent the students from retaining the works for longer than a "class session." (Use of WebCT/Blackboard will satisfy this requirement.)
6. Notify the students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder.

Sample

"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."

The preceding information was copied and used with expressed consent from North Carolina State University Libraries.
www.lib.ncsu.edu/scc/misc/notice

ACADEMIC COPYRIGHT RESOURCES

WMU Libraries:

eReserves
Email: lib-res@wmich.edu
Phone: (269) 387-5156
Website: <http://www.wmich.edu/library/access/coursereserve.php>

Legal Counsel:

Phone: (269) 387-1900

Office of Information Technology:

Phone: (269) 387-4086
Email: copyright-abuse@wmich.edu

WMU Web Information:

<http://www.wmich.edu/copyright>

WESTERN MICHIGAN UNIVERSITY



Academic Technology & Instructional Services
1343 Ellsworth Hall
Kalamazoo, MI 49008-5232
(269) 387-2847 (ATIS)
<http://atis.wmich.edu>

TEACH ACT



ATIS

Academic Technology & Instructional Services



Western Michigan University

TEACH ACT INTRODUCTION

The Technology, Education, and Copyright Harmonization Act (TEACH) was signed into law on November 2, 2002. This act updates copyright law in the area of digital distance education and, if numerous requirements are met, facilitates the use of copyrighted materials in digital distance education efforts without having to obtain prior permission from the copyright owner. It is an effort to simulate the face-to-face instruction exception in copyright law.

However, TEACH imposes certain requirements on the use of copyrighted materials in distance education. TEACH is more restrictive than the law allowing face-to-face instructional use of copyrighted materials. For uses that fall outside the scope of TEACH, the user should seek permission or evaluate the use under the Fair Use exemption of the copyright law.

TEACH is a compromise between the needs of academe to make free use of copyrighted materials as an efficient and effective teaching tool, and the needs of copyright holders to protect the value of their work effort. Most of the TEACH requirements are designed to allow transmission of copyrighted works (or parts thereof) to a legitimate student audience for a limited time, without permission or license fees, while preventing dissemination that could undermine the market for the works.



HELPFUL TEACH ACT LINKS

NCSU's TEACH Toolkit

<http://www.lib.ncsu.edu/scc/legislative/teachkit/>

NCSU TEACH Expanded Check List

http://www.lib.ncsu.edu/scc/legislative/teachkit/expanded_checklist.html

TEACH Act Glossary

<http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>

Full text of TEACH Act Amendment

<http://www.copyright.gov/title17/92chap1.html#110>

TEACH ACT INTRODUCTION

110. Limitations on exclusive rights: Exemption of certain performances and displays.

Notwithstanding the provisions of section 106, the following are not infringements of copyright:

(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;

(2) except with respect to a work produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting governmental body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission, if —

(A) the performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of a governmental body or an accredited nonprofit educational institution;

(B) the performance or display is directly related and of material assistance to the teaching content of the transmission;

(C) the transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to —

(i) students officially enrolled in the course for which the transmission is made; or

(ii) officers or employees of governmental bodies as a part of their official duties or employment; and



(D) the transmitting body or institution —

(i) institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection; and

(ii) in the case of digital transmissions —

(I) applies technological measures that reasonably prevent —

(aa) retention of the work in accessible form by recipients of the transmission from the transmitting body or institution for longer than the class session; and

(bb) unauthorized further dissemination of the work in accessible form by such recipients to others; and

(II) does not engage in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination;

For purposes of paragraph (2), no governmental body or accredited nonprofit educational institution shall be liable for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material as authorized under paragraph (2). No such material stored on the system or network controlled or operated by the transmitting body or institution under this paragraph shall be maintained on such system or network in a manner ordinarily accessible to anyone other than anticipated recipients. No such copy shall be maintained on the system or network in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary to facilitate the transmissions for which it was made...

The preceding is the most relevant part of Section 110 to distance education. The full text can be found at: <http://www.copyright.gov/title17/92chap1.html#110>