

## Checklist for Compliance with the TEACH Act

Please complete this checklist to determine whether your proposed use of a copyrighted work is appropriate within the scope of the TEACH Act. Specific questions regarding the application of TEACH should be directed to the Copyright Licensing Office.

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Project: \_\_\_\_\_

Institution: \_\_\_\_\_ Prepared by: \_\_\_\_\_

### TEACH Act requirements that will likely fall within the duty of the Instructor:

1. What type of work will be transmitted? Check all that apply.

#### FAVORS TEACH ACT

- A performance of a non-dramatic literary work
- A performance of a non-dramatic musical work; or
- A performance of any other work, including dramatic works and audiovisual works, but only in “reasonable and limited portions”, or
- A display in an amount comparable to that which is typically displayed in the course of a live classroom session.

#### OPPOSES TEACH ACT

- Marketed primarily for performance or display as part of a digitally transmitted mediated instructional activity; or
  - A textbook, course pack, or other material in any media which is typically purchased or acquired by students for their independent use and retention.
2. Any permitted performance or display must be both:
- 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 the educational institution; and
  - Directly related and of material assistance to the teaching content of the transmission.
3. The institution does not know or have reason to believe:
- The copy of the work to be transmitted was not lawfully made or acquired.
4. If the work to be used has to be converted from print or another analog version to digital format, then both:
- The amount of the work converted is no greater than the amount that can lawfully be used for the course; and
  - There is no digital version of the work available to the institution or the digital version available to the institution has technological protection that prevents its lawful use for the course.

### **TEACH Act requirements that will likely fall within the duty of the Institution:**

- 5. The institution for which the work is transmitted is an accredited nonprofit educational institution.
- 6. The institution has instituted policies regarding copyright.
- 7. The institution has provided information materials to faculty, students, and relevant staff members that describe and promote US copyright laws.
- 8. The institution has provided notice to students that materials used in connection with the course may be subject to copyright protection.
- 9. The transmission of the content is made solely for students officially enrolled in the course for which the transmission is made.

### **TEACH Act requirements that will likely fall within the duty of the Information Technology Officials:**

- 10. Technological measures have been taken to reasonably prevent both:
  - Retention of the work in accessible form by students for longer than the class session; and
  - Unauthorized further dissemination of the work in accessible form by such recipients to others.
- 11. The institution has not engaged in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent retention or dissemination of their works.
- 12. The work is stored on a system or network in a manner that is ordinarily not accessible to anyone other than anticipated recipients.
- 13. The copy of the work will only be maintained on the system or network in a manner ordinarily accessible for a period that is reasonably necessary to facilitate the transmissions for which it was made.
- 14. Any copies for the purpose of transmitting the work are retained and solely used by the institution.

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