

The TEACH Act

The TEACH Act expands the scope of educators' rights to perform and display works and to make the copies integral to such performances and displays for digital distance education, making the rights closer to those we have in face-to-face teaching. But there is still a considerable gap between what the statute authorizes for face-to-face teaching and for distance education. Ready to use the TEACH Act? Use this handy checklist to see:

- My institution is a nonprofit accredited educational institution or a government agency
- It has a policy on the use of copyrighted materials
- It provides accurate information to faculty, students and staff about copyright
- Its systems will not interfere with technological controls within the materials I want to use
- The materials I want to use are specifically for students in my class
- Only those students will have access to the materials
- The materials will be provided at my direction during the relevant lesson
- The materials are directly related and of material assistance to my teaching content
- My class is part of the regular offerings of my institution
- I will include a notice that the materials are protected by copyright
- I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- I will make the materials available to the 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 and transmit them only as permitted by this law
- I will not make copies other than the one I need to make the transmission
- The materials are of the proper type and amount the law authorizes
 - Entire performances of nondramatic literary and musical works
 - Reasonable and limited parts of a dramatic literary, musical, or audiovisual work
 - Displays of other works, such as images, in amounts similar to typical displays in face-to-face teaching
- The materials are not among those the law specifically excludes from its coverage:
 - Materials specifically marketed for classroom use for digital distance education
 - Copies I know or should know are illegal
 - Textbooks, coursepacks, electronic reserves and similar materials typically purchased individually by the students for independent review outside the classroom or class session
- If I am using an analog original, I checked before digitizing it to be sure:

- I copied only the amount that I am authorized to transmit
- There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes

For more information, please contact:

Andrew Kierig

Digital Publishing Lead

Fenwick Library #4315

4400 University Drive, MS 2FL

Fairfax, VA 22030

Phone: 703-993-3644

Email: akierig@gmu.edu