**Use this handy checklist to see whether you are ready to use the TEACH Act:**

My institution is a nonprofit accredited educational institution or a governmental 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 a class session

I will store the materials on a secure server and transmit them only as permitted by this law

I will not make any copies other than the one I need to make the transmission

The materials are of the proper [type and amount](http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary) the law authorizes:

* Entire performances of nondramatic literary and musical works
* Reasonable and limited parts of a dramatic literary, musical, or audiovisual works
* 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](http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary) 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](http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary)

**From:** [Crash Course in Copyright](http://www.utsystem.edu/OGC/IntellectualProperty/cprtindx.htm) University of Texas, <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>

**RULES OF THUMB FOR DISPLAYING AND PERFORMING OTHERS' WORKS IN DISTANCE LEARNING**

 [Section 110](http://www.law.cornell.edu/uscode/17/110.html) of the copyright law authorizes educational performances and displays of entire works (like poems, plays, musical works and movies), but it significantly distinguishes between what can be performed in the classroom and what can be transmitted. This results in a "gap" in legal authority to perform certain works for distance learners. The CONFU [Educational Fair Use Guidelines for Distance Learning](http://www.utsystem.edu/ogc/intellectualproperty/distguid.htm) apply fair use to fill this gap.

But the [Distance Learning Guidelines](http://www.utsystem.edu/ogc/intellectualproperty/distguid.htm) only tackle fair use to perform and display others' works in two contexts:

* Live interactive distance learning classes
* Delayed transmission of faculty instruction.

They do not cover fair use of (performance of) others' works in online course materials. CONFU participants felt that these uses were so new that it was hard to even describe them, let alone describe fair use in this context. Nevertheless, the [Guidelines](http://www.utsystem.edu/ogc/intellectualproperty/distguid.htm) can provide helpful guidance and we recommend that you read them.

Check [Sections 110(1) and (2)](http://www.law.cornell.edu/uscode/17/110.html) before proceeding since they authorize considerable performance activity without any need to refer to these Rules of Thumb or the Guidelines. Also check any licenses acquired with materials purchased specifically for distance learning; they should include all the rights you will need to utilize them for that purpose, with no need to refer to these Rules of Thumb or the Guidelines. If they don't, and you need to rely on these Rules of Thumb in any distance learning context, remember: ***small parts,*** [***limited times***](http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm#note) ***and limited access are the keys to fair use.***

**1. Incorporate performances of others' works**

* **sparingly**
* **only if a faculty member or the institution possesses a legal copy of the work (i.e., by purchase, license, fair use, interlibrary loan, etc.).**

**2. Include**

* **any copyright notice on the original**
* **appropriate citations and attributions to the source**
* **a** [**Section 108(f)(1)**](http://www.utsystem.edu/ogc/intellectualproperty/l-108f.htm) **notice.**

**3. Limit access to students enrolled in the class and administrative staff as needed.** [**Terminate access at the end of the class term**](http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm#note)**.**

**4.** [**Obtain permission**](http://www.utsystem.edu/ogc/intellectualproperty/permissn.htm) **for materials that will be** [**used repeatedly**](http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm#note) **by the same instructor for the same class.**