TEACH Act Compliance Checklist

Below is a checklist which should help you determine if your intended use of a copyrighted work might fall within the safe harbor created by the TEACH Act:

- ✔ 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 (e.g., download) 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 law.
- ✗ I will not make copies other than the one I need to make the transmission.
- ❌ The materials are of one of following proper types and amounts the law authorizes:
  (A) entire performances of nondramatic literary (documentary) and musical works,
  (B) displays of images, in amounts similar to typical face-to-face instruction, or
  (C) reasonable and limited portions of any other type of work.
    - ✔ Using 0% - 5% of the overall work, is acceptable, unless the portion can be licensed separately (e.g., an entire short story from a collection of stories).
    - ✗ Using 5% - 10% of the overall work requires review by CLEAR.
    - ✗ Using more than 10% is never acceptable.
- ❌ The materials are not among those the law specifically excludes from its coverage:
  (1) materials specifically marketed for classroom use or digital distance education,
  (2) copies I know or should know are illegal,
  (3) 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:
  (1) I copied only the amount that I am authorized to transmit, and
  (2) there is no digital copy of the work available except one with technological protections that prevent my using it for the class in the way the statute authorizes

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