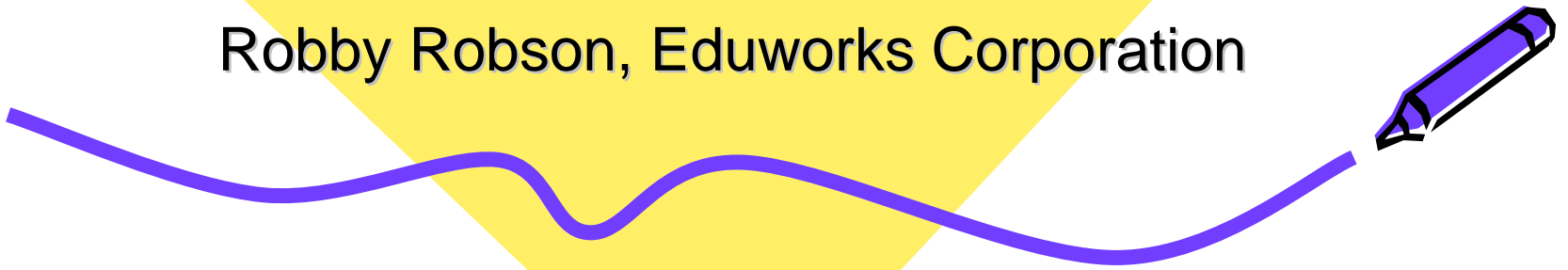


The TEACH Act (Technology, Education, and Copyright Harmonization Act)

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One Stop on a Continuing Path

- Copyright law continues to evolve, especially in the digital age
- The TEACH act is the latest example of this evolution
- The pace of evolution, complexity and level of detail is increasing
- Summaries on the Web:
 - <http://www.pbs.org/now/politics/copyright.html>
 - <http://arl.cni.org/info/frn/copy/timeline.html>
 - <http://www.cs.virginia.edu/~jones/tmp352/projects98/group5/History.html>



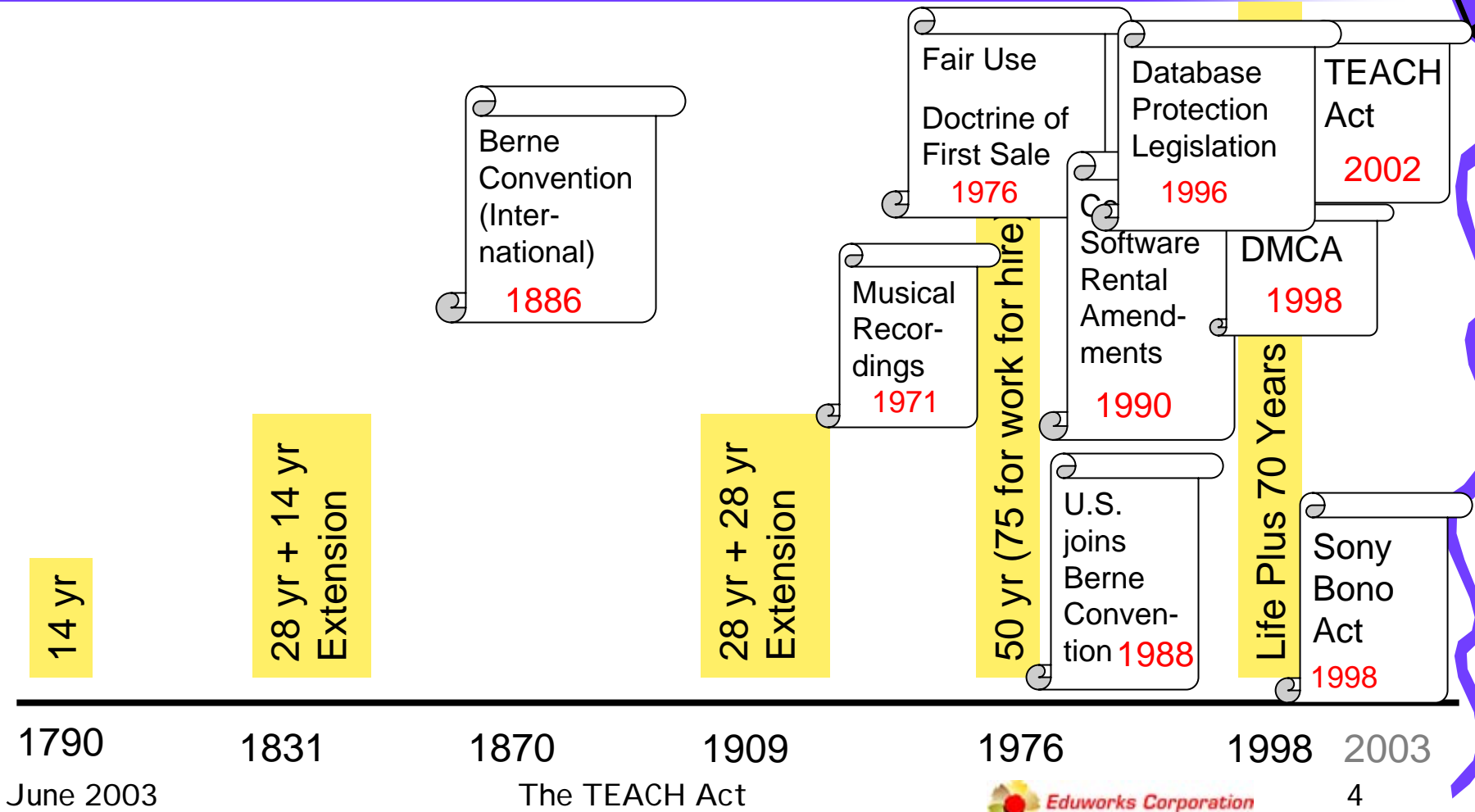
Copyright Timeline

Verbatim use of Author's works

Derivative Works, Works of Art

All Works of Authorship – Literary, Dramatic, Music

Digital age ... lot's going on



1790
June 2003

1831

1870

The TEACH Act

1909

1976

1998

2003

The TEACH Act Problem

Can I show a film clip, stream a poetry reading or play a song online as part of a class?

- 1976 Copyright Act provides “exemption” for “displays and performances” for in-class use, but does not apply to online classes or portions of classes
- Before the TEACH Act, this type of use was not allowed in online classes.



The TEACH Act Solution

- THE ACT GRANTS AN EXEMPTION
 - ONLY to *accredited* non-profit educational institutions
 - ONLY for the online equivalent of displays and performances that are shown as part of a class under instructor supervision
- THE ACT REQUIRES
 - Institutions to have and follow copyright policies
 - Institutions to use *technological* protection against unauthorized, unintended and illegal use
- GOOD NEWS / BAD NEWS
 - Online use of displays & performances is now allowed
 - ... BUT ... the requirements are demanding



Typical TEACH Act Scenario

A History professor at an accredited college wishes to make a portion of a copyrighted film available to students online. The professor's institution owns a copy of the film on videotape. The material being shown illustrates an important concept in the class and will be used as the basis for further assignment and class discussion.

What does the TEACH Act require of an institution for this type of use?



Requirements - 1

1. *The college must either legally obtain a digitized copy of the film that can be placed on the college's server or, if none such exists, digitize part of the film itself.*

- The TEACH Act

- Requires that content be legally obtained
- Does not allow copy or other protections to be illegally “hacked”
- Requires that precautions be taken to prevent unauthorized use of content on the institution’s servers
- Grants an exemption only for “performances and displays”
- Does NOT grant an exemption for Textbooks, course packs, published online content, or materials normally bought for educational or personal use



Requirements - 2

2. *The college must have copyright policy in place, and must have educated its faculty and appropriate staff about copyright law and the need to comply with it.*
- The TEACH Act
 - Requires the above if an institution is to take advantage of the TEACH Act exemption



Requirements - 3

3. *The professor (or other instructor) must determine a reasonable period during which the portion of the film will be available for online viewing.*
- The TEACH ACT
 - Limits the use of dramatic works to “reasonable and limited portions”
 - Requires that work be used under the supervision of an instructor (e.g., included in the syllabus by an instructor)
 - Requires that work be germane to the class
 - Requires that the work be only made available online for a necessary (and reasonable) period of time.



Requirements - 4

4. *The portion of the film selected by the professor must be made available to the students, presumably through a class Web site, in such a way that it can be accessed only by members of the class during the authorized access period.*
- The TEACH ACT
 - Requires that only students in the class be able to access the work.



Requirements - 5

5. *Safeguards must be put in place to prevent students from retaining viewable local copies of the material past the end of its authorized access period, and also to prevent students from re-distributing the material in a form that could be viewed by others. Also, a copyright notice must be displayed on the material.*
- The TEACH ACT
 - Requires the display of a copyright notice
 - Requires that *technology* be used to prevent students from retaining a viewable copy
 - Requires that *technology* be used to prevent students from redistributing copies that could be viewed by others

