

## **Technology, Education and Copyright Harmonization (TEACH) ACT FAQ**

The TEACH Act was enacted in November of 2002 and became a part of the Federal Copyright Act. It covers distance education and face-to-face teaching with an online, web enhanced, transmitted or broadcast component. It provides specific allowances for the transmission, including over a digital network, of a performance or display of a copyrighted work by an accredited non-profit educational institution to students officially enrolled in a course.

### **Does the TEACH Act allow me to transmit or make available copyrighted work to students through (LMS)?**

While the TEACH Act is designed to provide instructors with similar opportunities to show and perform copyrighted works through digital transmission as is allowed during face-to-face classroom teaching, there are some additional restrictions placed on digital uses. Copyrighted electronic materials must be limited to an appropriate portion of the work, the work may only be available to the students for a limited time, and appropriate technological protections must be applied to all digital copies.

### **Can the TEACH Act apply to homework assignments or is it limited to in-class activities?**

The TEACH Act applies to any activity that can be considered an integral part of a class session, under the control or supervision of the instructor, and analogous to a use that would take place in a classroom. The electronic distribution of a work as a homework assignment would be more analogous to a course pack rather than an in-class activity, therefore the TEACH Act would likely not allow a digital transmission as part of a homework assignment.

### **If the TEACH Act allows the use of a copyrighted work, what portion of the work can I transmit or make available through the LMS to students?**

Nondramatic literary and musical works: the entire work.

Audiovisual works, dramatic works, and motion pictures: a reasonable and limited portion of the work.

Graphics, photographs, short poems, etc.: an amount comparable to that typically displayed in a face-to-face classroom.



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**What is the difference between an analog version and a digital version of a work?**

The process of converting from an analog version to a digital version of a work requires the user to make a copy of the work which results in a digitized form. The digitized form can be provided to students through a web interface, preferably the LMS. The analog version cannot be provided in this way. For example, a video clip from a VHS video tape can be shown in class with a TV and a VCR. The same clip must be digitized in order for it to be shown via the web.