What Does the TEACH Act Say?

The TEACH Act says it is not a copyright infringement for teachers and students at an accredited, nonprofit educational institution to transmit performances and displays of copyrighted works as part of a course if certain conditions are met. If these conditions are not or cannot be met, use of the material may or may not still qualify as a fair use or permission from the copyright holder(s) must be obtained.

TEACH Act Requirements (Overview)

WHO:
- Accredited Nonprofit Educational Institution or Governmental Body

WHAT:
- Performances of nondramatic literary works or
  Performances of nondramatic musical works or
  Performances of reasonable portions of any other work or
  Display of any other work in an amount comparable to that typically displayed in a live classroom setting

BUT NOT:
- Digital educational works (Works produced or marketed primarily for performance as part of mediated instructional activities transmitted via digital networks) or
  Unlawful copies (copies you know or reasonably should know were not lawfully made or acquired)

WHEN:
- By, at the direction of, or under the actual supervision of an instructor, and
  As an integral part of a class session, and
  As part of systematic mediated instructional activities, and
  Directly related and of material assistance to the teaching content

HOW:
- Transmission made solely for and reception limited to (as technologically feasible) students enrolled in the course, and
  Downstream controls instituted:
  - Technological measures that reasonably prevent Retention in accessible form for longer than a class session
  - Unauthorized further dissemination in accessible form, and
  - No interference with copyright holder's technological measures that prevent such retention and dissemination

CONVERSION - ANALOG TO DIGITAL:
Conditions allowing conversion:
- No digital version available to the institution, or
  The available digital version is technologically protected to prevent TEACH uses
GENERAL INSTITUTIONAL REQUIREMENTS:

- Promulgate copyright policies and
  - Provide accurate information about copyright and
  - Promote copyright compliance and
  - Provide notice to students that course materials may be copyrighted