

## 2002 TEACH Act

The TEACH Act requires that an institution meet the following requirements to allow the use of copyright materials in a digital environment, including distance education and course management systems.

The Act requires that the following terms are met:

- X   1. The institution must be an accredited, non-profit educational institution
2. The use must be part of the mediated instructional activities
3. The use must be limited to a specific number of students enrolled in a specific class
4. The use must either be for "live" or asynchronous
5. The use must not include the transmission of textbook materials, materials "typically purchased or acquired by students," or works developed specifically for online uses
6. Only "reasonable and limited portions," such as might be performed or displayed during a typical live classroom session, may be used
7. The institution must have developed and publicized its copyright policies, specifically informing students that course content may be covered by copyright, and include a notice of copyright on the online materials
8. The institution must implement some technological measures to ensure compliance with these policies, beyond merely assigning a password. Ensuring compliance through technological means may include user and location authentication through Internet Protocol (IP) checking, content timeouts, print-disabling, cut & paste disabling, etc.

It is important to keep in mind what the TEACH Act does not allow. The new exemptions under TEACH specifically *do not* extend to:

- Electronic reserves, course packs (electronic or paper) or interlibrary loan (ILL).
- Commercial document delivery.
- Textbooks or other digital content provided under license from the author, publisher, aggregator or other entity.
- Conversion of materials from analog to digital formats, except when the converted material is used solely for authorized transmissions and when a digital version of a work is unavailable or protected by technological measures.

It is also important to note that TEACH does not supersede fair use or existing digital license agreements.