



# Using Materials in Distance Learning: A Guide to 110(2) the TEACH Act

## If you would like to perform or display...

- Perform a **nondramatic literary or musical work** (e.g. reading aloud a passage from a textbook or playing part of a pop song from an album); or
- Perform other works in **reasonable and limited portions**; or
- Display any work in an amount **comparable to live classroom session** (e.g. showing photographs)

You must meet all the institutional, teaching and technology requirements listed below.

## Institutional Requirements

- Be a governmental body or accredited nonprofit education institution; and
- Have policies and provide informational materials regarding copyright to faculty, students and relevant staff; and
- Provide notice to students that materials may be subject to copyright protection

## Teaching Requirements

- Perform or display the work at the direction or under actual supervision of instructor; and
- Perform or display the work as an integral part of regular class time instruction; and
- Perform or display a work that is directly related and of material assistance to educational objectives of the class

## Technology Requirements

- Strictly limit to officially enrolled students (to the extent technologically feasible)
- Apply technical controls to prevent downloading, copying, access to materials beyond the class session and unauthorized further dissemination of the work (for works that are transmitted digitally)
- Abstain from interfering with technological protection measures already in place

## TEACH Act EXCLUSIONS

- Cannot include works produced or marketed primarily as eLearning or distance learning materials.
- Cannot include copies the institution knew or had reason to believe were unlawfully made and acquired.



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## If you need to make digital copies in order to perform or display material under the TEACH Act...

- Copies must be retained and used solely by the institution that made them; and
- No further copies can be made; and
- Copies must be used solely for transmissions made under the requirements of the TEACH Act.

## Format Requirements

### You may convert works from print or analog to digital if:

- A digital version is not available to the institution OR the available digital version is subject to technological protection measures preventing its use under TEACH Act; and
- The new digital copy meets all requirements for works already in digital form (see above)

