

Below is a checklist which should help you determine if your intended use of a copyrighted work might fall within the safe harbor created by the TEACH Act:

- My institution is a nonprofit accredited educational institution or a government agency.
- It has a policy on the use of copyrighted materials.
- It provides accurate information to faculty, students and staff about copyright.
- I will include a notice that the materials are protected by copyright.
- I will store the materials on a secure server and transmit them only as permitted by law.
- My class is part of the regular offerings of my institution.
- The materials I want to use are specifically for students in my class.
- Only those students will have access** to the materials.
- The materials will be provided at my direction during the relevant lesson.
- The materials are **directly related and of material assistance to my teaching content**.
- I will use **technology** that reasonably **limits the students' ability to** retain (e.g., **download**) or further distribute the materials.
  - Streaming video services, such as Canvas Studio, Zoom, YouTube, and Microsoft Stream, do not provide download options, so are the recommended means of delivering media to students.
- I will make the materials available to the students **only for a period of time** that is relevant to the context of the class session (i.e., for the current term only).
- I will not make copies other than the one I need to make the transmission.
- The materials are of one of following proper types and amounts the law authorizes:
  - (A) performances of **nondramatic literary works** and **musical works**,
    - An example of a performance of a nondramatic literary work, would be the *reading* of a poem, fiction, or non-fiction rather than the performance of such work with dramatic action.
    - An example of a performance of a nondramatic musical work, would be the playing of a musical work in its original form. This would exclude performance of a musical work accompanied by dialog, pantomime, dance, stage action, or visual representation.
  - (B) displays of **images**, in amounts similar to typical face-to-face instruction, or
  - (C) **reasonable and limited portions** of any other type of work— lower percentages of an excerpt copied (e.g., under 10%) are more likely considered “reasonable and limited.” In other words, the smaller the amount, the better!
- The materials are **not** among those the law specifically excludes from its coverage:
  - (1) **materials specifically marketed for** classroom use or digital distance **education**,
  - (2) copies I know or should know are illegal,

(3) textbooks, coursepacks, electronic reserves, and similar materials typically purchased individually by the students for independent review outside the classroom or class session.

- If I am using an analog original, I checked before digitizing it to be sure:
- (1) I copied only the amount that I am authorized to transmit, and
  - (2) there is no digital copy of the work available except one with technological protections that prevent my using it for the class in the way the statute authorizes