Today’s Goals

- Outline the differences between Fair Use and the TEACH Act
- Identification of benefits of using the TEACH Act
- Define the stipulations for TEACH Act Implementations
PART 1:
Differences between Fair Use and the TEACH Act
Copyright Law

Fair Use - 1976

Purpose and character of the use (commercial, nonprofit educational, etc).

Nature of the copyrighted work. (e.g., entertainment)

Amount and substantiality of the portion used in relation to the copyrighted work as a whole.

Effect of the use upon the potential market for, or value of, the copyrighted work.

http://www.copyright.gov/fls/fl102.html
Copyright Law

Teach Act - 2002

• Specific to online and distance education learning environments.

• Greater latitude regarding usage of media materials in distance education courses.

• Enhanced stipulations in its implementation.
PART 2:
Benefits of the TEACH ACT
“accredited, nonprofit educational institutions throughout the U.S. may use copyright protected materials in distance education—including on websites and by other digital means—without permission from the copyright owner and without payment of royalties.”
PART 3:
Stipulations of the TEACH ACT
TEACH Act Implementation Checklist

Six Categories
(12 listed points)

*Available in links

Although the TEACH Act provides greater latitude regarding usage of media materials in distance education courses, it also is accompanied by enhanced stipulations in its implementation.

Qualifications
- Accredited nonprofit educational institution
- Material is part of systematic mediated instructional activities

Notices and Education
- Institutional copyright use policy
- Copyright education for instructors and students

Lawfulness
- Digital material has not been produced by a digital education publisher
- All digital material is lawfully made and acquired

Access Control
- Limited to students enrolled in course
- Reasonable copy control instituted

Relevance
- Digital materials are relevant to the course
- Digital materials are used to enhance learning

*Available in links
Qualifications

Accredited Nonprofit Institution

ASU is a public nonprofit university.

All ASU academic programs are fully accredited by the North Central Association Higher Learning Commission.

Many have additional accreditation through specialized accrediting agencies.
Qualifications

Material is part of moderated instructional activities

- All course materials are delivered via specific course/class online portals that are facilitated by ASU faculty and/or staff as part of degree or certificate programs.

- Libraries not included (e.g., reserve).
University-wide Copyright Notices

Arizona State University has public published policies on copyright notices and policies:

http://www.asu.edu/copyright/

http://www.asu.edu/aad/manuals/acad/acad125.html
Notices and Education

Copyright Information and Education for faculty/instructors and students:

onlinestudio.asu.edu/teach-act/
Lawfulness

Material is not a vendor’s digital education work.

Digital material produced by companies selling to the ed market are not covered by the TEACH Act.

- elearning providers
Lawfulness

Material is lawfully made and acquired.

- No copies of digital material.
  - A second iteration DVD copy that was burned on a blank DVD.
- No material that has been illegally acquired.
  - File sharing networks.
Access Control

**Limited to students enrolled in course.**

Students are granted access to course materials during the length of the course sessions (normally 7.5 or 15 weeks).
Access Control

Reasonable copy control instituted.

All video is streaming video.

No downloads of any media.
Relevance

Material is integral to class session.

All materials used under TEACH Act have been deemed integral, essential, or fundamental by the instructor.
Relevance

The media is directly related to the course.

The video, image, or audio file must be directly relevant to educational materials, lessons, or other teaching/learning objectives.
Example

I love playing the guitar...like this guy.

Here we see one of Picasso's paintings from his Blue Period.

X INCORRECT

✓ CORRECT
Copyright notice to students is present on material used.

Visually marked at the instance of usage.
Film History 101

Watch this 2 minute clip from “Citizen Kane” that illustrates the exceptional innovation using new lighting techniques for films of the time.

© 1991 Paramount Pictures. This material is copyrighted material and is not to be used outside of this course.

When using copyrighted material be sure to insert the copyright notice for ALL uses of media in your course.
Usage

Only "reasonable and limited portions," such as might be performed or displayed during a typical live classroom session.
Usage

☑ No analog-to-digital conversion except when a digital version is unavailable, e.g., out of print.
Recommendations

- Attempt to obtain permission.
  
  “The safest course is always to get permission from the copyright owner before using copyrighted material.”

- Consider licensing options.

- Use media under TEACH Act or Fair Use.

(1) http://www.copyright.gov/fls/fl102.html
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Questions?
Contact Us

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Review this workshop
Your anonymous input is appreciated.

bit.ly/K987Vq
But what about...?

You have been asked to create some learning materials for your team. You want to use a video clip. Is this possible under the TEACH Act?

Image by Sevgi K Photography, Flickr Creative Commons
But what about...?

You borrow a DVD from the library and make a copy using DVD ripping software. You want to stream that video in your online course. Is this protected under the TEACH Act?
But what about...?

Under the TEACH Act, can you use Pearson eLabs or Cengage Chemistry elearning materials in your course?

Image by Sergiu Bacioiu, Flickr Creative Commons
But what about...?

An out-of-print audio recording of an operatic signer would be a great example for your music students to hear. Can you digitize it for your online course?
Questions?
Tool Kits

Other Universities addressing TEACH Act:

University of Texas

http://copyright.lib.utexas.edu/teachact.html#toolkit

North Carolina State University

http://www.provost.ncsu.edu/copyright/toolkit/
Resources

TEACH Act Checklist

http://copyright.lib.utexas.edu/teachact.html#toolkit


Extensive Checklist

http://www.bsu.edu/libraries/forms/relatedfiles/teachactchecklist.pdf

Letter for Copyright Permission

http://blogs.library.duke.edu/scholcomm/frequently-asked-questions/toolkit/

TEACH Act Decision Flowchart


Educause Resources

Resources

**ASU**

http://www.asu.edu/copyright/

http://www.asu.edu/aad/manuals/acd/acd125.html

http://libguides.asu.edu/content.php?pid=29995&sid=233805

onlinestudio.asu.edu/teach-act/

**Examples of other Universities addressing copyright materials**

University of Texas

http://copyright.lib.utexas.edu/teachact.html#toolkit

North Carolina State University

http://www.provost.ncsu.edu/copyright/toolkit/
Resources

Fair Use Law

http://www.copyright.gov/fls/fl102.html

American Library Association

http://www.ala.org/Template.cfm?Section=distanceed&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939

Copyright Clearance Center

http://www.copyright.com/Services/copyrightoncampus/basics/teach.html