The Law of Higher Education

The Technology, Education and Copyright Act of 2002 (TEACH Act)
Intended to bring into closer congruity an instructor’s rights to use copyrighted works in face-to-face and remote teaching settings

- Instructors must be teaching on behalf of accredited nonprofit education institution or government body
- Addresses teaching via interactive digital networks on campus or at a distance

Amends Copyright Act of 1976
Expanded Instructor rights

- Transmission of the performance via digital networks of:
  - An entire non-dramatic literary or musical work; and
  - Reasonable and limited portions of all other performances, including videotapes, films, dramatic musical works.

- Transmission of displays of works via digital networks, including still images, in amounts comparable to typical face-to-face displays in live classroom situation

- Transmissions made to students officially enrolled in the class wherever they are located
Limitations

- Transmitting institution must be accredited and nonprofit
- Transmission of the performance or display must be:
  - Part of the systematic “mediated instructional activities”
  - Directly related and of material assistance to the teaching content
  - Made solely for, and to the extent, technologically feasible, limited reception by students officially enrolled in the class
- Works primarily produced or marketed for digital distance education, works not lawfully acquired or made, and works such as textbooks and course-packs typically purchased by students individually are not covered under Section 110(2)
Mediated Instructional Activities

“mediated instructional activities” consist of the use of works (1) as an integral part of the class experiences controlled by or under the direct supervision of the instructor; and (2) analogous to a live classroom performance or display
Obligations of Institution

The transmitting institution must:

- Employ technological measures that reasonably prevent the students receiving the transmissions from retaining the works beyond the class session and from redistributing the works to others.

  - The material may not remain in accessible form on the student’s computer, but it may remain on the institution’s server and may be accessed by a student each time he or she logs on to participate in class.
Obligations of the Institution

The transmitting institution must:

- Not interfere with any technological protection measures incorporated by the copyright owner to defeat retention and distribution
- Provide students, faculty and staff with information the describes and promotes compliance with the copyright laws, provide notice that the material contained in the course may be copyrighted, and adopt and maintain institutional policies on copyright.