

Applying the TEACH Act to the Copyrighted Works Used In Online and Hybrid Courses at MnSCU Colleges and Universities

In 2002, Congress passed the TEACH Act to address distance education in copyright law. The law permits nonprofit educational institutions to conduct distant education over the Internet using copyrighted audiovisual works. No licenses or permission from copyright owners are necessary if the requirements of the Act are met. Transmissions may be sent to students wherever they are, including libraries, dorms, homes and coffee shops.

The types of works educators may use include:

- **Entire performances of nondramatic literary and musical works** (music, news, concerts, poem recitations, speeches, etc.)
- **Reasonable and limited parts of a dramatic works** such as literary (plays, opera), musical (musicals), or audiovisual (movies, films, documentaries, etc.) works
- **Displays of other works**, such as images, in amounts similar to typical displays in face-to-face teaching

A college/university faculty member or adjunct professor may transmit a copyrighted work online without the copyright owner's permission under the following conditions:

1. It will be transmitted only to students enrolled in his or her class.
2. It will be used for a class that is part of the institution's regular credit-bearing offerings,
3. It will be transmitted over a secure, password protected system such as D2L, and not on a personal website or through an email account.
4. It is directly relevant to the teaching content of the course; it is not for entertainment, commercial purposes or research.
5. It is a regular part of a systemic mediated instructional activity (classroom instruction delivered online) made by or under the direction/supervision of the instructor.
6. The work's copyright notice will be shown or students will be informed that the work may be subject to copyright protection.
7. No laws were broken in the making or acquisition of the copy of the work.
8. It was not produced or marketed primarily for use in the online distance education market.
9. Technology will be used to reasonably limit the students' ability to retain or further distribute it.
10. Only REASONABLE and LIMITED PORTIONS of a dramatic literary, musical, or audiovisual works will be transmitted. See [Senate Notes document](#) for additional guidance on this issue.
11. Only copy the part that will be transmitted (the amount may vary depending on type of copyrighted work used).
12. Only one copy will be made to the server to allow the transmission.

If the audiovisual work is in analog format, and a digital version is available, it can only be digitized if:

- A good faith effort has been made to locate a digital version but one was not found, or
- Technological protections on the digital version prevent copying.

Use the [TEACH Act Checklist](#) when determining if your proposed copying meets the requirements of the Act.