



## UNIVERSITY OF ARIZONA INTELLECTUAL PROPERTY TOOL KIT

### TEACH ACT CHECKLIST\*

The University of Arizona is a nonprofit, accredited educational institution which has policies on the use of copyrighted materials and provides copyright information to faculty, students and staff.

**If all the TEACH Act criteria exist (see the checklist below), then the copyright owner's permission need not be obtained for the following types of materials, in the amounts set forth below:**

- Entire performances of *non-dramatic* literary and musical works;
- Reasonable and limited parts of *dramatic* literary, musical, or audiovisual works; and
- Displays of other works - such as graphic or photographic images - in amounts similar to displays that typically occur in face-to-face teaching activities

**The following types of use are *not* eligible for digital transmission under the TEACH Act exemption:**

- Materials specifically marketed for use in digital distance education activities.
- Copies that were obtained or made unlawfully (or and materials which I have reason to believe were unlawfully obtained or made).
- Textbooks, course packs and similar materials typically purchased individually by students for independent review outside of class.

**ALL the following conditions must exist for the TEACH Act exemption to apply.**

If your proposed use does not meet all these conditions, you may consider whether there is a reasonable basis for relying on the Fair Use defense ([see University of Arizona Intellectual Property Tool Kit - Fair Use Checklist](#)). If Fair Use does not appear to provide a reasonable defense, you should seek the permission of the copyright owners prior to use of the materials.

### TEACH ACT CHECKLIST:

- I have reviewed the University of Arizona policies related to the use of copyrighted materials.

- ❑ There will be no interference with any copy protection, encryption or any other technological controls within the materials, and the use and digital transmission of these materials will not require any such interference.
- ❑ The materials are specifically for students currently enrolled in my class.
- ❑ Only those students will have access to the materials.
- ❑ The materials are provided at my direction for purposes of a particular lesson.
- ❑ I will make the online materials available to the students *only* for a period of time that is reasonably relevant to the context of a class session.
- ❑ I will use technology that reasonably limits the students' ability to retain or further distribute the materials.
- ❑ All online materials made available to my students are directly related to, and materially assist, my teaching activities and course content.
- ❑ The distance education class for which these materials will be transmitted is part of the regular course offerings of my institution.
- ❑ All copyrighted materials will include a notice that the materials are protected by copyright. If available, the author's copyright notice will appear on the materials.
- ❑ I will store the materials on a secure server and transmit them only as permitted by the U.S. Copyright Law.
- ❑ I will not make any copies other than the one I need to make the transmission.
- ❑ If I am copying from an analog original, I checked before digitizing it to be sure that:
  - I copied only the amount that I am authorized to transmit under the TEACH Act, 17 USC 110(2); and
  - There is no digital copy of the work available; *or* those digital copies that are available include technological protections that prevent my using the work for in the manner authorized by the TEACH Act, 17 USC 110(2).

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*\* This TEACH Act Checklist was prepared in August 2005 by the Office of the General Counsel, The University of Arizona. It is adapted from Georgia Harper's "Copyright Crash Course," University of Texas System, Office of the General Counsel, used with permission.*