Copyright & the TEACH Act

Using Audio, Video and Images in Online Courses

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Today’s Goals

- Difference between Fair Use and TEACH Act
- Benefits of TEACH Act
- Stipulations of TEACH Act
- ASUOnline implementation of TEACH Act
Copyright Law

Fair Use - 1976

- Purpose and character of the use (commercial, nonprofit, educational, etc).
- Nature of the copyrighted work.
- 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/ls/ls102.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.
TEACH Act Benefits

“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.”

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

Six Categories

✓ Qualifications
✓ Notices and Education
✓ Lawfulness
✓ Access
✓ Relevance
✓ Usage
TEACH Act
Implementation

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.
TEACH Act
Implementation

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).
TEACH Act Implementation

Notices and Education

University-wide Copyright Notices

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

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

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

Notices and Education

☑ Copyright Information and Education for faculty/instructors and students:

onlinestudio.asu.edu/teach-act/
TEACH Act Implementation

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.
TEACH Act
Implementation

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).
TEACH Act Implementation

Access Control

Reasonable copy control instituted.

All video is streaming video.

No downloads of any media.
TEACH Act Implementation

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
Usage

Copyright notice to students is present on material used.

Visually marked at the instance of usage.
Film History 101

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

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.
TEACH Act Implementation

Usage

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

Such as the Citizen Kane example on prior slide.
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.” 1

Consider licensing options.

Use media under TEACH Act or Fair Use.

(1)  http://www.copyright.gov/fls/fl102.html
REVIEW

Today’s Goals:

- Difference between Fair Use and TEACH Act
- Benefits of TEACH Act
- Stipulations of TEACH Act
- ASU Online implementation of TEACH Act
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/ls/ls102.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