

APPENDIX A

**TEACH ACT RESPONSIBILITIES FOR DISPLAYING OR PERFORMING
FILM AND MEDIA IN ON-LINE INSTRUCTION¹**

<u>INSTITUTIONAL</u>	<u>FACULTY</u>	<u>INFORMATION TECHNOLOGY</u>
<p>Your institution must be a government body or an accredited nonprofit educational institution.</p> <p>Your institution must incorporate institutional copyright policies to educate faculty, staff, and students.</p> <p>The institution must disseminate information about copyright policies and laws.</p> <p>The institution must provide notice to students about potential legal limitations on the use of materials used as part of the online course.</p> <p>The institution must limit access to the materials to students enrolled in the specific online course.</p>	<p>Faculty may:</p> <ol style="list-style-type: none"> 1. Perform nondramatic literary works; 2. Perform nondramatic musical works; 3. Perform any other work in “reasonable and limited portions;” and 4. Display any work “in an amount comparable to that which is typically displayed in the course of a live classroom session.” <p>Faculty must ensure that the performance or display is:</p> <ol style="list-style-type: none"> 1. <i>Supervised</i> - “made by, at the direction of, or under the actual supervision of an instructor;” 2. <i>Part of a structured course</i> - “an integral part of a class session offered as a regular part of the systematic, mediated instructional activities” of the educational institution; and 3. <i>Relevant</i> - “directly related and of material assistance to the teaching content of the transmission,” not just for entertainment purposes. <p>Faculty may not use:</p> <ol style="list-style-type: none"> 1. Works that are specifically produced or marketed for distance education contexts; and 2. Copies that the educational institution “knew or had reason to believe” were not lawfully made and acquired. <p>Faculty may not convert materials from analog into digital formats, except where, as outlined in 17 U.S.C. § 112(f):</p> <ol style="list-style-type: none"> 1. The amount that may be converted is limited to the amount of appropriate works (“reasonable and limited portions” for performances and “amount comparable to that which is displayed in the course of a live classroom session” for displays); and 2. A digital version of the work is not “available to the institution” or is secured behind technological protection measures. 	<p>IT specialists must help ensure that access to copyrighted materials is limited to students enrolled in the online distance course.</p> <p>IT specialists must employ reasonable measures to ensure that students’ abilities to receive, store, and transmit the materials is limited. Students should receive the information in a form that allows them to access or receive the materials only for the class session; they should only be able to access the information temporarily. They should also not be able to store or download the materials beyond the class session.</p> <p>IT specialists must make reasonable efforts to ensure that their technology for the online distance education course does not interfere with digital rights management technology measures used by copyright owners to control their works, except where the 2006 exemption applies (see above section on anti-circumvention).</p> <p>IT specialists must restrict retention/storage of the materials to reasonably necessary periods of time sufficient to facilitate class transmission and in such a way that only enrolled students may access them.</p> <p>IT specialists may not retain or copy digital transmissions if they are for purposes other than the educational purposes outlined in Section 110(2).</p>

¹ **Sources:** 17 U.S.C. 110(2); 117 U.S.C. 112(f); http://www.copyright.iupui.edu/teach_summary.htm; <http://www.lib.ncsu.edu/scc/legislative/teachkit/overview.html>; <http://www.copyright.com/services/copyrightoncampus/basics/teach.asp>.