

Copyright & the TEACH Act

**Using Audio, Video and Images
in Online Courses**



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Today's Goals

- Outline the differences between Fair Use and the TEACH Act
- Identification of benefits of using the TEACH Act
- Define the stipulations for TEACH Act Implementations

PART 1:

Differences between Fair Use and the TEACH Act

Copyright Law



Fair Use - 1976

Purpose and character of the use (commercial, nonprofit educational, etc).

Nature of the copyrighted work. (e.g., entertainment)

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.

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.

PART 2:

Benefits of the

TEACH ACT

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.”

PART 3:

Stipulations of the TEACH ACT

TEACH Act

Implementation Checklist

**Six Categories
(12 listed points)**

***Available in links**

TEACH Act Implementation Checklist

Although the TEACH Act provides greater latitude regarding usage of media materials in distance education courses, it also is accompanied by enhanced stipulations in its implementation.

Qualifications

- Accredited nonprofit educational institution
- Material is part of systematic mediated instructional activities

Notices and Education

- Institutional copyright use policy
- Copyright education for instructors and students

Lawfulness

- Digital material has not been produced by a digital education publisher
- All digital material is lawfully made and acquired

Access Control

- Limited to students enrolled in course
- Reasonable copy control instituted

Relevance

- Digital material is relevant to the course

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.

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).

Notices and Education



University-wide Copyright Notices

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

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

[http://www.asu.edu/aad/manuals/acd/
acd125.html](http://www.asu.edu/aad/manuals/acd/acd125.html)

Notices and Education

-  **Copyright Information and Education for faculty/instructors and students:**

onlinestudio.asu.edu/teach-act/

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.

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).

Access Control



Reasonable copy control instituted.

All video is streaming video.

No downloads of any media.

Relevance

-  **Material is integral to class session.**

All materials used under TEACH Act have been deemed integral, essential, or fundamental by the instructor.

Relevance

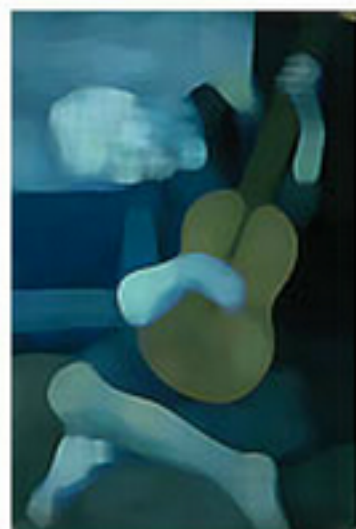


The media is directly related to the course.

The video, image, or audio file must be directly relevant to educational materials, lessons, or other teaching/learning objectives.

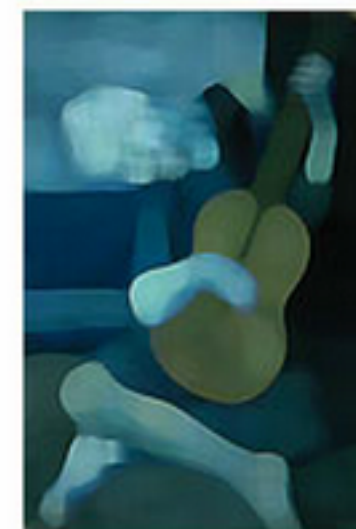
Example

I love
playing the guitar
...like this guy.



INCORRECT

Here we see
one of Picasso's
paintings from his
Blue Period.



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.

Usage

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

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.

REVIEW

Today's Goals:

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Questions?



Contact Us



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Review this workshop

Your anonymous input is appreciated.

bit.ly/K987Vq

But what about...?

A close-up photograph of a hand holding a black Sony camera. The camera is the central focus, with the 'SONY' logo clearly visible on the lens cap. The background is a soft, out-of-focus green and yellow, suggesting an outdoor setting. The lighting is bright, creating a high-key effect.

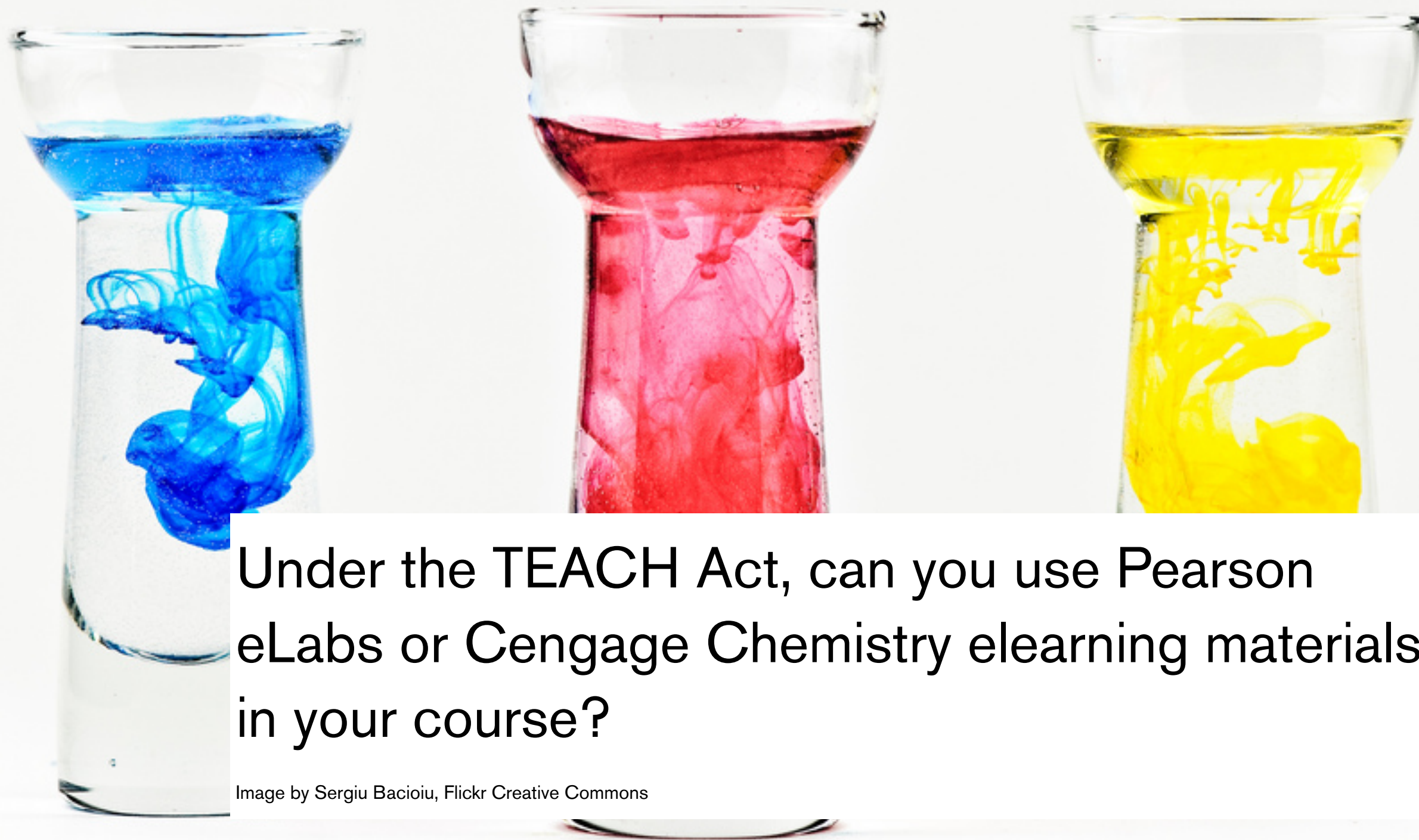
You have been asked to create some learning materials for your team. You want to use a video clip. Is this possible under the TEACH Act?

Image by Sevgi K Photography, Flickr Creative Commons

But what about...?

You borrow a DVD from the library and make a copy using DVD ripping software. You want to stream that video in your online course. Is this protected under the TEACH Act?

But what about...?



Under the TEACH Act, can you use Pearson eLabs or Cengage Chemistry elearning materials in your course?

Image by Sergiu Bacioiu, Flickr Creative Commons

But what about...?

An out-of-print audio recording of an operatic signer would be a great example for your music students to hear. Can you digitize it for your online course?



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>

<http://teaching.colostate.edu/guides/copyright/downloads/checklist.pdf>

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

<http://blogs.library.duke.edu/scholcomm/files/2007/12/copyright-review-flow-chart-v3x.pdf>

Educause Resources

<http://www.educause.edu/Resources/Browse/TEACH%20Act/33345>

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/fls/fl102.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>