

YALE UNIVERSITY  
GUIDELINES FOR THE TEACH ACT

The Technology, Education and Copyright Harmonization (“TEACH”) Act was enacted in November 2002 as an amendment to the Copyright Act of 1976. Under the Teach Act, accredited, nonprofit U.S. educational institutions are permitted to make certain copyright-protected materials available online to students, without having to obtain permission from the copyright holder. It is important to emphasize that the TEACH Act’s exemptions are intended for distance learning purposes only.

In selecting the works to display on their course websites, **faculty members** are **responsible** for determining whether each work meets the requirements of the TEACH Act. When invoking the TEACH Act, here are important guidelines to follow:

**Material authorized for online display under the TEACH Act:**

1. **Only** display online copies that were lawfully made and acquired. Use of pirated works or works copied from a television broadcast is prohibited.
2. **Only** display online material that is an integral part of the course, part of a “systematic mediated instruction activity” (in other words, class session(s) must be dedicated to teaching the material), **and** directly related and of material assistance to the teaching of the course. Use of the material must be a **required** class assignment (and **not** an optional or supplemental assignment or activity).
3. **Do not** display online textbooks, course packets and other materials students are typically required to purchase for the course.
4. **Do not** display online materials that are sold or licensed primarily for online education.
5. **Works in analog format:** If you intend to use works in analog format, find out if a lawfully made digital version is available for purchase, rental or license. If a digital version is available, you must use that digital copy and not reproduce the analog version into digital form. If a digital version is not available, then material on the analog version may be converted into a digital format and displayed online.
6. **Non-dramatic musical or literary works:** If the material is a performance of a non-dramatic musical or literary work (e.g. music, poetry or short story reading), then the entire work may be used.
7. **Dramatic musical or literary works:** If the material is a performance of a dramatic musical or literary work (e.g. film, music video, opera, musical, etc.), limit use of the work to an amount and duration comparable to what would be displayed or performed in a **live classroom session**. Generally, instructor-created compilations may be displayed online.

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8. **Alternatives to the TEACH Act:** If the digital display of any material is desired, but not authorized under the TEACH Act, seek a license directly from the copyright holder or determine if the unauthorized use may be exempted under the “fair use” provisions of the Copyright Act. Consult the Fair Use Tool and the University Copyright Policy, which are available on the website of the Office of the General Counsel.

**Restrictions on access under the TEACH Act:**

1. **Current enrollment:** Restrict access to course webpages on which copyrighted materials are loaded **only** to students enrolled in the course.
2. **Duration of access:** Restrict the duration of such access **only** to the length of time comparable to a **live classroom session**.
3. **No retention, dissemination or reproduction:** Retention of any copies past the class session, dissemination of any copies, and the making of any copies by enrolled students or by other authorized course website users are prohibited.

**Notice required under the TEACH Act:**

Make sure a notice similar to the following is placed **prominently** on each course website:

*Materials on University course and project sites may be subject to copyright protection, and may be restricted from further dissemination, retention or copying. Unauthorized use of copyrighted materials is subject to disciplinary action pursuant to the University's policy against copyright infringement, and to civil and criminal liability provided under federal copyright law.*

Please contact the Office of the General Counsel with any questions or concerns.