

## Teaching with Blackboard: Basic TEACH Act Criteria

**Note:** Fair use principles apply to on-line instruction, which includes all classes using Blackboard. The TEACH Act provides a “safe harbor” for use of copyrighted material in an on-line environment when permission of the copyright holder has not been obtained. If your material meets all of the following criteria, use should be acceptable under Section 110(2) of the Copyright Act.

### **Criteria for Using Copyrighted Material for Teaching with Blackboard & Other Course Management Systems:**

- Material is part of systematic mediated instructional activities and integral to course
- Material is lawfully acquired
- Copyright notice and copyright warning are present
- Material is not a substitute for textbooks or coursepacks typically purchased by students
- Material is:
  - Non-dramatic literary work (may use all)
  - Non-dramatic musical work (may use all)
  - Reasonable and limited portion of any other work (e.g. dramatic work) for performance
  - Display of any work in an amount analogous to live classroom setting
- Material limited to students enrolled in course for the duration of course
- Use of material does not interfere with technological controls within the material
- For conversion of analog material to digital:
  - Digital version is not available
  - Fair use factors apply (see <http://copyright.lib.utexas.edu/copypol2.html>)
  - Only reasonable and limited portions are used
  - Digital version is protected
  - Digital version is only retained for authorized use under TEACH Act

The College is responsible for the following:

- Reasonable downstream controls are in place to prevent retention and distribution of material beyond class
- Material is stored on a secure server and transmitted only as permitted by law

For further information on the TEACH Act, see:  
<http://www4.wccnet.edu/copyright>  
<http://copyright.lib.utexas.edu/teachact.html>  
<http://www.provost.ncsu.edu/copyright/toolkit>