Materials Not Eligible For TEACH Act Exemption

The following types of works are NOT eligible for digital transmission under the TEACH Act exemption. If any of the following apply, use of the work is not exempt under the TEACH Act.

- Commercially marketed educational materials (e.g. McGraw-Hill workbooks)
- Textbooks, course packs and similar materials typically purchased individually by students for independent review outside of class.
- Materials that I know, or have reason to believe, were unlawfully made or obtained

Materials Eligible For TEACH Act Exemption

Permission from the copyright owner is NOT required for the following materials IF all the TEACH Act criteria below are satisfied.

- Up to entire performances of non-dramatic literary or musical works;
- Displays of other works in an amount comparable to that typically displayed in a face-to-face classroom setting
- Reasonable and limited parts of dramatic literary, musical, or audiovisual works;

TEACH Act Criteria

All of the following conditions MUST exist for the TEACH Act exemption to apply.

- I will provide the material only as part of a distance education course that is a regular course offering at my institution.
- I have reviewed the Texas State University policies related to the use of copyrighted materials.
- I will not interfere with any copy protection, encryption or other technological controls within the material AND the use and digital transmission of these materials does not require such interference.
- I will provide the material only to students currently enrolled in my course and only they will have access to the material.
- I will reasonably limit students’ ability to retain or further distribute the material by using technology such as the Texas State learning management system (TRACS).
- I will provide the material ONLY for the purpose of a specific lesson, directly related to my teaching activity and course content.
- I will make the material available ONLY for a period of time that is reasonably relevant to the context of a class session.
- I will include a copyright notice with the material. If available, the author’s original copyright notice will appear on the material as well.
TEACH Act Criteria (cont’d)

ALL of the following conditions MUST exist for the TEACH Act exemption to apply.

- I will store the material on a secure server hosted at or managed by Texas State University.
- I will not make any copies beyond what is required for transmission.
- If I am digitizing an original analog resource, I certify that:
  - I will copy only the amount authorized for transmission (see Materials Eligible for TEACH Act Exemption section above)
  - No digital copy of the work is available; or available copies employ technological protections that prevent me from using the work in the manner authorized by the TEACH Act Criteria listed above.

Other Options

- If your proposed use does not meet all these conditions, consider whether your proposed use constitutes Fair Use. (see Texas State University copyright resource – Fair Use Checklist).
- If Fair Use does not apply, seek permission or a license from the copyright owner prior to use of the materials.
- If permission or licensing is not available, consider using other material.