

Below is a checklist which should help you determine if your intended use of a copyrighted work might fall within the safe harbor created by the TEACH Act:

- My institution is a nonprofit accredited educational institution or a government agency.
- It has a policy on the use of copyrighted materials.
- It provides accurate information to faculty, students and staff about copyright.
- Its systems will not interfere with technological controls within the materials I want to use.
- The materials I want to use are specifically for students in my class.
- Only those students will have access to the materials.
- The materials will be provided at my direction during the relevant lesson.
- The materials are directly related and of material assistance to my teaching content.
- My class is part of the regular offerings of my institution.
- I will include a notice that the materials are protected by copyright.
- I will use technology that reasonably limits the students' ability to retain (e.g., download) or further distribute the materials.
- I will make the materials available to the students only for a period of time that is relevant to the context of the class session.
- I will store the materials on a secure server and transmit them only as permitted by law.
- I will not make copies other than the one I need to make the transmission.
- The materials are of one of following proper types and amounts the law authorizes:
 - (A) entire performances of nondramatic literary (documentary) and musical works,
 - (B) displays of images, in amounts similar to typical face-to-face instruction, or
 - (C) **reasonable and limited portions** of any other type of work.
 - Using **0% - 5%** of the overall work, is **acceptable**, unless the portion can be licensed separately (e.g., an entire short story from a collection of stories).
 - Using **5% - 10%** of the overall work **requires review** by CLEAR.
 - Using **more than 10%** is **never acceptable**.
- The materials are not among those the law specifically excludes from its coverage:
 - (1) materials specifically marketed for classroom use or digital distance education,
 - (2) copies I know or should know are illegal,
 - (3) textbooks, coursepacks, electronic reserves, and similar materials typically purchased individually by the students for independent review outside the classroom or class session.
- If I am using an analog original, I checked before digitizing it to be sure:
 - (1) I copied only the amount that I am authorized to transmit, and
 - (2) there is no digital copy of the work available except one with technological protections that prevent my using it for the class in the way the statute authorizes