

**Getting Past No: Assessing Copyright Risk**  
VRA Annual Conference - Workshop 4  
Friday, March 30, 2007

**Selected Resources**

***The TEACH Act: A Tool for Getting Past No!***

Speaker: Deborah Gerhardt, University of North Carolina at Chapel Hill

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**The TEACH Act**

Section 110 (2) of the U.S. Copyright Act: Limitations on exclusive rights: Exemption of certain performances and displays. To see the text of the statute, 17 U.S.C. §110(2), go to: <http://lcweb.loc.gov/copyright/title17/>

**Websites With Detailed TEACH Act Toolkits, Explanations and Checklists**

**The TEACH Toolkit An online Resource for Understanding Copyright and Distance Education** created by Peggy Hoon at NCSU has a terrific user-friendly checklist of requirements and implementation guidelines:

<http://www.lib.ncsu.edu/scc/legislative/teachkit/checklist.html>

Kenneth D. Crews, **Summary of the TEACH Act**. This piece discusses the benefits and burdens created by the TEACH Act and discusses how the Act applies to librarians.

[http://www.copyright.iupui.edu/teach\\_summary.htm](http://www.copyright.iupui.edu/teach_summary.htm)

**Checklist for Compliance With the TEACH Act** This checklist from Indiana University would be especially useful for those attempting to implement the TEACH Act because it divides the tasks under headings that indicate who should be responsible for implementing each TEACH requirement.

[http://www.copyright.iupui.edu/teach\\_summary.htm](http://www.copyright.iupui.edu/teach_summary.htm)

Laura N. Gasaway, **TEACH Act Comparison Chart**. This terrific chart boils TEACH down to its essentials, and compares 17 U.S.C. §110(1) (the “classroom exemption”), the prior version §110(2); and the current §110(2) under the TEACH Act.

<http://www.unc.edu/~unclng/TEACH.htm>

**TEACH Act Compliance** from Lawrence Technical University. This site explains the TEACH Act and lists Lawrence Technological University’s practices for compliance.

[http://www.ltu.edu/ltuonline/teach\\_act.asp](http://www.ltu.edu/ltuonline/teach_act.asp)

Georgia Harper, **The TEACH Act Finally Becomes Law**. As part of its crash course series, the University of Texas created this useful introduction to the TEACH Act with a checklist.

<http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>

**Distance Education and the TEACH Act** from the American Library Association. This source includes a discussion of the legislative history of the Act and how it differs from the provision it replaces.

<http://www.ala.org/Template.cfm?Section=distanceed&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939>

### **Especially For Faculty**

**TEACH Act Best Practices using Blackboard(tm)** from the ALA. This resource lists recommended practices for using Blackboard in compliance with the TEACH Act

<http://www.ala.org/ala/washoff/WOissues/copyrightb/distanceed/teachactbest.htm>

### **Especially For Students**

**TEACH Act Guidelines for Students** These University of Alaska Guidelines give an easily digestible summary of practices students should follow when using materials provided under the TEACH Act.

[http://hosting.uaa.alaska.edu/designteam/teach\\_act/teach\\_act\\_guidelines\\_for\\_students\\_033104.pdf](http://hosting.uaa.alaska.edu/designteam/teach_act/teach_act_guidelines_for_students_033104.pdf)

### **For More Detailed Analysis**

Tomas Lipinski, **Copyright Law and the Distance Education Classroom (Working Within the Information Infrastructure)**, The Scarecrow Press, Inc. (2004). The book discusses the dynamic that exists when “technology, intellectual property and education intersect” and the practical applications of the TEACH Act in distance education.

Gretchen Stoeltje, **Light in Custody: Documentary Films, The TEACH Act and the DMCA**, 20 Santa Clara Computer & High Tech. L.J. 1075 (2004). This article examines issues specific to using third-party documentary films in distance learning.

Raquel Xalabarder, **Copyright and Digital Distance Education: The Use of Pre-Existing Works in Distance Education Through the Internet**, 26 Colum. J.L. & Arts 101 (2003). This article compares copyright exemptions under United States law, European Union law and the Berne Convention with recommendations for harmonizing exemptions for Distance Education under the three regimes.

Tomas A. Lipinski, **Legal Reform in an Electronic Age: Analysis and Critique of the Construction and Operation of S. 487, The Technology, Education and Copyright Harmonization (TEACH) Act of 2001**, 2003 BYU Educ. & L. J. 95 (2003). This detailed analysis of the provisions of the TEACH Act provides a thorough explanation of the complex questions raised by the TEACH Act’s provisions, noting that some of the questions do not yet have clear answers.

Laura N. Gasaway, **Balancing Copyright Concerns: The TEACH Act of 2001**, Educause Review November/December 2001, pp. 82 - 83. This article summarizes the changes proposed by the TEACH Act legislation at the time it was pending.

***Digital Image Rights Computator***

Speaker: Allan Kohl, Minneapolis College of Art and Design

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Stephen Fishman, **The Public Domain: How to Find and Use Copyright-Free Writings, Music, Art and More**, Nolo.com (3rd ed. 2006). A.K. note: I used several of attorney Fishman's arguments in crafting some of the DIRC language

Carrie Russell and Dwayne K Buttler, **Complete Copyright: An Everyday Guide for Librarians**, American Library Association (2004).

Publisher's description: Librarians face myriad copyright dilemmas every day, and as copyright law evolves and new interpretations emerge, libraries play a key role in representing the public in the copyright debate. But how do new copyright laws affect traditional services and new virtual reference user services? What must librarians do to ensure that staff and patrons fully exercise copyright exemptions, like fair use?....

A.K. note: also contains brief introductions of resources such as the Creative Commons, with numerous URLs for further information. Though this publication deals primarily with printed materials, it does have sections dealing with artistic works, downloading from websites, and developing compliance policy statements. It also offers strategizing tips on "Becoming a copyright leader" in one's organization, and "Things you can do to make a difference"

***Copyright Policies: A Means of Getting Past No!***

Speaker: Carl M. Johnson, Brigham Young University

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Canadian Heritage Information Network, Intellectual Policy, **Developing Intellectual Property Policies: A How-To Guide for Museums**, CHIN  
[http://www.chin.gc.ca/English/Intellectual\\_Property/Developing\\_Policies/index.html](http://www.chin.gc.ca/English/Intellectual_Property/Developing_Policies/index.html)

The University of Texas System, Intellectual Property, Copyright, **Developing a Comprehensive Copyright Policy to Facilitate Online Learning**, Georgia Harper,  
<http://www.utsystem.edu/OGC/INTELLECTUALPROPERTY/policydev.htm>

Visual Resources Association, Image Collections Guidelines, **The Acquisition and Use of Images in Non-Profit Educational Visual Resources Collections**, VRA  
<http://www.vraweb.org/copyright/guidelines.html>

AAU, ARL, AAUP, AAP, **Campus Copyright Rights and Responsibilities: A Basic Guide to Policy Considerations**,  
[http://aaupnet.org/aboutup/issues/Campus\\_Copyright.pdf](http://aaupnet.org/aboutup/issues/Campus_Copyright.pdf)

William W. Fisher & William McGeeveran, The Berkman Center for Internet & Society, Harvard Law School, **The Digital Learning Challenge: Obstacles to Educational Uses of Copyrighted Material in the Digital Age**,  
<http://cyber.law.harvard.edu/home/2006-09>

Voelker-Morris, Robert J., 2003, Masters Thesis, **Copyright Concerns and Digital Technology in Museums: Rights, Reproductions, Intellectual Property Protection, and Fair Use**, [http://aad.uoregon.edu/icas/project\\_thesis\\_pdf/voelkerm\\_r.pdf](http://aad.uoregon.edu/icas/project_thesis_pdf/voelkerm_r.pdf)

Meeting Report, **Creating Museum IP Policy in a Digital World**, NINCH Copyright Town Meeting, Toronto, Canada, 7 September 2002.  
<http://www.ninch.org/copyright/2002/toronto.report.html#rb>

***Getting the Broader Community Past No!***  
Speaker: Gretchen Wagner, ARTstor

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**The Machine Is Us/ing Us**, available on  
<http://www.youtube.com/watch?v=6gmP4nk0EOE> An excellent description of the collaborative potential of Web 2.0.