

Central Virginia Community College Policies
VI – Academic Services Assisting Instruction
Checklists for Fair Use/TEACH Act

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project.

Name: _____

Date: _____

Project: _____

Institution: _____ Prepared by: _____

PURPOSE

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit Educational Institution
- Criticism
- Comment
- News reporting
- Transformative or Productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

NATURE

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Opposing Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

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AMOUNT

Favoring Fair Use

- Small quantity
- Portion used is not central

- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work used
- Portion used is central to work or significant to entire work or "heart of work"

EFFECT

Favoring Fair Use

- User owns lawfully acquired or purchased copy of original work
- One or few copies made

- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on Web or in other public forum
- Repeated or long-term use

(Based on a checklist from the Copyright Advisory Office of Columbia University, Kenneth D. Crews, director.)

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TEACH Act Checklist

Instructions: Review each of the statements listed below. Click on a box to insert or remove a check mark. If all boxes are checked, you comply with the TEACH Act.

Print the form. At the bottom of the page, identify yourself, the course and the material being considered.

Sign, date and retain the page with your course records.

Note: To comply with the TEACH Act, all checkboxes should be checked.

	My institution is a nonprofit accredited educational institution or a governmental agency
	My institution has a policy on the use of copyrighted materials.
	My institution provides accurate information to faculty, students and staff about copyright
	The institution's 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 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 a class session
	I will store the materials on a secure server and transmit them only as permitted by this law (Vista or Luminis Course Tools)
	I will not make any copies other than the one I need to make the transmission
	The materials are of the proper type and amount the law authorizes: <ul style="list-style-type: none"> • Entire performances of nondramatic literary and musical works • Reasonable and limited parts of a dramatic literary, musical, or audiovisual works • Displays of other works, such as images, in amounts similar to typical displays in face-to-face teaching
	The materials are not among those the law specifically excludes from its coverage: <ul style="list-style-type: none"> • Materials specifically marketed for classroom use for digital distance education • Copies I know or should know are illegal • 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: <ul style="list-style-type: none"> • I copied only the amount that I am authorized to transmit • There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes
	If I am using a digital original that employs technology that must be circumvented (such as an encrypted DVD), I am: <ul style="list-style-type: none"> • Teaching a Film Studies course • I am using "reasonable and limited" portions as part of a compilation of movie scenes.
Name of Instructor:	
Name of Course:	
Name of Work:	

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Signature:	
Date:	
To comply with the TEACH Act, all checkboxes should be checked.	
<i>Legal Disclaimer: This site is not intended to provide legal advice. If you are uncertain as to your rights and responsibilities, you are encouraged to seek an attorney's advice.</i>	

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