Higher Education and Library Communities Support Swift Passage of the TEACH Act (S.487)

Technology, Education, and Copyright Harmonization ["TEACH"] Act
The TEACH Act creates an effective balance between the interests of users and producers of information by increasing the capacity of educational institutions to deliver digital educational content in distance education programs while maintaining important protections against the misuse of content. The bill has the full support of the educational, library, and content communities. At the urging of the Senate Judiciary Committee and with assistance from the Copyright Office, community representatives engaged in an arduous negotiation process resulting in a well-balanced consensus that extends current "distance education" exemptions to cover mediated instructional activities via digital networks.

Specifically, the resulting compromise legislation would enhance online distance education by:

- Expanding the categories of works that can be used in distance education performances.
- Remove the concept of the physical classroom, thereby permitting digital educational content to be delivered to any location where the student can access a computer terminal.
- Clarifying that participants in authorized digital distance education are not liable for copyright infringement for any temporary reproductions that occur through the automatic technical process of digital transmission.

The TEACH Act also includes a number of safeguards against the unauthorized and inappropriate use, including:

- Requiring performances and displays to be part of a mediated class instruction under the actual supervision of an instructor.
- Limiting the receipt of materials to enrolled students to the extent technologically feasible.
- Requiring institutions to apply technological protection measures that reasonable prevent the retention of the work in accessible form for longer than the classroom session and the unauthorized distribution of the work.

Current Status of the TEACH Act
The Senate overwhelmingly passed the TEACH Act in late June, and was unanimously approved by the House Judiciary Subcommittee on Courts, the Internet and Intellectual Property. It has resided in the House Judiciary Committee since last July.

The higher education and library communities strongly urge the House Judiciary Committee to send the TEACH Act to the House floor for immediate consideration. As new technologies are developed, we must ensure that copyright law strikes a fair balance between protecting copyright owners' investment in their work and providing the public the ability to use copyrighted work in a reasonable manner for the purpose of education. The TEACH Act (S.487) strikes that balance. Swift approval will enable all levels of American learners the ability to access the information and resources they need to pursue their educational and career goals.