



Copyright Background Information

Digital Millennium Copyright Act (DMCA):

A copyright law that seeks to protect copyright holders from theft online, either through reproduction or distribution means. It criminalizes any action taken to infringe upon copyright works (cutting/manipulating works) and circumventing access without approval or purchase or license (sharing/downloading/uploading illegally even if materials have been purchased previously).

- 1) Think about the first part in terms of payment: If you had to pay for it, it's protected. It could be a song from an artist (downloaded free off a website versus buying it on an app or paying a service to stream it), a movie (filmed on a phone in a movie theater versus watching it on a paid streaming service), etc.
- 2) Think about the second part in terms of sharing: If you purchased the work, but share it to a friend, stranger, or the internet, it's breaking copyright. For example, buying a DVD but uploading it to a website means breaking access.

The DMCA does leave exceptions for school usage in accordance with educational purposes. There are strict guidelines to follow. For further information, please review the ALA's Fair Use Checklist below.

Technology, Education, and Copyright Harmony (TEACH) Act:

To support the DMCA law, the TEACH Act of 2002 in Section 110(2) allows educators in online settings to show, perform, or display works. However, these works must be in clips or pared down into smaller sections. The audience is also limited to those in an accredited, nonprofit, educational setting or government entity.

For further understanding, please review the TEACH Act Checklist below.

Further Links:

- American Library Association Copyright General Help:
<https://www.ala.org/advocacy/copyright>
- American Library Association Fair Use Checklist:
<https://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/copyright/FairUseChecklist.pdf>
- American Library Association Statement on Films in Classroom:
<https://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/copyright/fairuse/web-digital%20delivery%20in%20classroomrev3psa.pdf>
- TEACH Act Checklist: <https://guides.lib.utexas.edu/copyright/teachactchecklist>
- Teach with Movies (Copyright Discussion for Films in Classroom):
<https://teachwithmovies.org/copyright-for-using-movies-in-the-classroom/>
- Wilkes University DMCA Explanation:
<https://www.wilkes.edu/about-wilkes/policies-and-procedures/copyright.aspx>