

Guidelines for Use of Copyrighted Music

Reproduction of Music. The following is extracted from *Guidelines for Educational Uses of Music*, as printed in the 1976 Report of the House Committee on the Judiciary (HR94-1476). While the language does not mention digital recordings since the technology did not yet exist, this remains the definitive guideline for recording music.

There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

Permissible Uses

- Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
- For academic purposes. For academic purposes other than performance, single or multiple copies of excerpts of works may be made provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.
- For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.
- Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright which may exist in the sound recording.)

Prohibitions. Prohibitions include:

- copying to create or replace or substitute for anthologies, compilations or collective works;
- copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets, etc.;
- copying for the purpose of performance, except as described above;

- copying for the purpose of substituting for the purchase of music, except as described above; and
- copying without inclusion of the copyright notice which appears on the printed copy.

Derivative Works. While the copyright owner retains the exclusive right to make arrangements of a piece of music, educators are allowed to edit or simplify printed copies of purchased music. Educators are not allowed to change the fundamental character of the music or to change or add lyrics.

Music Licenses. Contact Cheryl Miller, Vice President of Financial and Administrative Services (ccmiller@virginiawestern.edu or 857-6310) with questions related to licensing of music.

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