



UNIVERSITY OF MINNESOTA

Office of the President  
202 Morrill Hall  
Minneapolis, Minnesota 55455

MEMORANDUM

TO: Provosts, Deans, Directors, and Department Heads

FROM: C. Peter Magrath

DATE: December 28, 1977

SUBJECT: University Policy and practice with regard to educational uses of copyrighted works under the Copyright Act of 1976.

Most of you are aware that the new copyright law, which takes effect on January 1, 1978, will have some significant effects on the University's educational programs. At the national level, this has been a matter of concern for many educational and professional associations which have been attempting, with organizations representing copyright holders, to develop understandings and procedures to comply with the law with the least damage to educational programs. It has been a matter of concern for the University of Minnesota for several months, with a group of my associates in the central administration studying the matter and with recent meetings of the Senate Committee on Educational Policy and the Senate Library Committee devoted to the topic. Because of the complexity of the new law, its special provisions for certain of the areas it covers (musical and dramatic performances, audio-visual works, educational broadcasting), and the many differing views on how it should be interpreted and implemented by educational institutions, it is not yet possible to devise an acceptable set of University policies and practices. Until there is more of a consensus on its interpretation, or (more likely) some court rulings on which to base interpretations, we will be forced to live with a certain degree of ambiguity and uncertainty.

As a result of recommendations of the Senate Library Committee, which were reported to the University Senate on November 17, 1977, I am informing you, and through you the University faculty and staff, of the following actions:

1. Effective January 1, 1978, the existing University policy on photocopying of copyrighted materials, established by President Malcolm Moos in a memorandum of September 24, 1968 (copy attached), is rescinded. This policy would appear to be inconsistent with the new law in some cases (it is clearly inconsistent with the guidelines on fair use which several educational organizations have agreed to as reasonable standards for interpreting the law); we believe that the continuance of this policy may invite legal concerns.

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2. I have established working groups to study each of four kinds of educational uses of copyrighted works; to identify the major problems and issues associated with each; to review positions being taken on them by other universities and educational and professional organizations; and to develop interim and long-range recommendations on appropriate University policies and practices. The working groups will deal with the areas of

- classroom and other educational uses of printed materials;
- library photocopying, reserve, and loan;
- musical and dramatic performances; and
- broadcasting and educational uses of audio-visual works.

An attached sheet lists the membership of these four working groups. I have asked for an interim report from each of them by March 1, 1978. The recommendations of these groups will be reviewed and acted upon by the University Senate and its committees, and by the central administration.

We recognize, as did the Senate Library Committee, that these actions will leave the University without any policy for a few months, and faculty and staff members without any guidance on what kinds of copying and use are permissible for educational purposes. Following the recommendations of the Senate Library Committee, I ask that faculty and staff members continue their present practices with regard to copying and use of copyrighted works for educational purposes until a new policy is formulated, except in cases where those practices are in clear violation of the Copyright Act of 1976. Since there are so many differing interpretations of the law, cases of clear violation should be relatively few. For your guidance I am attaching to this memo a copy of the table of contents and the relevant sections (106 and 107) of the Act. Also attached is a copy of the relevant portions of the Guidelines on Fair Use developed by the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision, the Authors' League of America, Inc., and the Associate of American Publishers; please note, however, that these guidelines are not part of the law.

Given the ambiguity of the situation and the obvious fact that educational uses of copyrighted works in connection with University programs fall within the scope of University employment, please be assured, and assure your colleagues, that the University, rather than the individual faculty or staff member, will bear any liability associated with legal actions for copyright infringement, provided that such infringement is not willful (knowing and intentional) or malicious.

This is not the most satisfactory or comfortable of situations for us to be in, but neither is it of our own making. If you have any questions on how to deal with specific problems, please direct them to the chairpersons of the appropriate working group (see attached list), or to Dr. Peter Roll (373-2451) if they are of a general or indeterminate nature. I am sure that the working groups will be contacting and consulting with many of you who have specific problems or expertise, and that they and the relevant University Senate committees will welcome your comments.

:db

Enclosures

November 21, 1977

MEMORANDUM

TO: Central Officers Group

FROM: Peter Roll, Academic Affairs  
Eldred Smith, University Libraries  
R. Joel Tierney, University Attorney

In anticipation of the January 1, 1978, implementation date of new federal copyright legislation, the impact of this legislation on University Library services and operations and the instructional programs they support have been examined by us. This has involved considerable discussion with a variety of parties, including a meeting of the Senate Library Committee (which was also attended by Professor Brasted, representing the Senate Committee on Educational Policy, the Directors of the Coordinate Campus Libraries, and ourselves). At this meeting, we addressed ourselves directly to current University and University Libraries policies and procedures in relation to the new copyright law.

The critical areas of library service and operations which seem to be affected by the new law are the following:

1. Photocopy in the libraries
2. interlibrary borrowing
3. photocopy for course reserve purposes

With regard to the first two areas, the provisions of the new law seem rather specific, and we are in the process of bringing ourselves into conformity with them by January 1, 1978, when the new legislation will take effect. Specifically, this will involve such matters as posting appropriate signs at self-service copy machines within the libraries; affixing the required legend to across-the-counter photocopy as well as monitoring this photocopying to ensure that it conforms with the "fair use" provisions of the new law; utilizing the new interlibrary borrowing request forms which the law requires; as well as monitoring our interlibrary borrowing and maintaining appropriate records of the transactions to document conformity.

The effect of the new law on both single and multiple photocopying done for library reserve purposes within the Libraries and elsewhere is much more complex and quite difficult to determine at this time. For example, section 107 of the law, which defines "fair use," provides for "reproduction in copies . . . for purposes such as . . . teaching (including multiple copies for classroom use), scholarship, or research [as] not an infringement of copyright." On the other hand, section 108 of the law, which deals specifically with "reproduction by libraries and archives," specifies a variety of restrictions on library photocopy, including provisions that such copies "become the property of the user" and that the library has "no notice that the copy . . . would be used for any purpose other than private study, scholarship, or research" (108-d-1); and provision that "rights of reproduction and distribution under this section . . . do not extend to cases where the library or archives . . . engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material." A

set of "guidelines" on fair use for educational and other uses were agreed upon by several associations representing education, publishers and authors; but other associations explicitly declined to endorse these guidelines. The guidelines set explicit standards for the amount and circumstances of copying for educational purposes which will be considered fair use -- but the guidelines are intended to be minimum standards for fair use and they are not a part of the law. It is generally agreed that court decisions will be required to determine the scope of fair use.

In our examination of the law and in our discussion of it with the Senate Library Committee, we gave particular attention to the current University of Minnesota "Policy on Photocopy of Copyrighted Materials," which was defined in a September 24, 1968, memorandum for President Moos to Deans, Directors, and Department Heads (copy attached).

In reviewing these matters, the Senate Library Committee advised that the following steps be taken:

1. That the University policy identified in President Moos' September 24, 1968, memorandum be formally rescinded effective January 1, 1978.
2. That a small University group be appointed as quickly as possible by the President or Academic Vice President, to include representation of appropriate administrative officers and appropriate Senate committees, with the charge to develop a new University policy that will be in conformity with the law. It was felt that this should be done as soon as possible -- either by the end of the current calendar year or early in 1978.
3. That in the interim, because of ambiguities in the law as well as the critical impact of reserve operations on the University's instructional programs, the University Libraries, on all campuses, continue to follow current procedures except where they seem to be in clear violation of the new law.

We are in general agreement with this approach. Given the complexity of the law, particularly with respect to photocopy for instructional purposes, as well as the critical importance of reserve photocopy for the University's instructional programs, we believe that it will minimize adverse impacts on these programs as well as avoid obvious and visible violations which might invite legal actions. Any copyright infringements by faculty members engaged in University activities will clearly be within the scope of employment, thus placing the liability on the institution rather than the individual, provided that the infringement is not willful or malicious (given the ambiguity and variety of interpretations of the law, it would be exceedingly difficult for anyone to demonstrate a willful or malicious behavior). There is no indication of any publisher groups intending to begin mass legal actions immediately after January 1, 1978, and all of the formal and informal advice we have seen from educational, library and other associations suggests a "wait and see" attitude before imposing any major changes in photocopying practices in educational institutions. Although there undoubtedly will be test cases filed in the near future and we could be unlucky, we believe that the risks of the course of action proposed here are low and acceptable.

The new copyright law deals with many areas other than photocopying and library uses of printed materials; the copying, use, and performance of

musical and dramatic works in printed, recorded, and broadcast forms are all dealt with explicitly, with special conditions for certain educational and non-commercial uses and with specific detail on what constitutes fair and unfair use. The associations representing those who control copyrights in these areas are currently involved in intensive negotiations with various educational organizations to attempt, in many cases, to impose substantial charges on educational and other non-profit users. The American Council on Education and other associations representing the interests of these users currently are advising their constituencies not to enter into any negotiations or agreements with the publishers' organizations. If the associations cannot negotiate a satisfactory agreement, the matter may go before a Copyright Tribunal, which is established in the new law to adjudicate such disputes but which, to our knowledge, has not yet been appointed. In other words, the situation is even more complicated for non-library uses of copyrighted materials; its resolution may impose some additional costs on various units of the University; and it is not really possible, at this time, to estimate those costs in any realistic way.

Ivan Fletcher has been assigned to work on the problem of estimating costs to the University of the new copyright law; one of us (Peter Roll) has a meeting scheduled with Ivan for the afternoon preceding the COG meeting at which this memo will be discussed.

The recommendations set forth above imply the following actions which we believe should be taken at the COG meeting on November 22, 1977:

1. The University administration and the President should rescind the September 24, 1968 policy.
2. The President or the Vice President for Academic Affairs should appoint a small group appropriately representative, to develop and recommend a new policy to replace that rescinded as well as any other procedures and policies which may be needed to deal with the situation on an interim and a continuing basis. If this recommendation is approved, the three of us will have drafted within one week a statement of charge to this group, plus a list of persons to serve on it. We believe that the group will have to be segmented into several subgroups to deal with the special areas covered by the law.
3. A letter should go out from the President to Provosts, Deans, Directors, and Department Heads announcing rescinding of the 1968 policy and the formation of the group to recommend new policies and procedures; advising faculty to continue current practices except where they may be in clear violation of the law; and affirming that such practices fall within the scope of University employment and will not subject faculty members to personal liability. If this recommendation is accepted, the three of us will prepare a draft of such a letter within one week.

In closing, we should report that the Library School is organizing and sponsoring a Symposium for faculty members on the new copyright law, to be held in mid-January. This Symposium will feature at least one national expert on the subject and will provide an opportunity for disseminating information and initiating a broad discussion of the issues and problems facing us.

Enclosures

## REPORT OF THE SENATE LIBRARY COMMITTEE TO THE UNIVERSITY SENATE, November 17, 1977

Prepared and presented by Peter Roll, ex officio member of the Committee, on behalf of Professor Irwin Rubenstein, Chairman of the Committee, who was unable to attend the Senate meeting.

The Senate Library Committee met on November 16, 1977, to review the implications of the Copyright Law of 1976 for library services and classroom instruction at the University of Minnesota. The provisions of the new law go into effect on January 1, 1978. It is clear from the information available and from the law itself that there are many alternative interpretations and viewpoints on its meaning, intent, and application to various situations which occur during the course of library use and classroom teaching at a large university. Despite these alternative interpretations, it does appear that the existing University policy on photocopying of library materials is in violation of the new law (President Moos' memorandum to deans, directors, and department heads dated September 24, 1968). Because of the complexity of the issue, the Senate Library Committee has recommended at its November 16, 1977, meeting:

- (1) that the University administration rescind the September 24, 1968, policy effective January 1, 1978;
- (2) that a task force be appointed by the University administration, with representation from appropriate Senate committees, to draft for consideration by the University Senate a new policy on library photocopying and on the many other aspects of educational uses of copyrighted materials covered by the new law with the object of providing the greatest latitude for educational uses permitted by law; and
- (3) that current practices on library photocopying and reserve materials be continued in the meantime, unless they are in clear violation of the new law.

The Senate Library Committee expects to present a more complete report on this subject and to recommend a new policy, in line with the recommendations in the Winter Quarter of 1978.

:rcw

September 24, 1968

TO: Deans, Directors, and Department Heads  
FROM: President Moos  
SUBJECT: Policy on Photocopying of copyrighted materials

The "fair use" standard of the American Library Association on the copying or photocopying of copyrighted materials is that ~~any~~ scholar (teacher or student) may reasonably take one copy of materials for his own use.

At the recommendation of the Senate Library Committee, I am asking that the University libraries and audio-visual copying services observe this standard of fair use in the photocopying services they provide.

The effect of this policy will be:

1. If the Library is asked by a faculty member to photocopy certain copyrighted materials to place on reserve for student use, the Library will be able to provide only one such copy.
2. This does not preclude a student from asking that a copy of the photocopied materials be prepared by the library for his (the student's) personal use. In such cases, of course, the student would be expected to pay the usual fee for such preparation.
3. If a faculty member brings to the Library multiple copies of a given article or book chapter and asks that these be placed on reserve, the Library will provide this service.

I realize that this policy will be an inconvenience for faculty members who may have been in the habit of asking the Library to prepare multiple copies of certain copyrighted materials to be placed on reserve. I am certain, however, that our Library and official copying service should scrupulously observe the "fair use" standard. I ask, therefore, that each department make known this policy to its faculty members so that there will be general understanding of the reason for the policy.

WORKING GROUPS TO STUDY AND DEVELOP POLICY RECOMMENDATIONS ON EDUCATIONAL  
USES OF COPYRIGHTED WORKS

December 1977

1. Classroom and Other Educational Uses of Printed Materials

\*Peter Roll, Academic Affairs

Nils Hasselmo, Associate Dean, College of Liberal Arts

Roger Young, Director, Department of Independent Study (CEE)

[\*\*Robert Brasted, Chairperson, Senate Committee on Educational Policy]

2. Library Uses of Copyrighted Works

\*Eldred Smith, Director, University Libraries Twin Cities

Donald Pearce, Director, Duluth Campus Library & Learning Resources Center

John Ervin, Director, University Press

[\*\*Irwin Rubenstein, Chairperson, Senate Library Committee]

3. Musical and Dramatic Performances

\*Ross Smith, Director, Concerts and Lectures

Dale Huffington, Director, Continuing Education in the Arts

Charles Rausch, Minnesota Unions

[\*\*Donna Cardamone, Chairperson, University Committee on Convocations  
and Lectures]

4. Broadcasting and Educational Uses of Audio-Visual Works

\*Burton Paulu, Director, University Media Resources

Willard Philipson, Director, Audio-Visual Library Services

David Garloff, Coordinator, Health Sciences Learning Resources

[\*\*Robert Tennyson, Chairperson, University Committee on Instructional  
Materials & Media]

5. Central Administration Support and Resource Persons

R. Joel Tierney, University Attorney

Ivan Fletcher, Management Information Division

Carl Nelson, Student Affairs

Peter Roll, Academic Affairs

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\* Working group chairperson or convenor

[\*\*] Senate committee chairperson with whom the working group should maintain  
close contact



# The Copyright Act of 1976

## TITLE I—GENERAL REVISION OF COPYRIGHT LAW

Sec. 101. Title 17 of the United States Code, entitled "Copyrights", is hereby amended in its entirety to read as follows:

### TITLE 17—COPYRIGHTS

CHAPTER	Sec.
1. SUBJECT MATTER AND SCOPE OF COPYRIGHT.....	101
2. COPYRIGHT OWNERSHIP AND TRANSFER.....	201
3. DURATION OF COPYRIGHT.....	301
4. COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION.....	401
5. COPYRIGHT INFRINGEMENT AND REMEDIES.....	501
6. MANUFACTURING REQUIREMENT AND IMPORTATION.....	601
7. COPYRIGHT OFFICE.....	701
8. COPYRIGHT ROYALTY TRIBUNAL.....	801

#### Chapter 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT

Sec.
101. Definitions.
102. Subject matter of copyright: In general.
103. Subject matter of copyright: Compilations and derivative works.
104. Subject matter of copyright: National origin.
105. Subject matter of copyright: United States Government works.
106. Exclusive rights in copyrighted works.
107. Limitations on exclusive rights: Fair use.
108. Limitations on exclusive rights: Reproduction by libraries and archives.
109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord.
110. Limitations on exclusive rights: Exemption of certain performances and displays.
111. Limitations on exclusive rights: Secondary transmissions.
112. Limitations on exclusive rights: Ephemeral recordings.
113. Scope of exclusive rights in pictorial, graphic, and sculptural works.
114. Scope of exclusive rights in sound recordings.
115. Scope of exclusive rights in nondramatic musical works: Compulsory license for making and distributing phonorecords.
116. Scope of exclusive rights in nondramatic musical works: Public performances by means of coin-operated phonorecord players.
117. Scope of exclusive rights: Use in conjunction with computers and similar information systems.
118. Scope of exclusive rights: Use of certain works in connection with non-commercial broadcasting.

#### § 101. Definitions

As used in this title, the following terms and their variant forms mean the following:

An "anonymous work" is a work on the copies or phonorecords of which no natural person is identified as author.

"Audiovisual works" are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless

of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

17 USC 105.

#### § 105. Subject matter of copyright: United States Government works

Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

17 USC 106.

#### § 106. Exclusive rights in copyrighted works

Subject to sections 107 through 118, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

(1) to reproduce the copyrighted work in copies or phonorecords;

(2) to prepare derivative works based upon the copyrighted work;

(3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

(4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and

(5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.

17 USC 107.

#### § 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

17 USC 108.

#### § 108. Limitations on exclusive rights: Reproduction by libraries and archives

(a) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work, or to distribute such copy or phonorecord, under the conditions specified by this section, if—

(1) the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;

Guidelines for classroom copying developed by the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision, the Authors League of America, Inc., and the Association of American Publishers, and printed in the House Judiciary Committee Report (H.R. Report 84-1476), pp. 68-70:

**Agreement on Guidelines<sup>a</sup>  
for Classroom Copying  
in Not-for-Profit Educational Institutions  
With Respect to Books and Periodicals**

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. 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.

**Guidelines**

**I. Single copying for teachers**

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper;

**II. Multiple copies for classroom use**

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright.

**Definitions**

**Brevity**

(i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.

(ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

**Spontaneity**

(i) The copying is at the instance and inspiration of the individual teacher, and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

**Cumulative effect**

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

### III. Prohibitions as to I and II above

Notwithstanding any of the above, the following shall be prohibited:

- (A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- (B) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching.

- These include workbooks, exercises, standardized tests and test booklets and answer sheets and like material.
- (C) Copying shall not:
    - (a) substitute for the purchase of books, publishers' reprints or periodicals;
    - (b) be directed by higher authority;
    - (c) be repeated with respect to the same item by the same teacher from term to term.
  - (D) No charge shall be made to the student beyond the actual cost of the photocopying.

## MUSIC

*Guidelines for the use of copyrighted material developed by the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision, the Authors League of America, Inc., and the Association of American Publishers, and printed in the House Judiciary Committee Report (H.R. Report 94-1476), pp. 70-71.*

### Guidelines for the Use of Copyrighted Material

[The introductory comments for "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions With Respect to Books and Periodicals" also apply here.]

#### A. PERMISSIBLE USES:

1. 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.
2. For academic purposes other than performance, 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.
3. Printed copies which have been purchased may be edited OR simplified provided that the fundamental charac-

ter of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. 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.
5. 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 oral exercises or examination and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

#### B. PROHIBITIONS:

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or teaching such as workbooks, exercises, standard tests and answer sheets and like material.
3. Copying for the purpose of performance except as in A-1 above.
4. Copying for the purpose of substituting for the purchase of music except as in A-1 and 2 above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.