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# MTNA COMPETITIONS MUSIC RELEASE FORM

REPRODUCTION OF THIRD-PARTY WORKS THAT ARE SUBJECT TO COPYRIGHT PROTECTION CONSTITUTES COPYRIGHT INFRINGEMENT UNLESS A LICENSE TO REPRODUCE SUCH WORK HAS BEEN OBTAINED OR ANOTHER EXCEPTION TO COPYRIGHT INFRINGEMENT EXISTS.

You, the undersigned, declare under penalty of perjury, represent and warrant to MTNA that (a) you are least 18 years of age, (b) your intended use of the reproduced music will not confuse or mislead the public in any way and (c) at least one of the following is true: (i) you own the copyright of the music; (ii) you have been authorized as the agent of the owner of the copyright to have the music copied; (iii) you have been granted a license by the owner of the copyright to reproduce the music; (iv) you are a teacher or student (or parent or guardian of a student) and are using the copies for educational purposes in a not-for-profit educational setting \*; or (v) the reproduced music is in the public domain.

\*Copying under this exception is subject to the limitations contained in the "Guidelines for Education Uses of Music" found on the back of this form.

The undersigned shall indemnify, defend and hold MTNA harmless from any suit, demand, claim or liability arising from a breach of the foregoing warranty or any other basis arising from the use of copies, including without limitation copyright infringement and unfair competition. The undersigned shall pay any judgment or reasonable settlement offer and MTNA's costs and fees (including without limitation attorneys' fees) incurred in connection with any such suit, demand, claim or liability, or in collecting upon this indemnification from the undersigned. MTNA may provide a copy of this form to anyone claiming that use of these copies infringes such person's rights.

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

TITLE(S) AND COMPOSER(S) OF PHOTOCOPIED MUSIC BEING USED:

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*Signature of Competition Official*

*Date*

One copy of this form is to be signed by the student, parent, or teacher (must be at least eighteen (18) years of age). This signed form will be attached to the Application Form.

## **Guidelines for Educational Uses of Music**

The following guidelines were developed and approved in April 1976 by the Music Publishers' Association of the United States, Inc., the National Music Publishers' Association, Inc., the Music Teachers National Association, the Music Educators National Conference, the National Association of Schools of Music, and the Ad Hoc Committee on Copyright Law Revision.

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of HR 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.

### **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, 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 percent 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 character 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 aural exercises or examinations 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 of teaching such as workbooks, exercises, standardized 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) above and A(2) above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.