

February 6, 2015

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The Music Library Association (MLA) respectfully submits the following comment in response to the call for comments, "Section 1201 Exemptions to Prohibition Against Circumvention of Technological Measures Protecting Copyrighted Works," (<http://copyright.gov/1201/>). The MLA is the professional association for music libraries and librarianship in the United States. Founded in 1931, MLA has an international membership of over 800 librarians, musicians, scholars, educators, and members of the book and music trades. Complementing the Association's national and international activities are eleven regional chapters that carry out its programs on the local level. The Music Library Association provides a professional forum for librarians, archivists, and others who support and preserve the world's musical heritage.

This comment addresses the first proposed class of exemptions out of 27 created by the Copyright Office in December 2014:

1. Audiovisual works –educational uses - colleges and universities

This proposed class would allow college and university faculty and students to circumvent access controls on lawfully made and acquired motion pictures and other audiovisual works for purposes of criticism and comment. This exemption has been requested for audiovisual material made available in all formats, including DVDs protected by the Content Scramble System ("CSS"), Blu-ray discs protected by the Advanced Access Content System ("AACCS"), and TPM-protected online distribution services.

A primary function of music librarians is to support research, scholarship, learning, teaching, and creative activities. Scholars of music often draw upon music library collections for purposes of criticism, analysis, and comment. Music librarians cannot adequately support the fair, non-infringing uses of audiovisual materials by researchers without the ability to circumvent digital locks that prohibit otherwise legal fair uses of copyrighted works.