

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 third proposed class of exemptions out of 27 created by the Copyright Office in December 2014:

3. Audiovisual works – educational uses – massive open online courses (“MOOCs”)

This proposed class would allow students and faculty participating in Massive Open Online Courses (“MOOCs”) 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 CSS, Blu-ray discs protected by AACS, and TPM-protected online distribution services.

As primary instructors and support staff aiding in the development of MOOCs, music librarians need to be able to make portions of motion pictures and audiovisual works available for educational purposes, comment, and criticism. The ability to make fair use of copyrighted material in classrooms is not available in these situations without this exemption.