

Texas Federation of Music Club members support our mission to:

1. develop and maintain high musical standards;
2. aid and encourage musical education, and
3. promote American music thereby supporting American composers, publishers, and American artists.

Observance of copyright protections is essential to support our mission. Always, it is our intent that no copyright be infringed. No copyright is claimed in music scores scanned and submitted for critique/criticism during a private adjudication. To the extent that material may appear to be infringed, that alleged infringement is permissible under fair use doctrine in U.S. copyright laws. If it is believed that material has been used in an unauthorized manner, please contact the TFMC All State Festival Chair.

All participating teachers and students are dues-paying members of TFMC. A portion of those dues goes to the National Federation of Music Clubs (NFMC) and contributes to NFMC's annual royalty payments to performance rights organizations (ASCAP, BMI). That payment covers Federation member performances of copyrighted music.

Reproduction of music scores is addressed in *U.S. Code Title 17: Copyright*. The doctrine of "Fair Use" states that certain uses of copyrighted works do not require permission from the owner. However, Fair Use does not provide specifics. Section 107 defines limitations on a copyright holder's exclusive rights that interpret "Fair Use" of a copyrighted work. "Fair use" is not permission to infringe a copyright, it is a defense against alleged infringement of copyright law. Even when Fair Use applies, people are not allowed to distribute copies at will.

Four factors must be considered for purposes of determining whether or not a copyright is infringed:

1. Purpose and character of the use;
2. Nature of the copyrighted work;
3. Amount and substantiality of the portion used; and,
4. Effect of the use upon the potential market for or value of the copyrighted work.

After considering all four factors, TFMC All State Festival submits that use of a scanned reproduction of music scores is in compliance with Fair Use doctrine.

1. Original music scores are owned by each participating student.
2. TFMC is a nonprofit organization and this event provides educational benefits to each participating student.
3. The nature of the work is a composer's creation which has already been purchased in the form of an original score.
4. The purpose of the reproduction is to provide a copy to a judge for private criticism/critique, performance evaluation.
5. The judge cannot perform an evaluation or critique a performance without a complete music score at hand.
6. Each scanned reproduction will be copied by the owner of the music, provided to an adjudicator for critique/criticism/evaluation, then destroyed. It will not be retained in any fashion, on any platform, in any form. So the market effect for or value of the copyrighted work will not be impacted.