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Volume: Opus 11 Issue:
Month/Year: 1985 Pages:


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ARIZONA STATE UNIVERSITY TO HOST 1986 CONFERENCE

It's not too early to start planning to attend our first-ever Arizona conference in Tempe on Thursday and Friday, May 29-30. Arlys McDonald, head of the ASU Music Library, and our co-program planners Annette Voth and Shelley McGehee are promising a program that will educate, enrich, and entertain. The meetings will take place in the music building at ASU, but a convention motel has not been selected as yet. Fuller information and a provisional program will appear in the next issue of Conventional Title.

Since it has now been several years since we were all inundated with programs on AACR2, it seems a good time for an update; thus, one session will be devoted to music cataloging. For other topics, we'd like to hear from the membership. What you need to do RIGHT NOW is call up Annette or Shelley at (602) 965-3513 to give them your ideas of what needs to be on the program and volunteer yourself to give that paper you've always had in the back of your mind. (Your resume may benefit, too)
NOTES FROM THE CHAIR

Yes, this issue is late. Charles King and I started working on it in September, but an unending succession of computer failures including the death of our hard disk and the inability of our printer to produce anything but long strings of asterisks like so many undeleted expletives did us in again and again.

We had a great conference in Boulder last May (see Laurie's summary of the events in this issue) and are looking forward to another in Tempe in '86. Please think again about contributing your thoughts, expertise or whatever and call Shelley or Annette at ASU. I promised them the membership would give them some help with the program, so don't let me down.

In the unfinished business department, there are a few items:
1. I have rerun Ralph Hartsock's proposal for a union list of microforms in series and the reporting form. Only a few libraries have contributed so far, so DO IT NOW.
2. It is time for our bi-annual elections and members will be sent ballots probably after the new year. Karl Kroeger is the chair of the Nominations Committee and would like to hear from any volunteers.
3. You will also see in this issue a ballot for changing our membership or dues year from Jan./Dec. to Sept./Aug. Please be good enough to let us know your vote.
The Mountain-Plains Chapter held its annual conference in Boulder, Colorado on May 30-31, 1985. The meeting was hosted by the University of Colorado-Boulder. Local arrangements were handled by Karl Kroeger and Nancy Carter.

The first presentation was given by Ellen Johnson (University of Kansas) on copyright law and sound recordings, and how it has affected the sound archives at Kansas. (This paper has been published in Phonographic Bulletin, no. 37, March 1985) She discussed various books and articles concerning copyright, and how the sound archives accommodates numerous requests for copies of recordings.

Next, Carol Neighbor of Wichita Public Library talked about setting up a successful low-budget recital series in a public library using her library as the example.

The final paper of the morning was given by Carolyn Smith (Kansas State University) concerning an antiphoner manuscript discovered recently in a storeroom full of books donated to the KSU library by the College of Home Economics. Her preliminary study indicates that it is probably a provincial Spanish antiphoner dating from the late Renaissance, and could have originated either in Spain or the New World.

The remainder of the day was spent in a trip to Denver Public Library to view the CARL (Colorado Alliance of Research Libraries) online catalog. An evening recital was given by Robin Knight, soprano and Peter Pasztor, piano (CU students). The recital was followed by a reception and tour of the CU Music Library.

The second day of the conference began with presentations by two CU doctoral students. Brian Prud'Homme spoke about Robert de Visée as a theorist and Danial Jones discussed country music scholarship.

The final presentation was a panel discussion on bibliographic instruction in music. The panel consisted of Marc Faw (University of Oklahoma), Deborah Fink and Karl Kroeger (University of Colorado), Ellen Johnson (University of Kansas), and Dorman Smith (University of Arizona). Each discussed courses and programs offered at their respective institutions to help music students sharpen their research skills.

At the business meeting, it was decided to hold the Chapter's next annual conference at Arizona State University in Tempe on May 29-30, 1986.

Laurie Eagleson
Secretary/Treasurer

Making the Best of It.
# Financial Report
## 1985

**Previous balance**

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<th>Memberships, 1985</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Memberships, 1986</td>
<td>20.00</td>
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<tr>
<td>Registrations, 1985</td>
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<td><strong>Total</strong></td>
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**Cash receipts**

<table>
<thead>
<tr>
<th>Memberships, 1985</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Registrations, 1985</td>
<td>322.50</td>
</tr>
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</table>

**Cash disbursements**

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<th>1985 Conference Recital</th>
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<tr>
<td>Conference</td>
<td>567.65</td>
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<tr>
<td>Newsletter (12-84)</td>
<td>108.91</td>
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<td>Newsletter (4-85)</td>
<td>131.26</td>
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<tr>
<td><strong>Total</strong></td>
<td>907.82</td>
</tr>
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</table>

**Present balance**

| Boulder deposit        | 125.00 |

**TOTAL ASSETS**

|       | 686.02 |

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*20 people registered for both days $15.00; 3 people registered for one day only $7.50.*

**This represents the total cost to the Chapter after processing fees were added and Interest on the deposit was deducted.**

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Laurie Eagleson
September 9, 1985

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**The Pleasure of Giving**

I'd rather say "You're welcome once, than "Thank you" a thousand times."
Microforms, often very specialized, can also be seldom used in a single institution. As much, many institutions avoid buying the large sets and series— or buy very selectively— but would still like to have some access to them. Recognizing the need for resource sharing and cooperative collection development, the Mountain-Plains Chapter of MLA is beginning to compile a list of sets and series of music in microformat held by libraries in our region. Our hope is to produce a printed union list in the near future that will create a greater awareness of resources in the region.

Use the form on the opposite page as a master copy for the generation of the photocopied forms on which you can report your institution’s holdings. To be included are: 1) Manuscript sets (e.g., Music Collection of Christ Church, Oxford); 2) Collections for which the printed volumes are cited in Heyer’s Historical Sets, Collected Editions, and Monuments of Music (e.g., Denkmaler deutscher Tonkunst); and 3) Microform sets of books, scores, theses, and dissertations (e.g., Music Dictionaries and Encyclopedias, 1475-1900 (Brookhaven Press).

Do not include ERIC, HRAF, Library of American Civilization, Sabin, or Early American Imprints (Evans), as these are widely distributed and peripheral, the Evans having an index devoted to music.

Periodicals should also be disregarded, as these are covered in other union listing projects.

For data collection:

In “Library”, type your institution’s name, and make photocopies.

Not all of the unique identifiers will be present for all titles; fill in only those which are stated in the source or bibliographic record.

Description may include a succinct summary, subject headings, or physical description. The number of titles/compositions within the collection may also be helpful.

*Index*ed in* should cite available indexes for public access, either commercially or locally produced in any format.

Return forms to:

Ralph Hartsook
MISUL Coordinator
Cataloging Dept., Box 6022
Northern Arizona University Libraries
Flagstaff, AZ 86011

Answer the First Rap.
Music and Copyright

By Ellen S. Johnson

The administration of a sound archive located in an institution of higher education is so vitally tied to copyright laws and the interpretation of their use that it behooves the sound archivist to be familiar with the law and to have a summary of the archive's obligations conveniently at hand. Applying the law requires the archivist to rely on the advice of professional organizations and the guides and summaries they produce for his/her benefit. Even with this knowledge and an excellent bibliography of up-to-date reading material to choose from, specific incidents may arise which require appointing a special committee within the institution and the advice of an in-house lawyer. Since it is impossible to know in advance what question may arise and whether a complaint will be from an external or an internal source, wisdom dictates that a lively curiosity about other archives and archivist's activities is essential. What are other archives doing and how do they deal with a situation. Is a procedure proper or are there irregularities. Is a question one of copyright and who owns the copyright if it is a question of a contract, and if so, which contract and between whom. Is there a written contract or is a contract implied.

Probably the most difficult activity to control in an institution of higher education is the public performance of a sound recording played as background music in a stage production or in a radio or television broadcast. Regular communication occurs between the show directors and the archivist. The archivist keeps a musicians guide containing names and addresses near the telephone, but does not give legal advice.

As global developments in modern technology and communication affect the recording industry and its products, the spin off affects sound archives around the world. Some of these are satellite broadcasting and transmission, subscription/telephone services, computer applications, and the more prosaic events such as the technology to do home taping from television, the appearance of commercial record rental shops, and the arrival of digital recording, high resolution chrome cassettes and the compact disc.

The May 1985 International Musician reports, "Last year, as the result of the combined work of the RIAA's Anti-Piracy Unit, the FBI and state and local law enforcement agencies, over $78 million in illegal sound and video recordings and related manufacturing equipment were seized in the U.S. alone. According to the RIAA, illicit

Note: This paper was presented at the Annual Conference of the Mountain Plains Music Library Association at Boulder, Colorado, May 1985. Mrs. Johnson is Librarian of the Archives of Recorded Sound, Thomas Gorton Music Library, University of Kansas, Lawrence.
hard- and software confiscated in 1984 included record counterfeiting and audio/video tape duplication equipment; masters and raw material; and tens of thousands of counterfeit, pirate and bootleg LPs, singles, 8-tracks, and audio and video cassettes. In addition, some forty arrests were made, fifty-four prosecutions were commenced, and forty individuals were convicted for violations of various piracy statutes." President Stanley Gortikov says "Around the world, sales of counterfeit and pirated recordings have displaced some $1 billion in sales." "American recordings are being manufactured and sold by pirates and counterfeiters in many nations with the tacit approval of their governments. This practice makes it more difficult for the industry to finance the seventy to eighty percent of its release that don't become hits--a necessity if the industry is to make room for promising new artists", and is of special concern to libraries which buy classical music.

The Music Publishers Association Newsletter, June 1984, reproduces an article from the Daily News of Los Angeles in April stating that F.E.L. Publications, a composer of religious music, was awarded $3.2 million in a lawsuit against the Roman Catholic Archdiocese of Chicago for violation of federal copyright laws by photocopying and using hymns published by F.E.L.

Recognition of the social and educational value of sound recordings has led countries to set up procedures for obligatory deposit in the country where they are produced, so that the heritage may be protected and preserved. An invaluable summary, by Trevor Pearcey and Gillian Davis, of the deposit laws in thirty one countries appears in the IASA (International Association of Sound Archives) Phonographic Bulletin, number 36, July 1983, pages 14-48. Of the thirty one, twenty four countries have legislation requiring deposit of the recording for purposes of copyright protection and eight require deposit for cultural purposes, the United States requires both. A handy three page chart lists the countries alphabetically, identifying law number, the date enacted and the purpose of the deposit. The chart is followed by a summary, article by article, of each country's law.

Almost every significant country in the world subscribes to the Berne Convention or the Universal Copyright Convention, possibly both. To enjoy the protection of these Conventions the work or phonogram must have been created by someone who is a citizen of one of these countries or the maker must be in one of these countries. The individual performer's rights are usually protected by organizations in the recording industry. The copyright of a musical work and of its performance are quite separate. The recording may enjoy copyright even though the musical composition being recorded remains in the public domain. Sizable documentation is being compiled in many countries by special government committees in response to the current musical copyright laws. For example, in 1973 in Britain, the Whitford Committee was set up to hear evidence from a wide variety of interested parties. Its report was published as HMSO Cmd 6732 in March 1977. In July
1981, the government published a consultive document (green paper) on Reform of the Law Relating to Copyright, Designs and Performers’ Protection (HMSO Cmd 8302) expressing the hope that a lively public debate will occur before new legislation is drafted. “Musical Copyright: Some Practical Obligations,” by Michael Freeguard, Chief Executive, Performing Right Society, Ltd, published in the British Music Yearbook 1983, pages 131-139, sets out the “main considerations which ought to be in the minds of anyone concerned with the composition, publications, teaching, performance or other use of music. Except where stated otherwise, the principles referred to are those in force in the United Kingdom under the Copyright Act of 1956.” These few pages hold an amazing amount of information.

In the United States of America the Report of the Register of Copyrights, Library Production of Copyrighted Works (17 U.S. Code 108) was published in seven volumes in January 1983. It is a depository library item. It is not available from the Copyright Office or from the Government Printing Office, but from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22151. The twenty four page booklet, The United States Copyright Law, A Guide for Music Educators, issued jointly by Music Publishers’ Association of the United States, Music Educators National Conference, Music Teachers National Association of Schools of Music, is excellent. It is not copyrighted. Readers are encouraged to reproduce it in order to assure its widest possible circulation. MPA will send a copy free of charge.

Universities and colleges such as the University of Kansas with which the author is most familiar, sign agreements with BMI (Broadcast Music, Inc.) a New York corporation, ASCAP (American Society of composers, Authors and Publishers), and SESAC, a New York corporation, for two to four years and pay blanket fees for the use of all music in these organizations purview. If the fee is not paid, then the institution is liable for violation of copyright law. The NACUBO (National Association of College and University Business Officers) has negotiating team members from the National Association for Campus Activities; Association of College Unions-International; National Association of Student Personnel Administrators; Association of College, University, and Community Art Administrators; National Association of Schools of Music; and the National Association of College and University Attorneys.

In November 1984, the University of Texas, Austin, stopped illegal copying of music and signed a comprehensive settlement agreement with the National Music Publishers Association in New York to avoid legal action for unauthorized copying of copyrighted music. The University published and disseminated a Letter of Policy to all administrative and academic units and to all members of its Music Department. The University posted 22 "x 28" NOTICE AND WARNING posters at all photocopying and duplicating facilities at Austin and at Music Departments throughout the University of Texas system. Unauthorized copies of music were destroyed.
As collectors search for an active archive in which to deposit their life's work, they have many questions about the care of their recordings and the purpose of the archive which they are dealing with. The staff may spend many weeks compiling a suitable contract between the donor and the archive. To assist in this process the Copyright Committee of the IASA has prepared two model contracts written by Chairman Robert Ternisien with the assistance of Secretary Ellen Johnson. It is hoped that they may be a guide for archives involved in such endeavors so that the archives' rights and purposes may be protected and the sound recordings to be deposited may be preserved for posterity.

The two model contracts are printed in the IASA Phonographic Bulletin, no. 41, March 1985, on pages 35-39. The first model contract Donor's Assignments Of Sound Recordings To A Documentary Archive, has appropriate spaces for the name(s) of the donor(s) and recipient, followed by wording and blank space for description of the gift, origin of the gift, conditions of assignment, right of use, particular conditions and space for signatures. The second model contract Donor's Assignment Of His/Her Right For Reproduction Of Sound Recordings And Related Documents To The Recipient Archive, contains appropriate spaces for the name(s) of the donor(s) and the recipient and seven articles giving details on the right of the archive to reproduce the recordings, definition of the purposes of reproduction, right of public transmission, right of conversion into written form, right of exchange with other archives, statement on contracts with organizations (i.e. BMI, ASCAP, IFPI, etc.) and space for signatures.

In conclusion, this author expects that the immediate and long range needs of sound archives in higher education and in the public and private sector as they are written out by archivists and promoted through the organizations that represent them will be formulated in cooperation with the bodies mentioned in this paper. In some activities sound archives need exemption from copyright laws; in other activities they should seek arrangements and make reasonable payments through their parent institutions. The ability to record and preserve the sound of our musical and oral heritage is one of the greatest accomplishments of this century.

A Good Exercise.

\[ \text{Allegretto} \]

With evil things you'll always find it's best to be dead, dumb and blind.
The Music Library of Arizona State University was established as a departmental "Research Facility" in 1963 by the Dean of Fine Arts, Henry Bruinsma. By 1968, the collection in this location consisted of 600 records, 2,000 scores and 2 reference titles (Groves and Harvard) 5 turntables and space to seat 20 students. The staff of 1 librarian and 3 students served 100 music majors and 20 faculty.

In 1971 the University Libraries assumed responsibility for the administration of the facility and the collection. It became a branch of the University Libraries and was moved to the newly completed Music Building. The collection now numbers 17,000 cataloged recordings, 70,000 volumes of cataloged scores and books, including 13,000 volumes in music special collections. A backlog of 15,000 recordings is awaiting cataloging.

The collection is a split collection with books being shelved in the main library. Music special collections include the International Percussion Reference Library of over 3,000 titles, a sheet music collection of 5,000 titles (mostly popular songs), and the Wayne King Collection of 5,500 popular songs arranged for dance band and 120 films of the Wayne King television programs of 1949-1952. In addition to performance scores and recordings, the collection includes reference works, scholarly works, periodicals and serials. The Music Library participates in inter-library loan with the exception of non-circulating scholarly works and recordings.

The Music Library serves a School of Music with over 60 distinguished faculty, 200 graduate and 450 undergraduate student majors and 2,000 non-majors enrolled in music classes. The Arizona State University Music Library is the major collection of music in the area. As such, it not only supports the performance and music research needs of the academic community, but also that of musicians and scholars in the metropolitan area as well.

The facilities include a 10-channel, 87-station listening system for group listening and 18 listening stations for individual use. Playback capabilities include disc, cassette and reel-to-reel. Video can be arranged. One Apple IIe computer is available for patron use. There is seating for 150 people.

Loan periods for faculty are 150 days, doctoral students 90 days, masters students 30 days, and undergraduates and courtesy card holders 14 days. Courtesy cards for loans are issued to Arizona residents over the age of 21, if they so request them.

To Understand.
As part of the University Libraries system, the Music Library uses ALIS, an UTLAS on-line circulation system. An on-line public access catalog is currently being tested and will be operational by the first of the year.

The staff includes 2.5 professionals, 1 library assistant and 9 workstudy positions. Music catalogers at the main library include 1.5 professionals and 1 library assistant. One of these positions is split between the Music Library and Catalog Service.

MUSIC LIBRARY STAFF:

Arllys McDonald - Head, Music Library; collection development, reference
Associate Librarian

Shelley McGehee - Record cataloging, reference
Assistant Librarian

Annette Yoth - Score cataloging, reference
Associate Librarian

Linda Elsasser - Circulation
Library Assistant II

CATALOG SERVICE (MUSIC CATALOGING)

Al-Hwa Wu - Unit Head, Music; score and music serials cataloger
Associate Librarian

Stephen Lankford - Score cataloger
Library Assistant III

LIBRARY HOURS:

8am - 10pm M-Th; 8am - 5pm F; 1pm - 5pm Sat; 2pm - 10pm Sun.

ADDRESS: Music Library
Arizona State University
Tempe, AZ. 85287
Phone: (602) 965-3513

First Ask Yourself.

Tailpieces from Half Minute Songs by Carrie Jacobs Bond. (Chicago, 1910-11)
It was originally suggested at our meeting in Albuquerque in 1984 (but subsequently forgotten by your forgetful chairman) that our membership year be changed from January-December to September-August to coincide with the national organization. There are other possible benefits or problems: We might be more successful collecting our dues on this new schedule. How would we set the dues in the year there is the change?

This issue obviously requires a vote of the membership. Please mark the ballot below and mail it to Laurie Eagleson, Secretary/Treasurer, Catalog Dept., University Library, University of Arizona, Tucson, AZ 85721. Since only members can vote, please put your name on the envelope with your return address.

[] I favor changing the membership year to September-August

[] I favor retaining the membership year as it is presently

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MEMBERS—PLEASE CAST YOUR VOTES!

TIME TO RENEW YOUR MEMBERSHIP FOR 1985

MOUNTAIN-PLAINS CHAPTER -- MUSIC LIBRARY ASSOCIATION

Enclosed please find my check for $5.00 for membership in the Mountain-Plains Chapter of the Music Library Association.

NAME: _____________________________________________

ADDRESS: __________________________________________

CITY: __________________________ STATE: __________ ZIP: ______

INSTITUTION: _______________________________________

OFFICE PHONE: ( ) HOME PHONE: ( )

/ / I am a member of the Music Library Association.

Please make check or money order payable to the Mountain-Plains Chapter, MLA, and mail to: Laurie Eagleson, Sec./Treas., 9532 E. Irene, Tucson, AZ 85730.

The membership year is from January 1 to December 31.

Please notify us of a change of address.