## Suggestions for Performance

The eight compositions gathered into this collection are art music written for an organ with three manuals and pedals but are also entirely playable on a two manual instrument. For a skilled organist they are of average difficulty and call for legato technique punctuated with other types of touch where indicated in the score or when deemed appropriate by the performer. These compositions make use of animated counterpoint, chromatic harmonies, a bit of the unexpected, and demonstrate imagination quick enough to capture and hold the interest of listeners. While they would make for effective recital and lesson material a place also may also be found for it somewhere in the worship service where individual pieces or sections might serve for preludes, offertories, postludes, or for communion or dedication ceremonies. Individual sections from the first two pieces might also be separated, if the entire piece happens to be too long, and performed separately.

In performing these works it will be incumbent upon the performer to make mental adjustments if necessary to the score so the music makes it for the listener. As with any organ music some experimentation can be expected in order to bring out best what's written on the page. In very wet acoustics the organist will need to play a little slower and more detached to keep things clear. In dry acoustics the rests between detached chords may need to be shortened more and the chords held longer than their written values. The fundamental pulse is to be retained, but variations in tempo can and should be introduced at appropriate places to nuance the music and keep it from sounding mechanical. These places have been marked in the scores.

Tempo marks corresponding to beats per minute also have been included, with the crotchet (quarter note) receiving one beat and descriptive terms written in the universal musical language of Italian. These are relative only and should be understood as broad approximations to be used as a guide which, like all tempo marks, may not be appropriate in every circumstance

due to the personal interpretations of performers, the way the instrument at hand responds, and especially, the way its sound lingers in its own acoustical environment. The feeling aroused by the harmonic structure of the music will be the true source of correct tempo in any given situation, thus performers are apt to find their tempo mark in the composition itself rather than in the instructions at the beginning.

Markings for tempi appear as follows:

```
Quarter note = 162-182 -- Vivace
142-161 -- Allegro molto
120-141 -- Allegro
100-119 -- Allegretto
80-99 -- Moderato
60-79 -- Andante
42-59 -- Adagio
30-41 -- Lento
```

The 4 part writing found in these 8 pieces is in standard organ score (3 staff) notated with treble and bass clefs. Voice ranges in these pieces are never exceeded. Save for Op. 14, a technical etude which teaches the entire instrument, voice lines are never permitted to cross. These 8 works stay within the following voice ranges:

```
Top (treble) staff:
```

Soprano voice – tenor A to high A (1st line above staff)

Alto voice – tenor G to D (4<sup>th</sup> line)

Middle (bass) staff:

Tenor voice - Tenor C to middle G

**Bottom (bass) staff:** 

Bass voice - Bass (low) C to middle E

In these works the compass of the bass voice is extended downward to low C. In passages of 5 part writing an additional high bass, or baritone, voice is supplied being notated on the middle staff below the tenor line using upward stems for the tenor and downward stems for the baritone.

In this music the stretch for the hands is kept at an octave or less. Registration suggestions along with indications for hand division are included with the score. The choices of stops and couplers will depend upon personal taste and require more or less adjustment depending upon the resources of the

## instrument at hand.

This collection leads off with a spacious tripartite work -- Praeludium, Chorale, and Fugue in d minor Op. 10 – dedicated to and written to honor that Colossus of composers Johann Sebastian Bach. There is so much about this enormous man Bach that could be venerated in so many musical ways that any single work which proposes to pay homage to him will necessarily fall short of its intended mark before it even begins; nevertheless, it has to begin somehow, unfold somehow, and end somehow. In this example all 3 major parts of the piece are built around a single stepwise melodic motif, lending a very strong sense of unity to the entire piece.

Bach enjoyed a preoccupation with numerical symbolism and to cleverly embed this symbolism in his compositions. Among the numbers important to him was the number 7, it being the number of perfection and completion in Christian theology, which suggested to him the Creator and/or creation. Knowing this and that Bach was a devout Christian his melodic signature Bb-A-C-B has been deliberately woven into the middle voice (alto/tenor) harmony of this piece in 7 different locations to further honor his surname and reference his almost super-human invention and creativity. These 7 places in the score have been marked with slurs. This signature of his happens immediately in the opening 4 notes of the music and is obvious enough, but the remaining 6 spots in this piece where this takes place are well hidden from the ear. To hear people insist that they only heard it once at the beginning is likely to have given old Bach a chuckle or two.

This Praeludium is fashioned as a Baroque organ toccata which follows the multi-sectional "stylus fantasticus" model as it was interpreted during the second half of the  $17^{th}$  century by north German organists in general, and Buxtehude and Bruhns in particular, whose music Bach as a young organist carefully studied. While it was as much a performance style having wide contrasts as it was a compositional plan it tended to crystallize in the hands of the old masters of the north German Baroque into a form having various subsections which may or may not be related thematically. It had as many as 7 short subsections of approximately equal length in which 4 free subsections usually alternated with 3 strict subsections each written in different meters [free – strict (4/4) – free – strict (3/2) – free – strict (6/8) – free]. The composer was free however to contract this general plan down to fewer subsections, and, in this example, there are 6 subsections all of which employ variations of the same stepwise motif with the last  $(7^{th})$  free subsection omitted.

The slow central movement which follows this Praeludium leads to a bridge section and then to a 4 voice Fugue written in quadruple counterpoint having 3 countersubjects.

[NOTE: The slow central movement is effective as a stand alone piece and has been arranged separately for two hands as Op. 9. This preserves its autonomy and further honors the dedicatee whose habit it often was to repackage some of his previously composed music within a larger, brand new work. As stated, this Praeludium is provided with 6 subsections in which 3 brief subsections of free chords and running figuration alternate with 3 more of strict 4-part polyphony. The opening free subsection in 4/4 meter takes an oblique approach to establishing the tonic tonality by means of a slow introduction in the key of b minor – the relative of the parallel key of the tonic - which ends with a brief pause on the dominant chord. This leads to manual figuration in the parallel major with an increase in tempo and rapid modulation to the tonic. After another pause on a big VI (Bb Major) chord even more energetic manual figuration and a virtuoso pedal solo follows, and this subsection ends with a full cadence in the home key. In the strict subsection which follows the meter remains the same, the key switches to the subdominant (g minor), it proceeds in 4 voices, and also closes with a full cadence in the home key. The 2<sup>nd</sup> free subsection converts to the dominant key (a minor) and 12/8 meter, assigns the thematic material to the high octave of the pedals underneath rapid manual figuration for both hands, and closes with a half cadence. The 2<sup>nd</sup> strict subsection converts to 3/2 meter, continues in 3 voices in the dominant key, adds a 4th free voice, and ends with a full cadence. The 3<sup>rd</sup> free subsection remains in 3/2 meter, employs more rapid manual figuration over dominant and tonic pedal points, and ends with a full cadence in the home key. The 3<sup>rd</sup> strict subsection converts to the relative key (F major) and compound duple meter (6/8) and proceeds in 4 voices with an increase in tempo. In this subjection the tenor staff is divided to include a low tenor (baritone) voice, the latter remaining silent through the first half of this subsection after which it takes over for the upper tenor. The Praeludium closes with this "jig" subsection with a reduction in tempo, a slowing momentum over a tonic pedal point, and a final tonic chord in 5 voices incorporating both voices on the tenor staff and a Picardy third in the right hand. The exact notes involved in the execution of ornaments in this Praeludium are written into the notation to facilitate the intended execution. A bright plenum sound (principal chorus through mixtures) in the manuals with secondary manual coupled with passages of polyphony taken on the

secondary manual is suggested. All large scale thick-sounding stops, tubby-sounding Diapasons and Tibias, assertive 4-foot reeds, and screaming mixtures are best avoided in the manual plenum. A simplified Pedal registration, such as a tame 16-foot reed all by itself or with maybe a pair of soft covered flutes at 16- and 8-foot pitches added, is the minimum needed to bring out the Pedal line. For the Fugue, recalling that its entire effect will depend upon the clarity of its moving lines, all high pitched Pedal upperwork (4-foots, 2-foots, mixtures) and 8-foot Pedal reeds should remain undrawn so the tenor line remains clearly evident. Additional 8-foot manual reed tone if not too assertive, or if it can be coupled from an expressive division with the box partway closed, might be drawn with this manual plenum.

Particulars regarding the central Chorale may be found in the notes to the Ten Pieces for Organ Op. 1-9. It basically presents the 1<sup>st</sup> theme as a bass solo, then harmonizes it in 4 voices, then harmonizes a 2<sup>nd</sup> theme in 4 voices, then brings back the 1<sup>st</sup> theme as a 3-part canon at the octave. What follows is a brief development during which both the dynamic and tempo boil up a place where the texture unravels to one voice and then subsides before the final subsection which combines both themes.

A bridge passage of 17 bars and 3-voice texture follows and is scored for quiet 8-foot foundation stops during which all 3 countersubjects from the Fugue are introduced in pairs, providing a hint at what is to follow. Passing through the keys of b minor, e minor, a minor, and back finally to the home key, this brief connecting passage comes to a full stop on a half cadence.

The 4-voice Fugue written in quadruple counterpoint begins immediately afterward with a return to the starting registration. Its subject starts on scale degree 1 in the soprano and is supplied with a real answer in the dominant. The exposition modulates to the relative key and reintroduces the countersubjects with extended links separating the entries of the 3<sup>rd</sup> and 4<sup>th</sup> voices. Following an extended episode an unexpected entry in the unrelated key of c minor leads to an episode in F major which modulates back to the home key but with a sudden turn back into the unrelated key of c minor for the ensuing entry. An extended second episode in Eb Major follows and modulates to additional entries in Bb Major and g minor. After the tempo slows and reaches a brief pause the final entry begins in the home key. This is a stretto entry which introduces the subject successively in the bass, alto, tenor, and soprano at a one bar distance during which the music undergoes a crescendo. After a 5<sup>th</sup> voice (low tenor, or baritone) is added the music takes an unexpected turn toward the relative key before being pulled quickly back

to the home tonality. The piece ends in spread harmony in 8 voices on a final tonic chord employing a double pedal and double Picardy  $3^{\rm rd}$  in the right hand. This large and complex cycle honoring the greatest Western composer in history closes with great finality with the full power of the instrument.

Because it was written much earlier, the ensuing c minor Op. 11 Prelude and (double) Fugue is grouped with this collection rather than with the Five Preludes & Fugues in Op. 24-28. This singular work consists of an energetic Prelude developed in continuous expansion form paired with a bold, related 4 voice double Fugue written in quadruple counterpoint. Both fugue subjects are each developed separately with their respective countersubjects in this piece before all 4 moving lines are combined.

The Prelude begins in a tonally unusual and strange way not in the tonic key but in the dominant key (g minor) with a troubled theme which boils up into 4 voices from the opening, voice by voice, over the tension of a secondary dominant pedal point. Its theme derives from rhythmic transformation of the Fugue's 1st subject, and this same relentless driving rhythm is maintained clear through to the end of the Prelude. Throughout the Prelude almost no time is spent in the tonic key save for the coda. A modulating sequence leads to the home key but not long enough for it to establish itself as there is immediately a quick modulation from there to the relative key where the texture thins to 3 voices. Another modulating sequence then takes the music into the subdominant of the relative key where the theme is reiterated over another dominant pedal point. A sudden shift to the subdominant key employing yet another dominant pedal point carries the music into a short coda during which a 5<sup>th</sup> voice (low tenor, or baritone) is added in the left hand and the tail of the theme is quoted in the bottom octave of the pedals. The home key remains a bit clandestine and ambiguous throughout the Prelude until the last few bars where the subdominant tonality strongly asserts itself and the final tonic chord sounds finally in 5 voices. A bright plenum sound works well for this Prelude with the opening pedal point reduced to single 16foot Bourdon, then a bigger Pedal sound as the Pedal begins to carry its own melodic line.

The related double Fugue written in quadruple counterpoint seems to rise from the foaming Prelude and presents 2 subjects which are introduced separately, developed in their own sections, and then combined in a third section. The 1<sup>st</sup> subject begins on scale degree one, is developed in conventional tonic-dominant common practice manner with a tonal answer,

and has a slurred fragment in its second measure that reappears each time. The exposition of this subject introduces 3 recurring countersubjects which are repeated in 2 more entries in related keys before this 1st section closes with a full cadence. Both episodes in this 1st section of the Fugue anticipate variation B of the countersubject from the 2<sup>nd</sup> section thus lending a very strong sense of unity to this music. Then, with the pedal stops reduced to 8foot pitch, the 2<sup>nd</sup> subject, which also begins on scale degree 1, is introduced in the next section in the home key and twice answered at the octave rather than the 5<sup>th</sup> of the scale. Here Invention procedure is radically applied to the exposition of this subject as if it were a much shorter motive destined to be developed in only 3 voices, thus the expected tonic-dominant tension of a fugue exposition is lacking. Additionally, this 2<sup>nd</sup> subject is boldly paired with a countersubject which exists in 2 Forms (labeled A and B in the score), both of which reappear in the final combinatory section. Here a line of counterpoint accompanies the initial statement of the 2<sup>nd</sup> subject to avoid the music unraveling down to just one voice – a situation which would cause the energy level of the music to drop. In another bold, undaunted, and unexpected move the music modulates to the relative key (Eb Major) for the entry of the 4<sup>th</sup> voice. Form A of the countersubject is first to pair with the 2<sup>nd</sup> subject, but after the 4<sup>th</sup> voice enters in the relative key an episode follows which quotes Form B of the countersubject in the bass. One more entry in a related key (Ab Major) ensues in which Form B of the countersubject reappears. This singular section due to its peculiar treatment creates a vivid sonic contrast with the section preceding it, and it concludes with another full cadence in the home key. The 3<sup>rd</sup> and final section of this Fugue is also in the home key, restores the 16-foot pitch to the pedal, and is combinatory where both subjects enter for the first time as an inseparable pair. Following a short modulation which returns to the home key both subjects along with the 1<sup>st</sup> countersubject from the 1<sup>st</sup> section and Form A of the countersubject from the 2<sup>nd</sup> section are then combined. An episode follows in which the 2<sup>nd</sup> subject is carried in the top line as the music modulates back to the relative key. This leads to an entry of the 1st subject and Form B of the countersubject from the 2<sup>nd</sup> section. A pseudo-stretto passage follows in which the key shifts to Ab Major and the 2nd subject enters in the bass at the distance of a half bar in the alto at the same time that Form B of the countersubject from the 2<sup>nd</sup> section enters in the tenor. The 1<sup>st</sup> subject then enters in the bass in the relative key (Eb Major) and follows itself in strict imitation in the alto voice at the distance of a half bar. A coda of 10 bars concludes the work during which

the 1<sup>st</sup> subject is inverted in the soprano in the subdominant key (f minor). Here the low tenor (baritone) voice reappears to replace the tenor and carries an additional figure. A rest is introduced here in the pedal line during which an optional 32-foot stop in the pedal may be drawn. Then, with 32-foot tone drawn in the pedal over a held C in the middle of the pedalboard, the texture expands to 5 voices as the tenor voice resumes and the additional figure is imitated at the octave in the soprano at the distance of a half bar. The finality needed for the home key to reassert itself is largely provided by this tonic pedal point. After a 6<sup>th</sup> voice enters the forward motion of the music stops at a pause after which a dissonant penultimate chord in 7 voices leads to yet another pause. This chord resolves to the tonic chord in 8 voices employing a Picardy 3<sup>rd</sup> and double pedal over the full power of the organ, and the music ends with great finality exploiting to the fullest the downward sonority of the instrument.

The Ab Major Op. 12 Andante is a work with 2 themes, one lyrical and poignant and the other lighthearted and playful, which are first treated in a variety of canons and then combined at the end. Dedicated to the memory of the composer's mother, this piece describes in musical terms a childhood built around a mother's love. It also provides an opportunity to demonstrate the colorful timbres the instrument at hand. Canonic passages might be worked with 2 different color stops in the hands, a flute in the right hand, for example, and a color reed (Cromorne, Clarinet, Oboe, Cor Anglais, etc.) in the left hand. In the absence of a color reed stop a 5-rank Cornet (sounding pitches at 8-foot, 4-foot, 2-2/3 foot, 2-foot, and 1-3/5 foot) could be employed, or a "synthetic" Clarinet of 3 ranks might be substituted by combining mutation stops at 2-2/3 and 1-3/5 foot pitch with an 8-foot flute, switching hands, and keeping the right hand solo line above middle C4 (to keep the mutations from sounding in the tenor octave where they can disturb the sense of key). The 1<sup>st</sup> theme is harmonized in 4 parts, then worked in inverse movement as a 2-part canon at the octave at the same time it enters right side up in the tenor voice. This theme is then presented in retrograde as a 3-part canon, still in 4 voices. A 2<sup>nd</sup> playful theme is then introduced in 3-part texture using only 8-foot stops in the pedal. This theme is then worked again as a 2-part augmentation canon at the octave between the outer voices (soprano and bass) with 16-foot pedal tone restored. The 1<sup>st</sup> theme then makes its return as a 3-part canon at the octave in trio form, after which the 2<sup>nd</sup> theme is treated as a 2-part canon at the octave at the same time that the 1st theme is combined with it in the tenor

line, still in 3 voices. A short coda rounds out the work very quietly, very longingly, as if recalling the memory of a mother's love. The final chord is in 4 voices. This coda is very effective using the String Celeste stop in an expressive division and coupling it into the pedal.

The A Major Op. 13 Fugue a la gigue written in triple counterpoint is a brisk, exuberant dance fugue for 4 voices with 2 countersubjects. There's a lot going on in this work, and a sturdy plenum in the manuals with a Pedal sound built upon tame 16-foot reed tone is suggested for a starting registration. Inspired by BWV 577, this work has a long subject which begins boldly on scale degree 2 and is supplied with a real answer in the dominant. Following the exposition the subject enters inverted in the dominant key. Here both countersubjects are also inverted, and a variant of the 2<sup>nd</sup> countersubject appears to avoid exceeding the upward limit of the soprano voice. After the music passes through all nearly related keys the subject reenters a final time in the home key, and here the variant of the 2<sup>nd</sup> countersubject appears right side-up. The texture then thins to 2 voices, and the subject unexpectedly reenters in stretto at a 2-bar interval in the subdominant key. This reverses the usual order of operations whereby the stretto, if there is one, typically precedes or perhaps is combined with the final entry of the subject in the home key. During the coda 2 more voices are added, and in the final cadence the top line is ornamented with a trill which is written into the notation to facilitate the intended execution. This work ends with a very big sound during which a 32-foot stop can be added, and it can be expected to be a crowd pleaser with wide audience appeal. It's particularly well suited for a postlude on a joyous feast day or as an encore for a recital.

The Eb Major Op. 14 Trio is written in trio (3-part) texture in simple duple time, a soprano line being assigned to the right hand, a tenor line to the left hand, and the bass to the pedal. There is no alto part. This is a technical study which can be used to get the player used to performing in trio texture as a preparation for studying the 6 Trio Sonatas which J.S. Bach composed for 2 manuals and pedals for the instruction of his eldest son Wilhelm Friedemann The Bach Trio Sonatas, as organists come to know sooner or later, are killers to play when they don't even sound that difficult. While this Trio teaches the entire instrument, the left hand and pedal parts are permitted to cross, and normal S-T-B voice ranges are exceeded. It addresses what is arguably the most challenging aspect of organ playing -- which is getting the left hand and

feet to move independently and in strict time with the right hand. Never in this piece are there more than 3 notes sounding, simultaneously. The pedal part ranges from low C to high Eb, and a pedalboard which extends at least this high will be required to perform this music. Its theme passes through 4 nearly related keys and is worked contrapuntally right side up and inverted. Once learned, this recital worthy Eb Trio would be useful as a character piece and, especially, to help maintain technique. A simple 8-foot registration is demanded for the moving lines in the hands, possibly with flute tone in the right hand on one manual and in the left hand on another manual a color reed like an Oboe or perhaps a stop of unimitative string tone like a Gamba, if not too assertive, carefully selected to balance each other in volume. In the Pedal an 8-foot stop of quiet tone with good blending qualities like a Dulciana, Gedeckt, or even a small scale Horn Diapason if not too assertive, possibly with a quiet 16-foot stop such as a Lieblich Gedeckt added, would be appropriate and effective. In this piece every voice has to sound with clarity and just at the right time. As with learning the Bach trio sonatas, because of the complexity, it's best to practice each line of this work slowly and separately, one line at a time (right hand alone, left hand alone, pedal alone), then in pairs (right hand and pedal, left hand and pedal, both hands together) before trying to put it all together. This piece, while it presents an acceptable challenge, is eminently playable. Slow practice (no more than half concert tempo) dividing the parts like this until it can be played three times without mistakes and only then increasing speed to concert tempo is the key to learning this work as well as any new repertoire.

The B Major Op. 15 Lied (pronounced "leed" in German) is a tender and quiet cradle song. This 4-voice lullaby is written in AABA song form and dedicated to the memory of the composer's brother who died in infancy. The middle section which restates the 16-bar tune in trio texture switches it every two bars between the tenor and soprano voices. The B section which follows the two statements of the theme is truncated, haunting in its simplicity, and consists of nothing more than a very short transitional passage which functions merely to bring about a return to the home key. Here the tempo slows down, the harmony evaporates, and the tenor and bass voices take turns soloing the first few notes of the theme inverted, one at a time. What follows is a poignant final return of the tune and a short coda which ends this music very quietly and peacefully. Here the melody is twice introduced between the outer voices with a canon at the octave at a very soft dynamic and still slower

tempo using a String Celeste stop in an expressive division. The coda has an arresting chromatically altered final chord with a sharpened and flatted  $5^{th}$  2 octaves apart which resolves in 5 voices with a double pedal in the home key.

The Bb Major Op. 16 Canon is a short etude in compound duple time which serves as an introduction to playing in 3 obbligato parts with pedal and as a technical study in canonic writing. It is made up of 4 modulating 3-voice canons at the octave, the middle voice of which ranges across the entire compass of the tenor/alto without voice crossings. As expected, each of the 3part canons are of equal length, the imitations remain at a distance of one bar throughout, and the order of entries are different each time. This music proceeds in trio texture throughout without any dilution of formal rigor -never are there more than 3 voices sounding, simultaneously. The thematic material consists of a single moving line which in the 1st canon enters as expected in the home key one voice at a time but is given a tail which modulates to the dominant key (F Major) before unraveling down to one voice again. The 2<sup>nd</sup> canon enters in the relative key (g minor) and is given the same treatment except that it is non-modulating. The 3<sup>rd</sup> canon enters in the subdominant key (Eb major), inverts all 3 moving lines, and is also nonmodulating. In the 4<sup>th</sup> and final canon the theme returns right side up, remains in the subdominant key, and mimics the melodic outline of the 1st canon by modulating back to the home key for the conclusion. The middle pair of non-modulating canons are thus flanked and balanced equally on both sides by the 1<sup>st</sup> and 4<sup>th</sup> canons which modulate to a key a 5<sup>th</sup> higher. A soft 32foot pedal stop may be drawn to provide additional sonority for the final chord. Suggested indications for tone color and change of manual are marked in the score which also may be modified according to the resources of the instrument at hand and personal taste. Since the two outer voices (soprano and bass) are more noticeable to the ear it will be important to make the middle voice clearly audible when this work is performed. This will mean playing it at a slightly more assertive volume and possibly using a contrasting tone color.

The Eb Major Op. 17 Communion song is constructed in ternary (ABA) form with each of its 3 sections equipped with  $1^{st}$  and  $2^{nd}$  endings enclosed by repeat bars. The first section presents a peaceful theme. During a worship service these repeats need not be included in order to better serve a time requirement, but in a recital situation they should be observed as they form

part of the structure of the piece. A peaceful theme is introduced in the top line of the 1<sup>st</sup> A section as a flute solo, which is harmonized in 4 parts. Here the alto line is absent from the top staff and a baritone (high bass) voice and tenor voice occupy the middle staff. This section is then repeated. In the B section another similar, but equally peaceful, theme is introduced in the dominant key by means of a 2-part canon at the octave between the baritone and soprano, which serve as leader and follower, respectively. Here the alto voice appears, replaces the tenor voice in the harmony, and continues through to the end of the piece. This section, again, is repeated. In the final A section the opening theme returns as a 2-part canon at the octave between the outer voices, with the soprano leading and the bass following, again harmonized in 4 parts, which is repeated. This final section should be brought out with a Celeste stop in an expressive division. A short coda closes the work with great serenity and very quietly in 5 parts with a final return of the tenor voice. This work is easy to play, easy to listen to, and very useful for its intended purpose.

\*

NOTICE: This music constitutes intellectual property protected under the copyright laws of the United States of America. Permission is granted to download, print, save, photocopy, reproduce, or share any of these scores and/or use them for public performance or for educational purposes. Any reproduction, altering, revision, editing, assigning of different authorship, recording and commercial packaging, and/or publishing and distributing any of these scores for profit by any individual, group, business, political party, or government entity without the express written permission of the copyright owner is disallowed by and constitutes an infringement of U.S. copyright law.