

Copyrights and the Church

Highlights from a presentation by Michael Moore, Copyright Administrator, AugsburgFortress, to SEPA Communicators on May 17, 2014.

Copyright issues affect churches significantly. If you “publish” in a way that fixes a copy of copyrighted materials — by including liturgical words or music in a bulletin, projecting copyrighted words on a screen, or embedding YouTube video in your website — you need permission first.

Churches have broad license in local worship settings to perform music (provided legal copies are purchased), recite poetry, perform dramas, etc. That changes if you publish any of the material in fixed form; if, for example, you

- Include the words and score of a hymn in a bulletin or projection
- Podcast or stream your worship or make recordings
- Even making copies that are never used is technically infringement

Assume works are copyrighted, even if you do not see a copyright notice. Under current US law, most works created since 1923 may still be under copyright protection.

Churches should take this seriously. The question to ask is not “What is my chance of being caught?” but “Isn’t the Church called to a higher standard?” Moore said.

Licenses protect churches from what can be significant fines for copyright infringement. Licenses save you the trouble of tracking down individual authors, publishers and copyright holders.

- AugsburgFortress provides a license for use of liturgies and worship services.
- Hymns are licensed by individual publishers.
- For Traditional worship, OneLicense (www.onelicense.net) covers a wide range of hymns.
- For Contemporary/praise music, CCLI (www.ccli.com) includes many popular worship songs.
- (There is also a video license, CVLI, offered by CCLI to cover films from a number of — but not all — movie distributors.)

While these licenses cover the majority of music you may want to use, there are exceptions. Some authors/composers and publishers do not participate in licensing programs, many of whom are outside the U.S.

- If a work is not covered, you must contact the copyright holder(s) for permission before using.

Live streaming and Internet posting requires additional permission.

- Holders of the AugsburgFortress liturgies license or subscribers to SundaysandSeasons.com have a free, automatic license to podcast liturgical texts and music. Hymns are a different story.
- OneLicense does allow you to add podcasting, but their license covers only about 60% of publishers participating in their print license.
- CCLI also allows license holders to add a podcasting license.

Recording copyrighted works for a CD or Internet video require, in addition to a license from the publisher, a “mechanical” license from a rights organization such as ASCAP, BMI or SESAC.

Key Takeaways:

As far as copyright is concerned, it is not better to ask forgiveness than permission.

Permission *can* be granted after the fact, but the price generally goes up. Forgiveness can be much more expensive than getting permission in advance.

Be ahead of the curve in your planning. If you must contact a publisher or author, because you don’t have a license or a work is not covered, you cannot expect to call Friday and use the material in Sunday’s bulletin. Moore suggests being 4 to 6 weeks ahead in planning to assure that rights can be obtained.

Uses outside of a live, local, one-time performance probably require additional permission. If you are making copies — printing worship folders, archiving a recording of your worship, posting a choir performance on YouTube — you need permission. Playing a video in worship is covered, but streaming it or including it in a recording is not.

As “publisher” of your bulletin, newsletter, website or social media presence, you are responsible for any infringements — not the Internet host, website consultant, newsletter designer or any other party.

When in doubt contact Michael Moore, copyright administrator at AugsburgFortress, at 612.330.3530 (Monday to Friday, 9 am to 5 pm Eastern) or at copyright@augzburgfortress.org.