



# Copyright and Churches

Archdiocese of Cincinnati

Office for Divine Worship and Sacraments

& the Archdiocesan Music Committee, March 2017

**Many published works are protected by national and international copyright laws, which are intended to ensure that composers, text writers, publishers, and their employees receive a fair return for their work. Churches and other institutions have a legal and moral obligation to seek proper permissions and to pay for reprinting of published works when required, even if copies are intended only for the use of the congregation.**

(no. 105, Sing to the Lord: Music in Divine Worship, © 2007, USCCB).

*This document is intended to give guidance to the parishes and institutions of the Archdiocese of Cincinnati on this important matter.*

## 1. “What is a copyright?”

Creative works, such as musical compositions, are the property of those who create them. Generally, a “copyright” is the legal protection of a creative work. Using a work without permission that is under copyright is not only an issue of social justice, but may be against the law with potentially severe financial penalties. There are very limited exemptions from copyright law for churches, but those often do not apply to the use of religious music. Creative works are protected for 95 years (if published before 1978), or the life of the creator of the work plus 70 years if published after January 1, 1978.

## 2. “Where do I find the copyright information?”

Frequently, a notice at the bottom of the first page or in an index in the front or back of a collection will indicate who holds the copyright. Sometimes the copyright holder will assign an agent to manage the copyrighted work. In the event no copyright information is present, further research to locate a copyright owner may be required. The user bears legal responsibility for obtaining permission. It is inadvisable to make the assumption that a work is in the public domain due to the lack of copyright information.

## 3. “When is it necessary to seek permission to use a copyrighted work?”

The simple answer is: always. Whenever a copyrighted work is reproduced in any form, permission must be obtained.

Examples of this would include:

- Print (i.e. bulletins, song books, worship aids or other handouts)
- Projection (including texts and musical notation)
- Audio recording
- Video recording (i.e. live streaming, services such as YouTube or Vimeo)

## 4. “Can I make a new arrangement of a copyrighted song?”

Permission to alter a copyrighted work, such as the creation of a new arrangement, must be sought from the copyright holder. Selling the arrangement will require the arranger to work with the copyright owner for proper licensing and the payment of royalties.

## 5. “Isn’t it time-consuming to obtain permission?”

A quick internet search will often produce the contact information for the composer and/or publisher. Major music publishers generally have a dedicated phone number or email for permissions. Composers often have their own website and/or a Facebook page. These can be useful avenues for contacting composers not managed by a major publisher.

## 6. “We have lots of photocopies of choir music. What should I do with them?”

Unless you obtain permission, photocopied music is usually illegal. One exception would be if a title was

listed as “out of print” on a publisher’s website. In that case, the publisher might grant permission to reproduce a song for a reduced fee and permission should be indicated on the photocopies — but remember to ask the publisher first. It is always advisable to keep a copy of the correspondence granting permission. Even in a situation where you didn’t photocopy the music yourself, if your church is in possession of or distributes illegal copies, you could be faced with a claim of copyright infringement. Illegal copies of music and other copyrighted material should be destroyed immediately—EXCEPT if you are currently aware of a copyright infringement claim, allegation, or dispute. In that case, you may NOT destroy copies or other evidence and should consult legal counsel immediately.

**7. “Who is hurt by using copyrighted works illegally?”**

Composers and copyright owners rely on royalties for their income. Photocopying music or otherwise reproducing the music without permission denies their royalty and is stealing. Publishers rely on sales. They cannot produce future resources without the money generated by the sale of their products.

**8. “Do I need permission to ‘perform’ music in a worship service?”**

No, you do not need permission to perform music in worship services. Copyright law specifically allows this. However, if you were performing music in a concert setting, you would need permission. You would also need permission to record, distribute, or live stream the performance. (For church musicals and anthems, check the copyright page of the work. Often, permission is granted for performance with the appropriate copyright notice printed or displayed.)

**9. “My church produces video recordings of some of our Masses. Do we need permissions for these?”**

Yes, churches producing and distributing video recordings of their worship services need to obtain a mechanical license for each copyrighted work included. This includes music, copyrighted readings, etc. It does not matter whether you sell them or give them away for free.

**10. “What is a mechanical license?”**

A mechanical license grants permission to record and distribute a copyrighted work. It does not apply to reproducing and distributing existing recordings, performing music in a concert setting, or any other copying. A fee, set by law, is charged for each recording that is made. The current mechanical license fee is 9.1 cents per song or 1.75 cents per minute, whichever is greater. This rate applies to records and downloads.

**11. “What license do I need to web stream our worship service?”**

You will need to contact each copyright owner to secure permission. Each copyright owner and publisher deals with it a little differently. (Web streaming licenses are available. See licensing companies listed below.)

**12. “I see songs, worship services, and the like posted on YouTube that don’t appear to have copyright permission. Why can’t I do the same?”**

There is nothing preventing people from breaking the law. Still, any copyright owner is free to seek damages if they find their work being used illegally.

**13. “I think the song that I want to use is in the public domain. How can I be sure?”**

While the lack of a copyright notice can indicate that a song is in the public domain, it is a good idea to check. Generally, music published in the United States before 1922 is in the public domain. A person’s arrangement of a public domain song, however, may be copyrighted.

**14. “Will I be protected by copyright law by claiming ‘fair use?’”**

“Fair use” is a defense to copyright infringement, and does not apply to most typical uses of music by churches. Generally, it is intended for those who wish to reprint a single copy of a copyrighted work or portion of it for comment, scholarship, teaching, etc., in a way that does not affect the market for the sale of the work. You will likely not be able to defend on the basis of “fair use” for the performance, duplication, or recording of a copyrighted work. Whether a use of a copyrighted work may be considered “fair use” is a very fact-specific analysis and changes on a case-by-case basis. If you are contemplating using a copyrighted work without permission under “fair use,” you should get assistance from legal counsel.

**15. “I make recordings of choir parts to help my choir learn their music. Do I need permission?”**

Yes, there is a new Practice-Track License now available for purchase from One License based on the size of your congregation. This is a separate license apart from a reprint license. Like reprint licenses, not all music is covered by this license.

**16. “How do I go about acquiring a music reprint license for my parish?”**

In recent months, many of the major companies who publish music suitable for Roman Catholic worship have joined together under a single licensing agency: One License.

One License (onelicense.net)

This website is the licensing agency for many of the major publishers serving Catholic liturgical music publications: GIA Publications, OCP Publications, World Library Publications, Morning Star Music Publishers, Liturgical Press, Selah and many more. A visit to their website will give a current list of the publishers associated with One License. Remember, this license is for producing congregational parts only (print or projection), and does not cover permission to copy choral scores, instrumental parts or accompaniments.

One License also provide additional licenses that allow you to use or make rehearsal recordings for choirs or cantors (Practice Track License) or a Podcast/Streaming License, which will solve the problem of seeking individual permissions for each song used in a worship setting. However, you will need to check each title to make sure that it is covered by the license.

CCLI (us.ccli.com)

Another licensing resource for contemporary Christian music is CCLI. This agency offers copyright licensing, rehearsal licensing, church streaming and podcast licensing, church video licensing, and SongSelect. See their website for more information. Before signing up, make sure you check which songs you want to use to be sure that they are covered by CCLI.

*Remember, the only way that the copyright holder gets paid when you use a license is for you to report the usage of the song to the licensing company. Please report your song usage as required by your license.*

**17. “We have the latest editions of Worship and Gather hymnals in our church. Because we own these books are we free to reprint from them for special liturgies requiring a worship program such as a wedding, funeral or another special occasion?”**

Even though you own these books, a special one-time reprint license from One License is required for these occasions. Also, always consult the copyright acknowledgement section to see whether a One License publisher covers the music or permission needs to be sought from another agency or publisher.

**18. “My church uses backgrounds for projections. I often find great pictures on the internet. Am I free to use them?”**

Images, like other creative works, are often protected by copyright. Just because it is posted online does not mean that it is free from copyright. If you cannot locate the copyright owner or cannot ensure that a Creative Commons license covers your intended use of the image, do not use the image.