

Copyright Issues in the Reproduction of Biblical and Liturgical Texts

Questions often arise with regard to the relationship between civil copyright and the biblical and liturgical texts used in the Church's worship. Many liturgical ministers assume that copyright regulations do not apply to such texts due to their antiquity or because they are being distributed without charge by a non-profit entity. While these views are accurate in some ways, the reality is far more complex.¹

Some texts associated with the liturgy are, in fact, in the public domain. For example, the common English translation of the Lord's Prayer dates to the sixteenth century and is not protected by copyright. The acclamations "Amen" and "Alleluia" are in the public domain because copyright protection does not extend to single words. Most of the texts found in the approved liturgical books, however, are still protected by copyright, whether in Latin, English, Spanish, or other modern languages. Though these texts are still under copyright, the religious services exemption in copyright law allows the use of these liturgical texts in the context of a religious service. Therefore, no permission is required to actually pray the texts of the Mass, to read the biblical readings, or even to sing a copyrighted hymn in the course of a live religious service. However, this exemption does not extend to the transmission of such services via livestreaming or podcasting, or to the printing of such texts for use by the liturgical assembly.

Before considering the policies that govern the use of copyrighted texts in the liturgy, it is helpful to explore the reasons that these texts are protected by copyright. First and foremost, copyright permits the copyright holder to protect the integrity of the liturgical and biblical texts. As *Liturgiam authenticam* notes, copyright allows the copyright holder or its representative to take "any measures necessary to prevent or correct any improper use of the texts" (no. 117). Since the copyright holders can require review of licensed texts prior to distribution, the holder can take steps to ensure that the texts are conveyed accurately and in their entirety. In addition, copyright provides civil legal means to prevent the creation of alternative liturgical texts similar to the approved texts but reflecting a particular philosophical or political viewpoint that might be problematic. While such altered texts would clearly violate liturgical law, the civil aspect of copyright law is often a more effective method of addressing such uses. Another benefit of copyright protection is that it allows the copyright holder to earn income for the labor required to produce the copyrighted work. For decades, the USCCB has supported the rights of content creators to just remuneration for their work, beginning with a 1969 statement of the then-Committee on the Liturgy in support of copyright protection for the work of liturgical composers. That support was restated in *Music in Catholic Worship* (no. 78), *Liturgical Music Today* (nos. 71-72), and *Sing to the Lord: Music in Divine Worship* (no. 105).

The development of a biblical translation requires the efforts of many biblical scholars and censors, along with the bishops and others who review and approve the final work. Similarly, the preparation of liturgical texts is a time-consuming and expensive process involving many agencies and several steps, each of which involves the contributions of bishops and scholars well-trained in liturgy, theology, and language. The translators and editors deserve just remuneration for their efforts and allowance must be made for meeting costs. Once a text is approved, the various editions require detailed review prior to publication. The royalties assessed for the use of the texts help to offset these costs and to underwrite related evangelization and catechetical efforts.

In all cases, "fair use" limitations on copyright apply. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include: 1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; 2) the nature of the copyrighted work; 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and 4) the effect of the use upon the potential market for or value of the copyrighted work. Fair use is a legal determination, and, in most cases, it is wise to contact the copyright holder. Many copyright holders list their fair use guidelines on their websites. Permission to use Latin liturgical texts (beyond fair use) must be sought directly from the Congregation for Divine Worship and the Discipline of the Sacraments.

¹ The following reflects the policies and practices in place in the United States of America and may not accurately reflect the legal situation in other countries.

Copyright Permission Requirements for the Use of Liturgical Texts

The following information can assist parishes, schools, and other entities in obtaining copyright permission for typical uses of the liturgical texts in English and/or Spanish. Please note that this information applies only to the liturgical texts themselves, not to musical settings of those texts or to other musical compositions. In all cases, the excerpts must be verbatim from the official text, including capitalization and punctuation. The poetic structure of those texts provided in sense lines must generally be preserved. The appropriate acknowledgment must be printed either beneath the texts or with the other acknowledgments.

Livestreaming Liturgies on Sundays, Feast Days, or Weekdays (including Liturgy of the Hours)

No permission is required for the livestreaming of Masses and the Divine Office via social media. Relevant liturgical law should be observed regarding the choice and use of texts.

Projecting the Readings and Other Mass Texts

The current policy of the Committee on Divine Worship is that permission is not granted to project readings and liturgical texts on screens during the liturgy. The bishops have the perspective that since so many people spend much of their time looking at screens, the Sacred Liturgy ought to be a prayerful break from that experience. The bishops also believe that screens are a distraction from what is actually taking place in the liturgy.

However, because of current health restrictions that make it difficult to use hymnals and other worship aids in some parishes, a temporary permission will be granted to project the readings and liturgical texts on screens under the following conditions:

- the permission will extend only until such time as health restrictions are lifted on using hymnals and other participation aids; and
- a license and payment of a license fee will be required.

Parishes will need to consider carefully the question of whether it is worth the investment to begin projecting texts when this is only a temporary permission.

Posting Text, Audio, or Video Online (Apart from Digital Worship Aids or Livestreamed Liturgies)

Typically, permission is not granted to post the liturgical texts online. However, no permission or fee is needed to display the daily readings using the USCCB RSS feed, but only on a website which does not condition access by users on the users giving anything of value to the website operator. Permission is not granted to podcast or offer videos of the Sunday or daily readings.

Creation of Worship Aids for Special Occasions (Wedding, Funeral, Graduation Mass, Ordination, etc.)

No permission is required, provided that the publication is not produced by a publishing firm and is not sold.

Creation of Weekly Worship Aids (Digital or Print)

A written agreement is required to reproduce the readings in English or Spanish and the Mass texts in Spanish in worship leaflets, bulletins, etc. on a regular basis. The annual license fee varies based on the number of copies made each week.

Creation of a Seasonal or Permanent Pew Resource

A written agreement and prior review are required to reproduce the readings in English or Spanish and the Mass texts in Spanish in a seasonal or permanent pew resource. The license fee varies based on the number of copies made.

Creation of a Parish Preparation Booklet for Weddings and/or Funerals

A written agreement and prior review are required to create parish preparation books for weddings and funerals. Such publications must include all options provided in the liturgical books. The license fee varies based on the number of copies made.