



## **Copyright and the Church**

**Practical Applications for Implementing Copyright  
Compliance among Church Staff Members**

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## **Copyright and the Church**

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Strategy to Improve Compliance with  
Copyright Issues

- Evaluate
- Educate
- Eliminate

## **Evaluate...**

### Your knowledge of copyright law

- What does copyright mean?
- What works are protected by copyright law?
- What rights do copyright holders have?
- Religious services exemptions

## **Evaluate...**

### Your knowledge of copyright law

#### **How much do you know about the permission and clearance processes?**

- Which copyrighted materials does your church use that need to be cleared?
- Who do you contact for permission?

## Evaluate...

### Your Use of Copyrighted Materials

#### What kind of materials does your church use?

music

videos

books

movies

poems

articles

artwork

photos

Website information

graphics

others

## Evaluate...

### Your Current Policy and Procedure

Who is in charge of copyright licensing, research and registration?

What is your current procedure for getting permission to use copyrighted works?

## **Evaluate...** Your Staff's Knowledge

### **Do your staff members understand:**

- What copyright means?
- What works are covered by copyright protection?
- What they are allowed to do under the religious services exemption?
- What CCLI and CVLI allow them to do?
- What CCLI and CVLI do not allow them to do?
- What they need to do to get copyright permission?
- Who they need to contact for copyright permission?

## **Educate Yourself...** On Copyright Law

Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the work
- To prepare derivative works
- To distribute copies
- To perform the work publicly
- To display the work publicly
- In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

## **Educate Yourself...** On Copyright Law

### **Religious Services Exemption**

Section 110 of the Copyright law says the following is not an infringement:

“performance of a nondramatic literary or musical work or of a dramatico-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly.”

## **Educate Yourself...** On Copyright Law

### **What About “Fair Use”?**

One of the more important limitations is the doctrine of “fair use.” Although fair use was not mentioned in the previous copyright law, the doctrine has developed through a substantial number of court decisions over the years. Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered “fair,” such as criticism, comment, news reporting, teaching, scholarship, and research.

## **Educate Yourself... On Copyright Law**

### **Four Factors of Fair Use**

- the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
- the nature of the copyrighted work
- amount and substantiality of the portion used in relation to the copyrighted work as a whole
- the effect of the use upon the potential market for or value of the copyrighted work.

## **Bottom Line – Better Safe Than Sorry**

The distinction between “fair use” and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

*It's always safest to ask permission first.*

## Educate...

### Yourself on Clearing Materials

Find out how to license copyrighted materials not covered by the religious services exemption.

**Printed materials** (books, magazine articles, Website content, poetry, etc.) Most printed and Website materials should be cleared through the publisher. This includes use in:

- e-mails
- articles
- letters
- Website content
- video

## Educate...

### Yourself on Clearing Music

#### **CCLI**

Through a license from Christian Copyright Licensing International (CCLI) you can obtain a blanket license for much of your music needs. (See handout.)

#### **Non-CCLI Music in Worship Services**

For music not covered by CCLI, check with [www.ascap.com](http://www.ascap.com), [www.bmi.com](http://www.bmi.com) and [www.sesac.com](http://www.sesac.com) for publisher information. Some artists have publishers in multiple agencies.

## Educate...

### Yourself on Clearing Music

#### Do You Need ASCAP, BMI and SESAC Licenses Too?

**CCLI** does *not* provide performance rights, and that's why you need **BMI**, **ASCAP** and **SESAC** licenses. Churches are required to clear the copyrights for any music used outside of worship services (i.e. youth functions, outreach events, banquets, and concerts).

With the **BMI**, **ASCAP** and **SESAC** licenses, you have permission to perform most copyrighted music.

Willow Creek Association provides these licenses to member churches at substantial savings with no quarterly performance reports. See [www.willowcreek.com](http://www.willowcreek.com) for details.

## Educate...

### Yourself on Clearing Music

#### Other Music Licensing

##### Synchronization License:

- for broadcasting on TV
- for making video projects with music

Contact the music publisher.

##### Print License:

- for projecting or printing lyrics to non-CCLI songs
- for inclusion in any written form (article, book, Internet, etc.)

Contact the music publisher.

## **Educate...**

### **Yourself on Clearing Music**

#### **Other Music Licensing**

##### **Master Use License:**

for recording an original song onto audio format (CD, cassette, MP3, etc.)

for synchronizing an original song to a video presentation

for making rehearsal tapes/CDs with the original recording

Contact the music publisher (which may be different from the one listed on CCLI and ASCAP/BMI/SESAC). Check the CD label.

## **Educate...**

### **Yourself on Clearing Music**

#### **Other Music Licensing**

##### **Mechanical License (a.k.a. Compulsory)**

for recording and distributing your live version of a song on a CD or cassette

for making rehearsal tapes with your live version of a song

for music used in recordings of church services

Contact the music publisher.

## **Educate...** Yourself on Clearing Music

### **Web Use:**

www.churchca.com now has a license that allows you to stream music on your Website. You can webcast your church's worship service and events featuring performances of songs from the ASCAP, BMI and SESAC repertoires.

All songs must be performed by your own musicians and singers, or artists/groups, who grant permission to use their recordings of the songs.

## **Educate...** Yourself on Clearing Music

### **Web Use**

The Worshipcast license **DOES NOT** allow you to:

Webcast any third party sound recordings or accompaniment tracks (any audio recording owned by a party other than your church, unless you have permission from the sound recording owner)

Download MP3 or digital audio song files (or provide for download)

Feature third party sound recordings or tracks on a song play list

Use any copyrights other than songs on your website (such as third party videos, visual images or literary works)

Use dramatic musical works

## **Educate...**

### **Yourself on Clearing Music**

#### **This is a Test...**

##### **Do you broadcast on TV?**

You'll need TV synchronization licenses for music. Broadcast rights are not covered by the religious services exemption, CCLI or CVLI.

##### **Do you make video projects that include music?**

You'll need synchronization licenses for each song and master use licenses if you are using the original music. If the project is included on a TV broadcast, you'll need broadcast rights. Check with the music publishers.

##### **Does your staff make worship CDs, rehearsal tapes, or custom chord charts?**

Check the CCLI guidelines, then seek any necessary licensing (i.e. mechanical, master use for original recordings, etc.)

## **Educate...**

### **Yourself on Clearing Videos**

Permission should be obtained whenever a movie is used, whether it's a clip or the entire movie.

#### **CVLI**

Through a license from Christian Video Licensing International (CVLI) you can obtain a blanket license for much of your video needs. Be aware, however, that not all movies are covered under CVLI. (See handout.)

## **Educate...** Yourself on Clearing Videos

For movie titles not covered under the CVLI licenses, check with Swank Motion Pictures at [www.swank.com](http://www.swank.com) and Criterion Pictures at [www.criterionpicusa.com](http://www.criterionpicusa.com).

For TV content, check with the network or broadcasting company.

## **Educate...** Your Staff/Leaders on Copyright Law and Policy

### **First things first: It's About Attitude**

- 1 – Remember that, ideally, your job is not to tell your staff what they can't do, but to try to find a way they can legally do what they want to do.
- 2 – If there is no legal way, be prepared to explain why.
- 3 – Document everything.

## Educate...

### Your Staff/Leaders on Copyright Law and Policy

#### Why Should Your Staff Care About Copyright Law and Policy?

1. It's the law—anything published (music, literature, videos, pictures, etc.) is protected by copyright law, and only the original author has the right to copy it or give permission to someone else to copy it.

Copying a CD onto a cassette, making a copy of pages from a book or magazine, or showing a video to more than “a circle of friends” are all infringements of copyright protection.

Basically, it's stealing someone else's work, and it's a violation of the law that can result in thousands of dollars in fines.

## Educate...

### Your Staff/Leaders on Copyright Law and Policy

#### Why Should Your Staff Care About Copyright Law and Policy?

2. It's about integrity.

It's the right thing to do ...  
and any other way is unacceptable to God.

*May integrity and uprightness protect me, because my hope is in you.*  
Psalm 25:21

*I know, my God, that you test the heart and are pleased with integrity.*  
1 Chronicles 29:17

## **Educate...**

### **Your Staff/Leaders on Copyright Law and Policy**

#### **Develop a Copyright Policy**

- Include information about copyright law and what needs to be cleared. While your policy should cover all types of copyrighted materials, put a special emphasis on those your staff uses most often (music, videos, literature, etc.)
- Include information about who staff members should contact if they want to use a protected work.
- Be specific in the steps they should take and how long they can expect the permission process to take.

(See handout for sample policy.)

## **Educate...**

### **Your Staff/Leaders on Copyright Law and Policy**

#### **Offer Training Sessions**

Not everyone will take the initiative to research copyright law on their own, but everyone needs to understand it enough to know they need help. Training sessions are a great way to go over the basics of the law and the protocol of your policy and procedure.

What to include:

- overview of copyright law
- your policy
- your procedure
- Q&A

## **Educate...**

### **Your Staff/Leaders on Copyright Law and Policy**

#### **Continuing Education**

With our staff of about 100, we have:

- a fair amount of turnover—new staff members need to be trained on your policies
- a lot of independent projects—with people working in different offices, it's easy to forget all of the tedious parts of a project, including copyright

Offering semi-annual training sessions or even sending reminder e-mails will help everyone remember your policy.

## **Eliminate...**

### **Non-complying Media and Materials**

#### **Collect and Correct:**

**Check your current materials (brochures, videos, handouts, etc.).**

- Are there materials you can afford to throw away and reprint?
- Start collecting materials that should be corrected to comply with your copyright policy the next time they are printed/produced.
- Inform ministry areas when you find changes that need to be made to help them in the education process.

## **Eliminate...**

### **Any Outdated Policies or Procedures**

#### **Do you have an existing policy that you're trying to update?**

Make it part of the training and education process to make staff members aware of the specific changes to your old policies.

## **Protecting Your Church's Intellectual Property**

#### **Is it necessary to register your work?**

- **When is my work protected?**

Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.

- **Do I have to register with the copyright office to be protected?**

No. In general, registration is voluntary. Copyright exists from the moment the work is created. You will have to register, however, if you wish to bring a lawsuit for infringement of a U.S. work.

Information from [www.copyright.gov](http://www.copyright.gov).

## Protecting Your Church's Intellectual Property

### Why should I register my work if copyright protection is automatic?

Registration is recommended for a number of reasons.

- Many choose to register their works because they wish to have the facts of their copyright on the public record and have a certificate of registration.
- Registered works may be eligible for statutory damages and attorney's fees in successful litigation.
- If registration occurs within five years of publication, it is considered evidence in a court of law.

Information from [www.copyright.gov](http://www.copyright.gov).

## Protecting Your Church's Intellectual Property

### Who owns the copyright?

Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship immediately becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright.

## Protecting Your Church's Intellectual Property

### Works Made for Hire

In the case of works made for hire, the employer and not the employee is considered to be the author. Section 101 of the copyright law defines a "work made for hire" as:

1. a work prepared by an employee within the scope of his or her employment

## Protecting Your Church's Intellectual Property

2. a work specially ordered or commissioned for use as:
  - a contribution to a collective work
  - a part of a motion picture or other audiovisual work
  - a translation
  - a supplementary work
  - a compilation
  - an instructional text
  - a test
  - answer material for a test
  - an atlas
3. if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

## Protecting Your Church's Intellectual Property

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

## Resources

*Getting Permission: How To License & Clear Copyrighted Materials Online & Off* by Richard Stim ([www.amazon.com](http://www.amazon.com))

*Solving the Puzzle of Church Copyright Compliance* by Susan Fontaine Godwin ([www.churchca.com](http://www.churchca.com))

*Copyright Plain & Simple* by Cheryl Besenjak ([www.amazon.com](http://www.amazon.com))

*The Church Guide to Copyright Law - Third Edition* by Richard Hammar (available at [store.churchlawtodaystore.com](http://store.churchlawtodaystore.com))

Helpful Websites:

[www.ccli.com](http://www.ccli.com)

[www.cvli.com](http://www.cvli.com)

[www.willowcreek.com](http://www.willowcreek.com)

[www.churchca.com](http://www.churchca.com)

[www.copyright.gov](http://www.copyright.gov)