

Copyrights for Churches

Lauren Yeh, Executive Assistant, Nassau Presbyterian Church

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Agenda

- Introduction
- Copyrights Basics
- Religious Exemption
- Reporting Process at Nassau PC
- Requesting Permission
- Performance Rights Organizations
- In Practice
- When Things Go Very Wrong
- Resources & Q&A

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Introduction

- Music is a vital part of worship and ministry, but it also involves intellectual property rights that churches must respect and with which they must comply.
- There are various sources of music licenses that churches can use to access and use music legally and conveniently.
- There are also some exemptions and limitations that apply to churches under the U.S. Copyright Law, such as the religious service exemption and the fair use doctrine.
- This presentation is NOT this meant to be thorough or inclusive of every instance of possible copyright infringement. This is a collection of research not a legal opinion.

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Why Listen to Me?

Work Experience

- 30+ years of administrative experience
- 16 years at Nassau Presbyterian Church

Pandemic Experiences

- Office closed 3/11/20; Sunday service 3/15: iPhone recording.
- Sunday service by email (YouTube videos) began 3/20/20.
- Sunday service by livestream, PDF bulletin, began 9/13/20.
- Much of my responsibilities are “in person” so during our time apart I read everything I could get my hands on about copyrights.
- In-person worship, with livestream option, returned 9/12/2021.

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Why Copyrights?

United States Constitution Article 1, Section 8, Clause 8

“Congress shall have Power...

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

PCUSA Standards of Ethical Conduct Employees & Volunteers, Section II.7

“I will conduct myself at my workplace in a manner that will support its ministry.

Therefore I will:

Claim only those qualifications actually attained, give appropriate credit for all sources used in papers, music, and presentations, and observe copyrights”

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Public Domain

- **Expiration of Copyright:** Copyright is granted to a work for a limited amount of time (usually the life of the author plus 70 years), after which it passes into the public domain. See the Public Domain Information Project (<https://www.pdinfo.com/index.php>)
- **Freedom of Use:** Once a work is in the public domain, anyone may copy, reuse, or share the work as they wish. This encourages creativity and the spread of knowledge.
- **Examples:** Famous works in the public domain include classic books like “Pride and Prejudice” by Jane Austen and “Moby Dick” by Herman Melville, as well as many early silent films and classical music compositions.

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Music in Public Domain

- In the USA, music and lyrics published in 1925 or earlier are in the public domain. However, sound recordings of public domain music may still be protected by federal law, as they have separate copyrights from the musical compositions.
- “Glory To God” hymnal has published a list of Public Domain hymns available on the Online Hymnal website: <https://hymnal.pcusastore.com/>
- Public domain music can be downloaded and used in video and other projects for free. There are a variety of websites that make it easy to browse, listen to, and download public domain audio, including:
 - International Music Score Library (https://imslp.org/wiki/Main_Page),
 - Open Music Archive (<http://www.openmusicarchive.org/>), Musopen (<https://musopen.org/>),
 - FreeSound (<https://freesound.org/browse/>)

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Copyright Basics

What is
Protected?

- Anything you can Print, Project, or Perform
- Must be recorded or “fixed”

What is
NOT
Protected

- Works that are not “fixed”
- Ideas, Concepts, Improvisations, Titles, Names, Slogans, Methods, Symbols, Discoveries

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Rights of Copyright Owners

1. **Reproduction:** “copying” lyrics, tunes, or melodies, digitally or on paper
2. **Adaptation:** changing it into something new, a derivative work
3. **Distribution:** making it available through channels for sale, lease, or lending
4. *Performance:* presenting the work to a public audience
5. *Display:* showing the graphics or visuals related to a work
6. **Recording:** playing back or sharing a recording of the work

Religious Services Exemption (*italics*)

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Religious Services Exemption

Allows for the public “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” (17 U.S. Code § 110(3)). This exemption allows congregants to sing hymns during service without first getting permission. It also allows pastors to recite poems in their sermons.

This does NOT cover:

- Lyrics printed in a bulletin or displayed on a screen.
- Audio or Video recording or transmission.
- Anything outside of a religious service. Examples: Concerts, Youth & Children’s Programs, Social events, Fundraisers, Exercise classes, On-hold music, Summer camps & VBS, Conferences & Seminars, Retreats, On-site coffee shops, Background music in the lobby/common area.

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What about “Fair Use?”

Fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. Section 107 of the Copyright Act calls for consideration of the following four factors in evaluating a question of fair use:

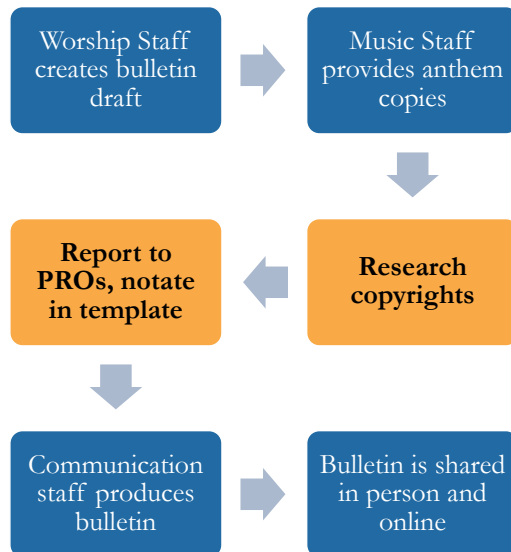
1. Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes.
2. Nature of the copyrighted work.
3. Amount and substantiality of the portion used in relation to the copyrighted work as a whole.
4. Effect of the use upon the potential market for or value of the copyrighted work.

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Reporting
Process at
Nassau
Presbyterian
Church

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Requesting Permission

- Determine if permission is needed.
 - Is the material protected?
 - Would your use violate the law?
- Identify the owner.
 - Find a copyright notice
 - Multiple owners (music and lyrics and production)?
- Identify the rights needed.
 - Exclusivity, term, territory
- Contact the owner and negotiate whether payment is required.
 - Plan ahead, could take months
 - Non-profit use – free or reduced fee?
- Get your permission agreement in writing.

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My Sample Email (Music)

Subject: Seeking Permission to Livestream during Worship on [DATE]

RE: [Name of Piece, Author/Composer, Date, etc.]

I am writing from Nassau Presbyterian Church in Princeton, NJ, USA. We are seeking permission to livestream a performance of the piece listed above on [DATE]. Our services are streamed on our website (<http://nassauchurch.org/livestream-worship/>) where they remain accessible for 90 days, as well as on our Facebook Page and YouTube Channel where they remain accessible for approximately 30 days. Our average weekly attendance including in-person and online devices is 400. We maintain blanket licenses with CCLI, OneLicense, and CCSWorshipCast (covers ASCAP, BMI, and SESAC) but I have not found this title in any of those databases.

I hope you are agreeable to granting us permission to use this work. Please respond in writing to indicate whether permission is granted and inform me of any fees or conditions that may be required. In addition to the terms of agreement, please also indicate how you wish to be credited.

Thank you for your time and consideration of this request. I look forward to hearing back from you at your earliest convenience.

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PROs (Performance Rights Organizations)

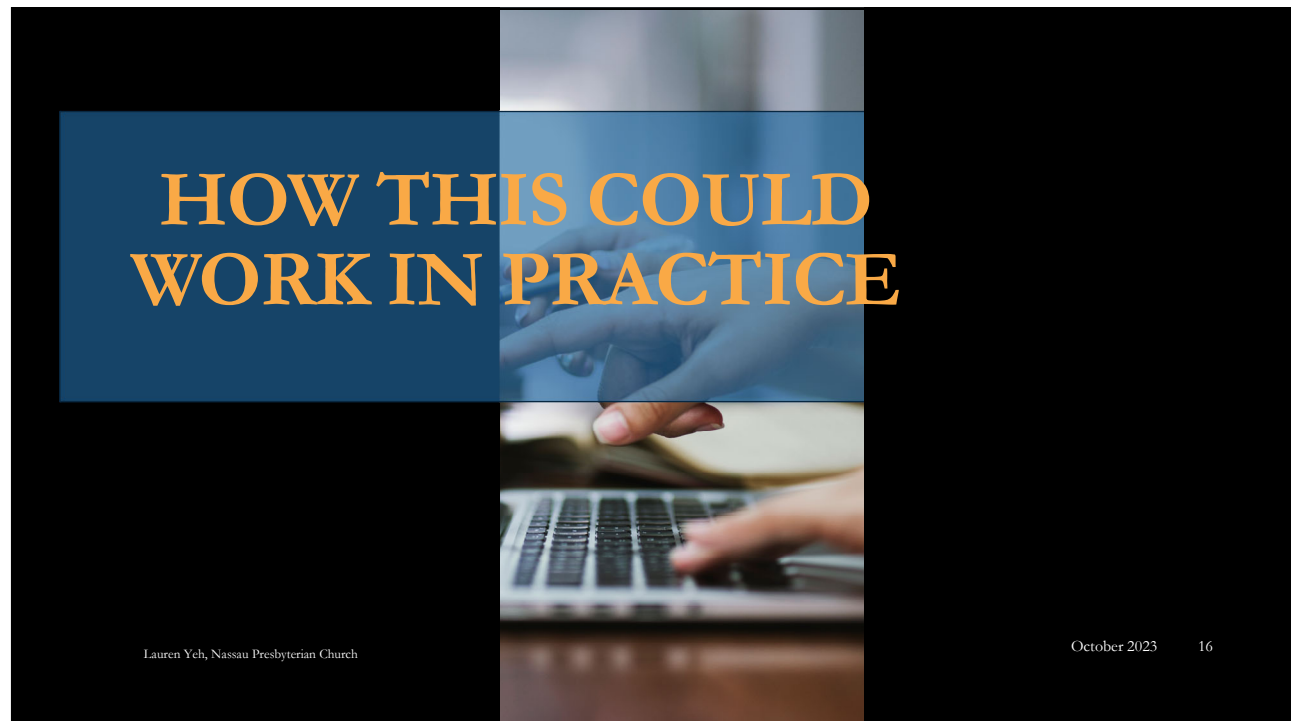
- OneLicense/CCLI
 - Catalog of songs (hymns/anthems/instrumental works)
- WORSHIPcast
 - ASCAP/BMI/SESAC – during worship services
- PERFORMmusic
 - ASCAP/BMI/SESAC – outside of worship services
- CVLI
 - Movies – clips in worship or “movie night” (advertising restrictions)
- Liturgy & Biblical Texts
 - Only the original King James Version is in the Public Domain.
 - All liturgy and other biblical translations are copyrighted. Most have conditions that allow usage in a worship setting.

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**HOW THIS COULD
WORK IN PRACTICE**

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Copyright Check: Glory to God Hymnal

Hymn #401

Hymn Information	
Author	Haugen, Marty (b. 1950)
Author Info	Marty Haugen, 1979
Composer	Haugen, Marty (b. 1950)
Composer Info	Marty Haugen, 1979
Tune	GATHER US IN
Meter	10.9.10.10.D
Country	US
Key	D
Hymn #	401
Copyright	Text © 1982 GIA Publications, Inc. Music © 1982 GIA Publications, Inc.
Title	Here in This Place
Subtitle	Gather Us In

Copyright

Copyright Info

Print Words [?](#)
 Need permission from GIA or a license from OneLicense.net.

Print Music [?](#)
 Need permission from GIA or a license from OneLicense.net.

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Copyright Reporting: OneLicense

🔍 matching results for Here in this place x GIA Publications, Inc. x Haugen, Marty x

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Gather Us In #00031 [+ List](#)

Type: Words and Music; First Line: Here in this place new light is streaming

Language: English

© 1982, GIA Publications, Inc.

Contributors: Marty Haugen

[REPORT](#)

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Copyright Reporting: OneLicense

You are reporting title

"Gather Us In"

Detail: Marty Haugen

Title: As One Voice - Volume 1 12

Report for Week 41: Oct 09 - Oct 15, 2023

▼

2 Reprint services

▼

1 Podcast service

▼

SUBMIT AND VIEW REPORT

SUBMIT AND CONTINUE SEARCH

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Copyright Reporting: OneLicense

ONE LICENSE
Inspiring congregational song

7343 S. MASON AVE. CHICAGO, IL 60638
www.onelicense.net | 800.ONE.1501

Report for week 41: Oct 09 - Oct 15, 2023

Gather Us In - Marty Haugen <small>Words and Music - ©1982 GIA Publications, Inc.</small>	2 Reprint 1 Podcast services
Hallelujah, Amen - Giovanni Pergolesi, Walter Ehret <small>Words and Music - ©1969 Theodore Presser</small>	2 Reprint 1 Podcast services
Tunaomba Mungu Atawale (We Pray God to Reign) - Choral/Full Score - John R Paradowski <small>Words and Music - © Choristers Guild</small>	1 Reprint 1 Podcast services
We Are Blessed - Andrea Ramsey, Andrea Ramsey <small>Words and Music - © Choristers Guild</small>	1 Podcast service

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Copyrights as Part of My Job

Education & Fellowship

Support 3 staff members & many volunteers:

- Education: Sunday mornings
- Adult Small Groups
- Lenten Devotions
- Child/Youth Fellowship
- Summer Faith Formation Trips

Mission & Outreach

Support 2 staff members & many volunteers:

- Mission Partner Events
- Alternative Gifts Program
- Moments for Mission in worship
- Summer Mission Trips

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Copyrights as Part of My Job

Administration

Part of a 3-person administrative team:

- Front Desk Volunteers
- Bulletin Inserts
- Moment for Mission scheduling
- Database Updates
- Weekday Phone Coverage

Worship & Arts

Support 2 staff members & many volunteers:

- Ordering Music & Choir Room Supplies
- Choir Management (rosters, recruitment, communication)
- Art of Faithfulness event administration
- Copyright Administration

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Challenges

- Budget constraints
- Changing or adding a hymn during the service
- Events
- Funerals
- Issues tracking down copyright owners
- Not getting responses in time

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When Things Go Very Wrong

US Copyright Law 17 U.S. Code § 504

- Statutory damages between \$750 and \$30,000 per piece of work infringed upon
- Civil penalties of up to \$150,000 per piece if willful infringement is found
- Actual copyright infringement damages and profits obtained due to infringing activity
- Criminal penalties of up to \$250,000 per offense and up to five years in prison

Notable Cases

- F.E.L. Publications Ltd. v. Catholic Bishop of Chicago, 1998
- Edwards v. Church of God in Christ, 2002
- Yesh Music v. First Baptist Church, 2011
- Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith, 2021

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Resources

LINKS

- [US Copyright Law](#)
- [Religious Services Exemption](#)
- [PCUSA Statement on Copyright](#)
- [Fair Use](#)
- [Hymnary.org](#)
- [CCLI](#)
- [WorshipCast & PerformMusic](#)
- [CVLI](#)
- [OneLicense](#)

BOOKS & ARTICLES

- Besenjak, C. (2001). *Copyright Plain & Simple* (2nd ed.). The Career Press.
- Hammar, R. R. (2010). *Essential Guide to Copyright Law for Churches*. Christianity Today International.
- Lang, Susan. "Keeping It Legal: Copyright Laws and the Church." *The Lutheran*, (April 2013): 28-30. Accessed 4/26/2022. ([LINK](#))
- McBroom, Evan "The Church and Copyrights." *NACBA Ledger* (Fall 2006): 20. Accessed 11/14/2019. ([LINK](#))
- Phillips, P., & Surmani, A. (2017). *Copyright Handbook for Music Educators and Directors*. Alfred Music.
- Stim, R. (2016). *Getting Permission: Using & Licensing Copyright-Protected Materials Online & Off* (6th ed.). Nolo.com.

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Q&A



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