



Risk Management Factsheet

Copyright: Risk Management Resources for Churches

What is copyright?

Copyright is a form of protection granted by law for original works of authorship fixed in a tangible medium of expression. Copyright can protect both published and unpublished works.

What does copyright protect?

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture.

What is copyright infringement?

According to the United States Copyright Office, if you reproduce, distribute, publicly perform, publicly display, or derive a new piece from a copyrighted work without the permission of the copyright owner, you may have infringed on copyright. That could include putting a poem or song on your website, printing an essay or column in your bulletin, or even streaming a service on your website that includes the performance of hymns from a hymnal you have purchased.

The safest thing a church can do is only to use copyrighted materials when you have the express written permission of the copyright owner. This is generally accomplished by purchasing the appropriate license.

How do copyrights impact the Church?

To better understand the impact of copyright from a church perspective, let's look at the use of music as an example. A church is free to use any work no longer protected by copyright (public domain). An example of a Christmas song in the public domain is "Silent Night, Holy Night."

Additionally, the Religious Services Exemption (RSE) allows congregants to sing hymns during service without first getting permission. It also allows pastors to recite poems in their sermons. The RSE only applies while services are being conducted in-person at a religious gathering. The exemption excludes performance activities at a place of worship that are for social, educational, fundraising, or entertainment purposes. *Lastly, the RSE does not allow for the printing and or streaming of material covered by copyright.*

Church Streaming and Internet Posting

The pandemic has seen a dramatic increase in the number of congregations streaming their services online. Since the congregations are now technically broadcasting, extra care needs to be paid to ensure against copyright infringements, specifically but not limited to the use of protected music. A solution is for the church to obtain permission to use materials protected by copyright and this often involves paying a licensing fee.

Respecting Copyright Laws

Rectors and church leaders use a variety of methods to connect with their members. Sometimes a poem or a song might seem like just the thing; it might say something profound in a particularly lovely way. However, if you discover a piece you would like to share with the rest of the church population, you have to be careful that you're not infringing on a copyright.

FAQs

Q: *How can our church obtain a license to print copies of lyrics and / or sheet music and perform (sing) them in the course of our church services*

A: It is important to remember that not all works protected by copyright are available for licensing. Your church must obtain the appropriate license from the copyright owner or a licensing organization that has the right to license the music you are interested in using. You will need to review your specific needs to find the appropriate licensing organization for your situation. While we don't endorse any particular organization, some include:

- **OneLicense.net** onelicense.net – is a service that licenses copyright permission to reprint, podcast, and record hymns and songs for your congregation from an impressive list of Member Publishers.
- **Christian Copyright Solutions (CCS)** christiancopyrightsolutions.com – partners with the Performing Rights Organizations to offer licenses to religious organizations covering over 29,000,000 Christian and secular songs.
- **RiteSong** riteseries.org – is an online music library, owned by Church Publishing Incorporated (CPI), for hymns and other liturgical music. It includes permission to use all hymns available through the program for print congregational use. Subscriptions provide access to nearly 2,000 hymns from *The Hymnal 1982*, *The Hymnal 1982 Service Music*, *Wonder, Love and Praise*, *Lift Every Voice and Sing II*, *Enriching Our Music 1 & 2*, *Voices Found*, and *My Heart Sings Out*.
- **RitePlanning** riteplanning.com – is a customizable worship planning tool also owned by CPI with a comprehensive library of liturgical and music resources. A subscription to the deluxe version includes permission for hymns and other music to be reproduced for use in a bulletin or service leaflet.

Q: *In addition to printing copies of lyrics and / or music and singing them in the course of our church services, how can our church obtain a license to stream our church services over the internet?*

A: A church must obtain the appropriate license from a licensing organization for streaming and / or internet use. However, the church will want to be clear about the type of use (streaming / internet) they are seeking to license so that the licensing organization can provide them with the appropriate solution.

Q: *Is our church able to play sound recordings of secular songs?*

A: A church would need to acquire the appropriate licenses from the copyright owner to play sound recordings of secular songs.

Q: *How do artists or publishers find out their material is being used without permission?*

A: The internet makes it easy to discover if materials are being used without permission. For example, artists could set up alerts for certain phrases or names, which would inform them when the material gets posted on a website. Then, it is easy to check whether the individual who has posted the material obtained permission and paid a licensing fee (if required).

Q: *What happens when artists or publishers find that their copyright has been infringed?*

A: Typically, if you are caught infringing a copyright, the publisher sends a demand letter, asking that you immediately stop and perhaps demanding a certain amount of money. If you need to take down infringing content, have your webmaster remove the materials from your website. If you just delete the text, it is possible that people searching the internet might see a cached image of your site, which would still contain the copyrighted material.