

Protect Your Church From Copyright Infringement

During this time of social distancing, when churches are facing a new reality of conducting online services and virtually connecting with members, copyright issues are becoming more relevant. Churches are having to consider issues such as whether they can use music, videos, and images when streaming their services, and, if so, what licenses are needed so that they don't end up having their social-media content removed for copyright infringement, or worse, face fines or copyright infringement litigation.

What Is a Copyright?

Copyright is a form of intellectual property that applies to creative works that are fixed in a tangible form of expression. Examples of creative works include music, lyrics, photographs, drawings, videos, and other artistic works. Copyright gives the creator of these works the exclusive right to determine whether and how their works are used. During the life of a copyright, the copyright owner is the only one who has the right to:

- reproduce their work, such as in printed publications or by creating sound recordings of their work;
- distribute copies of their work;
- publicly perform and broadcast their work; and
- make adaptations of their work, such as turning a book or manuscript into a movie or making a new arrangement of a song.

Copyrights don't last forever. Instead, a copyright lasts for a period of time, and once a copyright expires, the work enters the public domain, meaning anyone can then use the work without having to get permission from the creator of the work. It is not always easy to determine when a work has entered the public domain, because there have been many revisions to the Copyright Act over the years. As of today, works created in 1924 or earlier have entered the public domain, but any other works from 1925 and thereafter could still be copyright protected.

The use of music and images without permission are two areas where churches tend to get into trouble, mostly because many congregations have misconceptions regarding how the copyrighted materials can be used. For example, when it comes to music, people sometimes believe that:

- it is OK to project lyrics on a screen for congregational singing;



- there are no issues with streaming the musical portions of their worship services online; or
- all music in the church hymnal is in the public domain and free to use in any way that a church sees fit.

The truth regarding using music during church service is not as simple as some might think. Under U.S. copyright law, there is an exemption that allows music to be performed during a religious service, without additional permission. This exemption allows churches to engage in congregational singing and enjoy special music without having to get permission from the copyright holder for each song used. However, the religious service exemption is limited in scope, as it only applies to music that is performed, and this is only in the context of an in-person congregation. It does not extend to performances which are being streamed, or otherwise broadcasted, or allow for the use of music in other ways during a service, such as by projecting lyrics on a screen or copying and distributing lyrics that are printed in a church hymnal.

Churches wishing to engage in these activities will need to get permission if the songs they want to use are not in the public domain. Two organizations that offer music licenses specifically for churches are Christian Copyright Licensing International (CCLI) and Christian Copyright Solutions (CCS). (See sidebar for more information on these organizations.)

Some people also mistakenly believe that if a song is in a hymnal that it is freely available for use in whatever way a person sees fit. While a number of songs in the hymnal are in the public domain, songs such as “Amazing Grace” and “It Is Well With My Soul,” there are also a number of songs, including an Adventist favorite, “We

Have This Hope,” that are copyright protected. For songs that are currently covered by copyright, permission will still be needed when churches or individuals want to use the song in ways other than for congregational singing or in a way that is not covered by the religious service exemption.

Images

The second area in which churches tend to get in trouble with copyright deals with using images that are found online. Many assume that images found online (using search engines such as Google or Yahoo) are in the public domain or otherwise freely available to use. There have been many instances when a well-meaning ministry leader has used images found online as part of presentations, or as backgrounds, on their church’s website, only to find out, sometimes years later, that the image they used was protected by copyright and that the church, or conference, now owes thousands of dollars to get a retroactive license and/or pay attorney’s fees.

It is always cheaper, in the long run, to take the extra step to find images whose ownership and rights are known and pay a licensing fee in advance, than to end up receiving a copyright “cease and desist” letter down the road. Oftentimes people think that if they find materials that do not have the © attached, whether online or elsewhere, that the image is no longer copyright protected. The safer route, though, is that if you find material online, assume that it is copyright protected, unless you find evidence that it is not.

As a best practice, if you like to use graphics and photos in church sermons, presentations, or announcements, be sure that you are using material that you have permission to use. Two good resources for images are stock images that are available for purchase or free images that

Music Licensing Resources for Churches to Consider:

Both CCLI and CCS offer licenses that may be of interest to local churches, including licenses for projecting lyrics, performing music outside of a religious service (such as during a church social), and online streaming.

Christian Copyright Licensing International (CCLI)

- Church copyright license
- Streaming license
- SongSelect
- <https://us.ccli.com>

Christian Copyright Solutions (CCS)

- Worshipcast streaming license
- [Christiancopyrightsolutions.com](https://christiancopyrightsolutions.com)

are licensed under a creative commons license (for more information on creative commons, visit <https://creativecommons.org>). In both cases it is important to read and follow the terms and conditions of use.

By keeping in mind the above considerations when using music and images, churches can feel secure that they are protecting the copyrights of others when using creative content to expand their ministry. ①



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