

Church Music Publishers Association

Guide to Copyright Information

This guide does not presume to be a comprehensive summary of the Copyright Act. It does not attempt to deal with all the laws covered by the legislation, nor does it provide definitive answers to all of the legal questions. It is intended to be a guide to understanding the nature of copyright for the users of church music, and to help church musicians protect themselves and their churches from infringing the legal rights of copyright owners. A complete copy of the United States Copyright Law and further information regarding the copyright law may be obtained online at [The US Copyright Law](#) or by writing: The Copyright Office, Library of Congress, Washington, DC 20559.

1. WHAT DOES "COPYRIGHT" MEAN?

Our nation's founding fathers determined that it was in the public interest that the creative works of a person's mind and spirit should belong, for a limited time, to the creator. The protection of these works is called "copyright." The United States Copyright Law grants the copyright owner exclusive rights to their creative work for a specific period of time or term. The term of copyright protection for works published prior to 1978 is 95 years from the date of publication. For works published after 1977 the term is equal to the length of the life of the author/creator plus 70 years. By law, the copyright owner is the only one who has the right to reproduce their work. If any other party wants to reproduce the material in any manner, permission must be obtained from the copyright owner. Copyrighted creative works such as musical compositions are often referred to as "intellectual property." That is exactly how they should be treated – as the property of the copyright owner.

2. WHAT ARE THE COPYRIGHT OWNERS EXCLUSIVE RIGHTS?

- To reproduce the copyrighted work in any form, including but not limited to: printed copies, digital files, recordings, tapes, CDs, videos, motion pictures, or any duplicating process which later comes into being.
- To make arrangements and adaptations of the copyrighted work.
- To distribute and/or sell printed or recorded copies of the work.
- To synchronize the copyrighted work with visual images: video or film.
- To perform the copyrighted work.
- To display the copyrighted work.
- To license others to do any of the above.

3. WHO OWNS AND CONTROLS THE LEGAL RIGHT TO MAKE COPIES?

The copyright owner. This may be the original creator (author or composer), a publisher, or an agent who has been assigned the right to license use of the work by the copyright owner.

4. HOW DO I FIND OUT WHO THE COPYRIGHT OWNER IS?

The copyright owner's name is listed in the copyright notice. Copyright notices should appear on all reproductions of copyrighted works. On printed music the notice is generally found on the bottom of the first page of music. On recordings the notice can usually be found on the packaging. The copyright notice will contain the word "copyright" or the symbol © (musical compositions and printed material) or (p) (for sound recordings), followed by the year of first publication, and the name of the copyright owner.

5. MUST I GET PERMISSION TO . . .

- Make photocopies of copyrighted music?
- Print bulletins, songbooks or songsheets containing copyrighted works for use in church services, Bible studies, or home prayer groups, even if they are not sold?
- Make a transparency, a slide or an electronic file of a copyrighted work for projection?
- Make a photocopy of a copyrighted work for my accompanist in order to sing a solo?
- Make audio recordings of worship services?
- Make videos of worship services or special musical presentations, such as youth, children's, and holiday presentations?

. . . YES, you must request permission by securing licenses from the copyright owner prior to making any of the copies or duplications described above.

6. WHAT IF I AM FACED WITH A SPECIAL SITUATION?

If you want to include copyrighted lyrics in your bulletin . . . arrange a copyrighted song for four baritones and kazoo . . . or make any use of copyrighted music in any way, the magic word is . . . ASK. Copyright owners as a whole wish to see their music used by the widest possible audience. You may or may not receive permission, but when you use someone else's property you must have the property owner's consent.

7. WHAT IF THERE ISN'T ENOUGH TIME TO WRITE?

Call, many publishers routinely grant permissions over the phone, but try to plan ahead.

8. WHAT ABOUT EXISTING PHOTOCOPIES OR TAPES IN OUR CHURCH MUSIC LIBRARY?

To protect yourself and your organization you should destroy all unauthorized photocopies, tapes, etc., and replace them with legal editions. Possession of illegal copies puts you in a position of being a potential copyright infringer.

9. IS IT PERMISSIBLE TO PERFORM COPYRIGHTED RELIGIOUS WORKS IN CHURCH SERVICES WITHOUT FIRST OBTAINING PERMISSION FROM THE COPYRIGHT OWNER?

Yes, "the religious services exemption" in the Copyright Law permits the performance of copyrighted religious works in the course of services at places of worship or at religious assemblies. However, performance licenses must be obtained from the copyright owner for any musical performance outside of a specific "worship service" including concerts and special musical programs.

10. CAN I MAKE AN ORIGINAL RECORDING OF A COPYRIGHTED SONG?

Yes, but you must contact the copyright owner and obtain a “mechanical license.” You will be charged a fee, the amount of which is determined by the “statutory rate” as set forth in the Copyright Law. The statutory rate, for the period of January 1, 2002 to December 31, 2003 is 8 cents, for the period of January 1, 2004 to December 31, 2005 it is 8.5 cents, and for the period of January 1, 2006 to December 31, 2007 it is 9.1 cents. This includes recordings of church services, concerts, musicals, or any programs that include copyrighted music.

11. CAN I MAKE A RECORDING USING A PRE-RECORDED INSTRUMENTAL ACCOMPANIMENT TRACK?

No, not without permission. Two separate licenses are necessary in this situation. The first is from the copyright owner of the work to be recorded, and the second is from the publisher of the accompaniment track. Many times these will be one in the same. Fees are usually required for each permission.

12. WHAT IF I CAN'T FIND THE OWNER OF A COPYRIGHTED SONG? CAN I GO AHEAD AND USE IT WITHOUT PERMISSION?

No. For assistance in locating copyright owners and publishers, visit [MPA Directory of Music Publishers](#)

13. IS THERE ONE SOURCE I CAN CONTACT TO OBTAIN PERMISSION TO USE MANY CONGREGATIONALLY SUNG COMPOSITIONS?

Yes, Christian Copyright Licensing, Inc. (CCLI) provides such a license. Contact CCLI at: www.ccli.com or 1-800-234-2446 or 17201 NE Sacramento Street, Portland, OR 97230. The CMPA endorses CCLI and has cooperated in making this license available to churches.

IMPORTANT: The CCLI License does not grant the right to photocopy or duplicate any choral music, cantatas, musicals, handbell music, keyboard arrangements, vocal solos, or instrumental works. The CCLI license grants duplicating rights for congregational music only.

14. CAN I MAKE COPIES OF OUT-OF-PRINT ITEMS?

No, not without permission. Many publishers are agreeable, under special circumstances, to allow reprinting of out-of-print items, but again, permission must be secured from the copyright owner prior to any duplication.

15. WHAT IS PUBLIC DOMAIN?

Public domain simply means that the term of the copyright protection has expired and anyone is free to use those works in any way. The absence of a copyright notice is one indication that a song may be in the public domain.

16. WHAT IS FAIR USE?

Fair use is not generally applicable to churches. Fair use permits portions of copyrighted works to be legally reproduced for purposes of criticism, comment, news reporting, classroom teaching, scholarship, and research. Fair use does not apply to a performance.

17. CAN I MAKE COPIES OF ACCOMPANIMENT RECORDINGS FOR MY CHOIR MEMBERS TO TAKE HOME AND REHEARSE WITH?

No. You must obtain permission from the copyright owner and the recording publisher (if they are not one in the same) to duplicate a recording for any purpose.

18. WHAT ARE THE PENALTIES FOR MAKING UNAUTHORIZED COPIES?

The law provides for the owner of a copyright to recover damages ranging from \$500 to \$100,000 per copyright infringed. If willful infringement for commercial advantage and private financial gain is proved, criminal fines of up to \$250,000 and/or five years' imprisonment may apply.

19. CAN I MAKE AUDIO OR VIDEO RECORDINGS OF OUR CHURCH SERVICE?

Not without permission. If you have a CCLI license, you are allowed to make a limited number of recordings for your congregation. See your license for more details.

20. WHAT ABOUT MIDI FILES, INTERACTIVE VIDEO, CD-ROMS, THE INTERNET, AND ALL THE NEW TECHNOLOGY USED BY CHURCHES TODAY?

Carefully read the labels and notices on all of these to see what you can and cannot do without permission from the copyright owner. When in doubt, ASK the copyright owner.

© , Church Music Publishers Association

From the website <http://www.cmpamusic.org/>
March 3, 2009