

COPYRIGHT LAWS

Q: Do copyright laws apply to my church?

A: Yes, they do. This is serious stuff. So pay **close** attention.

A copyright is the *exclusive* right to do the following five things with respect to a copyrighted work:

1. Reproduce the work
2. Prepare derivatives of it
3. Distribute copies or recordings of it
4. Perform it publically
5. Display it publically

Q: What is a copy?

A: Any reproduction of a work is a copy. It does not matter if the reproduction is a photocopy or a free-hand rendering. It does not matter if the copy is in a different medium than the original. This means that a slide, a transparency or Power Point™ depiction of a hymn, for example, is a copy.

Q: What if I make an unauthorized copy or other use of a work?

A: The consequences of a copyright infringement can be severe, even ruinous, to the infringer. Although courts have the discretion to award damages in a smaller amount, a person who willfully violates a copyright may be liable for damages of up to \$150,000 and costs and attorneys' fees, even if the infringement was not done for commercial purposes and even if the copyright holder cannot prove he or she suffered actual damages. In addition, copyright infringement is a federal crime that subjects the infringer to possible imprisonment and the imposition of criminal fines.

Q: Our church has purchased a set of hymnals. What rights do we have with respect to the music in these books?

A: Generally speaking, when a church purchases a set of hymnals, it is also purchasing a license to perform the music and use the other materials in those hymnals. This license, however, is subject to whatever restrictions the publisher imposes. These restrictions are usually set out somewhere in the hymnals, themselves. While these restrictions may vary from publisher to publisher, the restrictions imposed by the United Church of Christ with respect to THE NEW CENTURY HYMNAL (and which may be found on the copyright page of the hymnal) are typical:

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Q: Sometimes we sing hymns and use worship materials that we obtain from sources other than our hymnals. How do I make sure that I am not infringing a copyright when we do this?

A: If you are going to copy or perform copyrighted hymns or copy or use other copyrighted materials that come from sources other than your hymnal, you must have a license to do so. Licenses can be obtained from several sources. Two of the licensing companies most commonly used by churches are Christian Copyright Licensing, Inc. (“CCLI”) and OneLicense.net, L.L.C. Information about both companies may be found on their websites, www.ccli.com and www.onelicense.net, respectively. Each licensing company is authorized to grant you a license to use the music and other works in its inventory. In exchange, you pay a royalty, the amount of which is commonly based upon the number of persons who attend worship at your church. Typically, the licensing company requires that you display certain information concerning your license on all licensed copies you make.