

## **COPYRIGHT COMPLIANCE IN COMMON CHURCH SETTINGS**

from The Church Copyright Administration [www.cca.com](http://www.cca.com)

**REHEARSAL AND PRACTICE TRAX.** Rehearsal trax come in two varieties, ones that you create with your own musicians, and ones you create from copying an existing recording. If you want to simply copy a song onto a tape or CD from an existing recording, you must get two licenses: 1) a mechanical license for the song, and 2) a master license for the recording. The mechanical license allows you to reproduce a song, whether you perform it or someone else does. The master license allows you to copy a particular recording of the song. So, if you or your musicians are going to be making the rehearsal trax, then all you need is a mechanical license. This can be a tricky area, since you usually have to deal with at least two different copyright owners, and they're not always easy to find.

In addition, if you want to make copies of a music company's (e.g., Word, Provident, Lillenas, etc.) accompaniment trax, which are designed to sell to churches, you may not be able to obtain permission. Many companies, which create musicals and choral product, do not want to grant permission to copy their trax, because it would decrease their sales to churches. Some companies will not allow you to copy their master recording for 1-2 years after they have released it; i.e., if it's a new musical or choral release, they won't license it, if it's older, they probably will.

**PHOTOCOPIES.** Many music directors create programs by copying songs from a variety of musical and choral collections, and combining them into one folio. In order to avoid purchasing 50-100 books for one song, directors often make photocopies for the singers and musicians. Be forewarned! If you want to photocopy a song from a musical or choral book, you must first get permission. If you find a musical or choral books which has been published in the past year, it is doubtful the publisher will give you permission to photocopy the songs for free, since they have created this collection for sale for the holiday season and want you to purchase it rather than make photocopies. If the project is out of print or at least two years old, they are much more willing to allow photocopying, but you must first obtain permission. Some publishers may grant gratis permission, but others will charge between \$.50 to \$1.50 per copy. And remember, just because a song is in public domain, does not mean the arrangement you want to use is also in public domain. The arrangement may be copyrighted and require a license. Always check first, before assuming that you can make photocopies without permission. A large church was recently fined \$2,000 for photocopying without first receiving permission.

**VIDEOS.** It's wonderful to capture the stellar performances of cast and choir members on video for family and friends, and it can be quite easy to record those performances on digital media, such as a DVD. You must obtain a synchronization license, which allows you to record a song with video, for each song and a master license (described above) for any recording of a song you use in the video. In addition, if you use photo images or video footage in your presentation, you must obtain permission from the copyright owners for those uses.

Privacy rights also come into play with video and some audio recordings (as discussed more fully below). Plan ahead and get releases signed by everyone in the production.

**AUDIO RECORDINGS.** If you want to make and/or sell an audio recording of a song, you must obtain a mechanical license (described above) from the copyright owner(s). The idea here is the same as with rehearsal trax, in that you may have to obtain just a mechanical license, or both a mechanical license and a master license. Keep in mind that your CCLI license may allow you to make audio recordings, provided you comply with the CCLI licensing terms.

**TV & RADIO BROADCASTS.** If your church has the opportunity to broadcast the program on TV or radio, there are several issues to consider. Fortunately, most television networks have negotiated or statutory licenses for the use of certain copyrighted materials on their networks. As a result, your church may not need to do anything additional to use copyrighted songs and other materials on its show. Your church should first learn what freedom it has under the network's license. If there are still things you wish to do that are not covered by the license, you should seek permission from the copyright owner.

You must also consider individual privacy rights when choosing to record and/or broadcast a service. Since some people are shy, or have other reasons for not wanting to appear on TV or in a church video, you should always secure a release from any person who will be perceived on the screen. This rule also applies to using a person's name, picture and/or voice, and extends to radio as well as any other form of broadcasting (i.e., the Internet, cable, etc.). Keep this in mind when you are creating a project that may later be televised (i.e., church play), since it's always better to know up front whether you will run into problems, and privacy lawsuits can be an enormous drain on a church's resources.

**PHOTO IMAGES AND VIDEO CLIPS.** Video and other multimedia presentations often involve numerous components, each of which may be a distinct copyright; i.e., video clip, photo, voice narration, etc. As you create these types of presentations, you must consider each component separately and identify whether or not it is a copyrighted work requiring permission or clearance. Once you've determined which elements are copyrighted and which are not; i.e., something in public domain, you should then begin the process of obtaining permission to use each component. This can be an expensive and time consuming process, but can reduce or prevent the risk of having a copyright owner claim that you've infringed the copyright. In addition, make sure to obtain permission for every type of anticipated use, since the copyright owners may assume that you are, for instance, only going to copy the component, and you may want to later broadcast or perform the final project.

The good folks at CCA realize that copyright compliance is difficult without the proper resources. Remember that every rule has an exception, and sometimes making a copy under one circumstance may be illegal in another apparently identical circumstance. They can help you ensure that you are copyright compliant.

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**Disclaimer:** Church Copyright Administration is not permitted to give legal advice. If information or guidance is needed on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting work published, legal applications of the copyright law, or the method of obtaining royalty payments, it may be necessary to consult an attorney.