

© The Church Musician and The Copyright Law

**CMPA founded 1926
Church Music Publishers Association
P.O. Box 158992 Nashville, TN 37215
1-615-791-0273**

PRELUDE

On October 19, 1976, President Gerald R. Ford signed into law Public Law 94-553 setting forth the law of the land in regard to copyrights. This law became effective January 1, 1978.

No copyright is claimed for this booklet. You are encouraged to reproduce it in order to assure the widest possible circulation.

GUIDELINES for the use of copyrighted music material

The organizations listed on the back page want to inform church musicians, ministers and the laity of the provisions in this statute which have particular application to the use of music and related print materials in their respective ministries.

This guide does not presume to be a comprehensive summary of the Copyright Act of 1976. It does not attempt to deal with all the laws covered by the legislation, nor does it provide answers to many of the legal questions.

It is intended to be a guide to understanding the nature of copyright by the users of church music to improve their ministries, to maintain a proper standard of ethics, and to help protect themselves and their churches from incurring liability or subjecting themselves to the possibility of being embarrassed or even sued. The questions addressed are the ones which are most frequently asked by church musicians.

A complete copy of the Copyright Law of 1976 and further information regarding the Copyright Law may be obtained 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 to any copyright owner the exclusive rights to original material for a term which is *equal to the length of the life of the author/creator plus 50 years*. (For many songs written prior to 1978, the term is 75 years.) The copyright owner is the only one who has the privilege of reproducing the work. If any other party wants to reproduce the material in some manner, permission must be obtained from the copyright owner.

Visible notice of copyright should appear on all copies of copyrighted music. Whether on the owner's original works or on permitted copies, the notice should be visible and contain the word "copyright" or the symbol © (for printed material) or a circled P (for sound recordings), the year of first publication, and the name of the copyright owner.

2. WHAT ARE THE RIGHTS OF COPYRIGHT OWNERS?

© To reproduce the copyrighted work in printed copies or on records, tapes, video cassettes, or any duplicating process now known or which later comes into being.

© To make arrangements and adaptations of that copyrighted work.

© To distribute and/or sell printed or recorded copies of the work or to license others to do so.

© To perform the copyrighted work.

© To display the copyrighted work.

3. WHO OWNS THE LEGAL RIGHT TO MAKE COPIES?

The original creators (authors and composers) and/or publishers, assigned agents, etc.

4. DO OTHER COUNTRIES HAVE COPYRIGHT LAWS?

Yes. Most of the world now seems to recognize the need to give incentive and protection to creative persons. Copyrighted material owned by U.S. citizens is protected in many other countries by those countries' copyright laws and treaties with the United States.

5. WHAT IF I'M FACED WITH A SPECIAL SITUATION?

If you want to include copyrighted lyrics in a song sheet ... arrange a copyrighted song for four baritones and kazoo...or make any special use of copyrighted music which the publisher cannot supply in regular form, the magic word is..**ASK**. You may or may not receive permission, but when you use someone else's property you must have the property owner's consent.

6. WHAT IF THERE'S NOT TIME TO WRITE?

Think of copyrighted music as a piece of property, and you'll be on the right track. **Plan ahead.**

Some publishers routinely grant permissions over the phone.

7. WHAT ABOUT PHOTOCOPIES OR TAPES THAT ARE NOW IN OUR CHURCH?

Immediately destroy any unauthorized photocopies, tapes, etc., and replace them with legal editions. Possession of any illegal copies puts you in the position of harboring stolen goods.

8. IS IT PERMISSIBLE TO PERFORM COPYRIGHTED RELIGIOUS WORKS IN CHURCH?

Yes. You may perform copyrighted religious works from legal editions in the course of services at places of worship or at religious assemblies. Legal editions do not result from unauthorized duplication of religious works (i.e., to purchase one copy of religious sheet music, then make 30 copies for the choir without permission and perform it in a worship service is not legal or ethical).

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

Yes, but you must secure a recording license from the copyright owner, and pay, effective January 1, 1992, a royalty of \$.0625 (6 1/4 cents) per song, per record, or tape manufactured. (This rate is set by the Copyright Royalty Tribunal and usually increases every two years.) This includes copies of recordings or tapes of church services, concerts, musicals, or any programs that include copyrighted music.

10. CAN I MAKE A RECORD OR TAPE USING A PRE-RECORDED INSTRUMENTAL ACCOMPANIMENT TRACK?

Yes, provided you have proper permission; two different permissions are necessary in this situation. The first is from the copyright owner of the selection to be recorded (see question 13), and the second is from the producer/manufacturer of the accompaniment track. Fees are usually required for each permission.

11. MUST I GET PERMISSION TO:

© Make copies of copyrighted music?

© Print songbooks or songsheets containing copyrighted works and use them in churches, Bible studies, or home prayer groups as long as they are not sold?

© Make a transparency or slide of a copyrighted work for use by projector?

© Make a photocopy of a copyrighted work for my accompanist in order to sing a solo?

© Make videos of worship services or special musical presentations, such as youth, children's, and holiday presentations?

YES. Permission must be secured prior to any such uses and/or duplications.

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

Yes. You can secure a blanket license that permits many church activities from Christian Copyright Licensing, Inc. (1-800-234-2446; address and information on next panel). The CMPA endorses CCLI and has cooperated in making this license available to churches.

IMPORTANT: This license is intended for congregationally sung music only. This does not convey the right to photocopy or duplicate any choral sheet music (octavos), cantatas, musicals, handbell music, keyboard arrangements, vocal solos, or instrumental works.

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

NO. Check the copyright notice on the work and/or check with the publisher of the collection in which the work appears. Once you know the name of the copyright owner, write or call the Church Music Publishers Association at the address on this brochure for assistance in locating an address or phone number. For a cost reimbursement of \$2, CMPA will supply a current listing of major sacred music copyright holders/ publishers. Please send cash. CMPA cannot invoice.

14. BUT WHAT ABOUT OUT-OF-PRINT ITEMS?

Most 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*?

If a song is in the public domain (PD), the copyright protection for the song has expired and the song is dedicated to the public for use as it sees fit with no permission being required from anyone. The absence of a copyright notice (see question 1) is one indication that a song may be PD.

16. WHAT IS *FAIR USE*?

Fair Use is not generally available to churches. Fair use is established by statute and interpreted by the court which permits portions of copyrighted works to be legally reproduced for purposes of criticism, comment, news reporting, classroom teaching, scholarship, and research. In no instance does this apply to a performance. The various interest groups involved have agreed upon guidelines which constitute the minimum and not the maximum standards of educational fair use. If you are interested in a copy of these guidelines, please contact CMPA at the address on this brochure and enclose a self addressed stamped 6" x 9" envelope (\$.60 postage) with your request.

17. IS IT PERMISSIBLE TO MAKE DUPLICATES OF THE TAPE THAT ACCOMPANIES A MUSICAL OR PRINTED WORK FOR "LEARNING" OR

"REHEARSAL" PURPOSES?

NO, it is illegal. As good an idea as this is, and as helpful as it would be to teach the music to members of the choir, it is against the law without permission. Write or call the publishers of the music. They will inform you of their requirements concerning your request.

18. IF I BUY A RECORD, IS IT PERMISSIBLE TO MAKE A COPY FOR A FRIEND?

Duplication of copyrighted materials is against the law when the purpose avoids a legal purchase.

19. WHAT ARE THE PENALTIES FOR MAKING UNAUTHORIZED COPIES OF COPYRIGHTED MUSIC?

Embarrassment is the first. Additionally, the law provides for the owner of a copyright to recover damages for unauthorized use of copyrighted music. These damages include the profits of the infringer and statutory damages ranging from not less than \$250 to not more than \$100,000 per infringement. In addition, prison terms are provided for willful (i.e., you knew what you were doing was wrong!) and commercial infringement. Remember, churches, schools, and not-for-profit organizations can be infringers too!

20. WHAT ABOUT PHOTOCOPIERS WHO DON'T "GET CAUGHT"?

Frankly, we cannot imagine what kind of school, church, or professional musician would derive satisfaction from doing something illegal. They force the price of legal editions higher. They risk embarrassment from professional colleagues who understand the law. They risk fines and jail sentences if taken to court.

Plainly stated, **the making of unauthorized copies of all copyrighted material is strictly illegal.** However, all music publishers desire to have their songs used in as many ways as possible; so in some cases, permission can be obtained. You must contact the copyright owner prior to use or duplication.

If you have other questions, please feel free to ask a publisher or direct your inquiries to the Church Music Publishers Association. CMPA and its member publishers are always willing to help you with copyright questions. CMPA has installed a 24-hour-a-day answering machine number to service church musicians and provide information. That number and the CMPA address are printed on the front and back of this brochure.

POSTLUDE

The following is a list of CMPA publishers:

Abingdon Press
Augsburg Fortress
Beckenhorst Press, Inc.
Benson Music Group

BMG Music
Fred Bock Music Company
Brentwood Music, Inc.
Choristers Guild
Concordia Publishing House
Diadem, Inc.
Gaither Music Company
Genevox Music Group
Gordon V. Thompson Music
Gospel Publishing House/Radiant Music
Harold Flammer, Inc.
Hope Publishing Company
Integrity Music, Inc.
Neil A. Kjos Music Company
Lillenas Publishing Company
Lorenz Corporation
Manna Music, Inc.
Maranatha! Music
Meadowgreen Music Company
Review & Herald Publishing Association
Sparrow Corporation
Spectra Limited
Spiritsound/Pathway Music
Star Song
Theodore Presser Company
Word, Inc.

This brochure is produced by **The Church Music Publishers Association** and issued jointly the following organizations:

American Choral Directors Association
American Guild of Organists
Association of Disciple Musicians
Choral Conductors Guild
Choristers Guild
Evangelical Lutheran Church
Fellowship In The Arts - United Church of Christ
Fellowship of American Baptist Musicians
Fellowship of United Methodists in Worship Music and Other Arts
General Council of the Assemblies of God
Gospel Music Association
Hymn Society of America
Music Educators National Convention
Music Ministries Department - Church of God
Music Publishers Association
National Association of Pastoral Musicians
National Association of Schools of Music
National Church Music Fellowship

National Music Publishers Association
Presbyterian Association of Musicians
Retail Print Music Dealers Association
Southern Baptist Church Music Conference
Standing Commission of Church Music of the Episcopal Church

If you have further questions, contact Church Music Publishers Association, P.O. Box 158992, Nashville, TN 37215 or call (615) 791-0273. This information is furnished through the courtesy of the Church Music Publishers Association.

The Church Copyright License

- PROVIDES HELPFUL COMPLIANCE WITH THE COPYRIGHT LAW IN COPYING MUSIC FOR CONGREGATIONAL USE (FOR AN ANNUAL FEE)
- COVERS MORE THAN 100,000 SONGS FROM MORE THAN 1,200 PUBLISHERS AND SONGWRITERS
- GRANTS PERMISSION FOR THE FOLLOWING COPYING ACTIVITIES:
 1. TO PRINT SONGS IN BULLETINS, LITURGIES, PROGRAMS, AND SONGSHEETS
 2. TO PRINT SONGS IN BOUND OR UNBOUND SONGBOOKS COMPILED BY THE CHURCH
 3. TO MAKE OVERHEAD TRANSPARENCIES, SLIDES, OR TO UTILIZE ELECTRONIC STORAGE AND RETRIEVAL METHODS FOR THE VISUAL PROJECTION OF SONGS
 4. TO PRINT CUSTOMIZED VOCAL AND/OR INSTRUMENTAL ARRANGEMENTS OF THE SONGS, WHERE NO PUBLISHED VERSION IS AVAILABLE
 5. TO RECORD SONGS IN CHURCH WORSHIP SERVICES BY EITHER AUDIO OR AUDIOVISUAL MEANS

RESTRICTIONS AND CONDITIONS DO APPLY

IMPORTANT: This license is intended for congregationally sung music only. This does not convey the right to photocopy or duplicate any choral sheet music (octavos), cantatas, musicals, handbell music, keyboard arrangements, vocal solos, or instrumental works.

For more information please contact:

© CCLI
6130 NE 78th Court, Suite C-11
Portland, OR 97218
Phone 1-800-234-2446 or (503) 257-2230

The CMPA endorses CCLI and has cooperated in making this license available to churches.

COPYRIGHT CHECK LIST

(may be detached from brochure for quick reference)

ACTIVITY	CONTACT			
	copyright owner/ publisher*	CCLI**	Harry Fox Agency***	CMPA
PRS****				
Using transparencies/ slides	X	X		
Copying words	X	X		
Duplicating audio/ video tapes of worship service	X	X		
Using other electronically manufactured and distributed recordings (audio or video)	X		X	
Photocopying choral product (octavo, etc.)	X			
Copying hymnal songs	X	X		
Using trax for choir practice or recording	X			
Using public domain songs		X		X
Copyright research		X		
Obtaining list of copyright owners/ publishers		X		X
Performing live music	X			X
Broadcasting on TV/				

radio	X	X	X
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* When in doubt, contact the copyright owner/publisher

** Many publishers have granted permission to **CCLI** (1-800-234-2446) to act on their behalf to issue licenses for many church uses of copyrights. **IMPORTANT: This license is intended for congregationally sung music only. This does not convey the right to photocopy or duplicate any choral sheet music (octavos), cantatas, musicals, handbell music, keyboard arrangements, vocal solos or instrumental works.**

*** Some publishers have granted permission to the Harry Fox Agency (1-212-370-5330) to handle mechanical and synchronization licensing.

**** Performance Rights Societies - ASCAP (1-212-621-6160). BMI (1-212-586-2000), SESAC (1-212-586-3450)