

FAQ for Church Copyright Law

1. When reproducing lyrics, what information should be included on the printed or projected copy?

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. Under what circumstances do I need to obtain permission?

- 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.

3. What about photocopies or tapes that are now in our church?

Immediately destroy any unauthorized photocopies, tapes, etc., and replace them with legal editions. You could be fined for possession of any illegal photo or audio copies of music if a publisher or performing rights representative discovers them.

4. 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. Performance, unless it is recorded or the words projected, does not constitute "duplication" of that work. It is still illegal however to buy one copy of a piece of sheet music and make 30 copies for your choir even if it is just for a religious performance.

5. 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, 2004, a royalty of \$.10 (10 cents) per song, per record or CD 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.

6. 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.

7. Must I get permission to do any of the following?

- Make copies of copyrighted music.
- Print songbooks or song sheets 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.

8. Is there one source I can contact to obtain permission to use many New Thought congregationally sung compositions?

Yes. You can secure a blanket license that permits many church activities from emPower Music Rights (www.empowerma.com/musicrights)

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, hand-bell music, keyboard arrangements, vocal solos, or instrumental works.

9. 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 emPower Music & Arts, LLC, PO Box 1012, 1012 Elfers, FL 34680 or call 727.401.4025 or email Business@empowerma.com for assistance in locating an address or phone number.



10. 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.

11. 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. Songs published before 1926 are also Public Domain.

12. 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 because you are creating an audio copy of the work and distributing it outside the church where it could be copied again and again. Write or call the publishers of the music. They will inform you of their requirements concerning your request.

13. 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.

14. 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 if they so desire. 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, depending on church size and type of infringement.