



# Copyright Issues for Churches

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## What is a copyright?

- Bundle of rights to a creative work
- Examples of a creative work: book, song, video, painting, photo, speech, poem, sermon
- Examples of rights: to reproduce, distribute, publicly perform, publicly display, create a derivative work

## What is a copyright? (Cont.)

- Copyrighted work can be published or unpublished
- Property right that should not be used without permission
- Compensation for use of this property right is a justice issue for the owners of each work

## What protections are there for a copyrighted work?

- Protection for
  - 95 years (if published before 1978) or
  - the life of the creator of the work plus 70 years (if published after 1977).
- Do not have to be registered with the U.S. Copyright Office
- Users must seek permission from the copyright owner
  - **Remember:** Owning a copy of the work does not give you the right to copy it or distribute it in any way

## What protections are there for a copyrighted work? (Cont.)

- Using a copyrighted work without permission is illegal under the U.S. Copyright Act and federal law
- No exemption from copyright law for churches
- “Fair Use” in general does not apply to churches

## What if a creative work is in the public domain?

- Public domain includes works that are not copyrighted or for which the copyright has expired
- If in the public domain, no license or permission needed
- Music published before 1927 is generally in the public domain

## Sources for finding creative works in the public domain:

- [Sources for Public Domain Works - Public Domain and Creative Commons: A Guide to Works You Can Use Freely - Research Guides at University of Montana-Missoula \(umt.edu\)](#)
- Finding Public Domain and Creative Commons Media (Harvard Law School Library website):  
<https://guides.library.harvard.edu/law/pd-cc#s-lg-page-section-9103974>
- New York Public Library: [Public Domain Collections: Free to Share & Reuse | The New York Public Library \(nypl.org\)](#)

## What is the “worship services exception”?

- Allows churches to sing hymns or play pre-recorded music during worship without a performance license
- Applies only to performing music
- Does not apply to recording (audio or video), broadcasting, or live-streaming to Zoom, YouTube, Facebook or other platforms



What about performing music at a church outside of a worship service?

- If the music is copyrighted and there is no license, that is copyright infringement

## What about reprints of song lyrics and music for hymns?

- If the hymn is a copyrighted work, you must get a license
- Applies to photocopies for bulletin inserts and choir rehearsals and to projecting lyrics onto a screen during worship
- Citing a source or attribution is not a substitute for a license
- Possession of illegal copies made by someone else = copyright infringement

Does a church need a license to play YouTube videos during worship services?

- YouTube terms of service only allow the playing of videos for personal use
- Licenses are required for all aspects of the video
- No blanket licensing services for YouTube

What if a church creates instant DVDs of worship?

- Permission is needed for each copyrighted work included (songs, readings, film clips)
- No difference whether you sell the DVDs or give them away

What about live-streaming a service over Zoom or another platform?

- Permission is needed for each copyrighted work included (songs, readings, film clips)

## Where do I get a license for reprints or podcasts and streaming?

- Licenses to use much of the music regularly included in Episcopal Church services, including many hymns in *Hymnal 82*, are available from OneLicense
- Types of licenses from OneLicense: Reprint license, Limited Podcast Streaming License, Podcast Streaming License Bundle, Practice Track License

## Important things to note about OneLicense licenses:

- Cover only the music/content in the OneLicense catalog
- Podcast Streaming License includes prerecorded content and content that is streamed live
- The number of downloads or viewings permitted are limited to no more than 3X the average weekly congregational attendance
- Include usage reporting obligations
- Remember: When a license expires, all material licensed under it must be removed

Other resources for music streaming licenses include:

- ASCAP: <https://www.ascap.com/music-users/types/church-or-ministry>
- Christian Copyright Licensing International: <https://us.ccli.com/copyright-license/>
- Christian Copyright Solutions: <https://christiancopyrightsolutions.com/services/worshipcast/>



## What about using photos or artwork from the internet on your church's website?

- You generally need to get permission
- Services track the use of unlicensed images and they will contact you about improper use
- It is copyright infringement unless
  - The church owns the photos or artwork or
  - The church gets a license (i.e. through a stock photo website) or
  - The church uses a hyperlink to the photo (avoid embedding)

What about other liturgical material in a worship bulletin or other worship guide in print or online?

- For materials published by Church Publishing, go to: [ChurchPublishing.org: Rights & Permissions](https://www.churchpublishing.org/rights-permissions)
- For permission to reprint or use an excerpt from a Forward Movement publication in print or on electronic media, go to: [Writer's Guidelines : Forward Movement](https://www.forwardmovement.org/writers-guidelines)
- The *1979 Book of Common Prayer* is in the public domain and can be used or adapted at any time

## What about playing videos at Sunday School or youth activities?

- Need to review the copyright information for the video carefully
- If a video says “For In-Home Viewing” or something similar, a license is needed for public showing of the video
- It does not matter whether or not there is a charge for viewing the movie
- Licenses to show motion pictures are available from the Motion Picture Licensing Corporation:  
[www.mplc.com](http://www.mplc.com)

## What are the consequences for copyright infringement?

- Takedown notice
- Statutory damages of between \$750 and \$30,000
- Actual damages
- Criminal prosecution in certain types of cases

## Copyright Takeaways:

- When in doubt, ask for permission
- Purchase blanket license(s) for your church's music licensing needs
- For poetry, speeches or other literature, contact authors or publishers for permission
- Do not post photos that you find on the internet on your church's website
- Follow the terms of all licenses

Thank you!