



Copyright Law for Religious Organizations

This guide is designed to aid churches and other religious organizations who seek information on copyright law and how it might impact their use of materials. That use could constitute anything from reading a portion of a text during a service to photocopying sheet music for the choir. Because the criteria for fair use of copyrighted materials are a bit vague, this can be a difficult area to navigate. This guide attempts to clarify the issues and provide as much guidance as possible, while recognizing that there may not be a clearcut answer to your questions.

The United States Copyright Office has a [website](#), which includes this [helpful handout](#) (pdf) on the basics of copyright.

If you still have questions after consulting the resources here, you can [contact the copyright office directly](#) and ask for help. Be forewarned - they will not provide legal assistance. If you have an issue which requires legal assistance, please consult an attorney with experience in the area of copyright.

Definitions

Copyright Act: originally enacted in [1976](#), this law has been amended several times. The most important recent [amendment](#) was the extension of copyright protection for an additional twenty years beyond the current term.

Fair use: this [brief article](#) from the US Copyright Office provides further explanation of the fair use exception.

Exemption of certain performances: see provision 3 of [Section 110](#) for the specific language.

Church exceptions

Are there any exceptions to copyright law for churches or other non-profit organizations? The quick answer is no. In general, churches and non-profit organizations are not granted any exceptions to copyright law or fair use. However, you should note that reading a passage from the Bible or singing hymns or other musical work in the course of a regular service is not considered copyright infringement, per the exemption of certain performances referenced above. Making extra copies of sheet music for your choir is copyright infringement.

Copyright as it relates to churches can be broken down into two broad categories: music, and everything else.

Music

All music is going to fall into one of two categories: it's protected by copyright, or it's part of the [public domain](#). Many hymns fall into the public domain category, and much of contemporary praise and worship is still protected by copyright. If a church is only using music that falls under public domain, there is no copyright issue. Items in the public domain are owned by everyone. However, if you are unsure, or if an item is clearly still protected by copyright, then you are required to seek permission from the copyright holder before using the music or lyrics. In other words, if you want to post the lyrics on an overhead for your whole congregation to see, or print them in a bulletin insert, while your church musicians play the accompanying music, you need to get permission. Most copyright holders

print their requirements in the front of their work (i.e. lines to the effect of "permission is granted for these specific uses as long as proper recognition is also given" may be included, or it may simply say "all rights reserved."). In the case of "all rights reserved", written permission must be obtained from the copyright holder before use.

Permission can be requested in several ways. You can write directly to the holder of the copyright and seek permission. This can be difficult, time-consuming and sometimes costly. You can also use a service which allows for the individual application of licenses, such as the [Copyright Clearance Center](#). Some churches assign this function to a specific person or office, but that is not possible or practical for every organization. Another option that is becoming increasingly popular is to use a service, such as [Christian Copyright Licensing International](#). In that instance, the church pays a set amount for licensing each year (from a few hundred to a few thousand dollars, depending on the size of the congregation) and is then able to use all the works for whom CCLI has obtained rights (currently, they have permission for over 150,000 songs). There are other companies as well, including the [Church Copyright Administration](#) and [Christian Video Licensing International](#), which provide a various range of services.

For more information on how churches can address the issue of copyright with regard to music, and the many things that must be taken into consideration, the following articles and websites may be of help:

- [Copyright Guidelines](#) (pdf) -- Many commonly asked questions about copyright as they relate to church music are answered in this handout.
- [Music Copyright and Licensing](#) -- The GBOD of the United Methodist Church has produced this site on copyright and license, which contains links to short articles addressing specific situations within a church setting. These articles are up-to-date with regard to recent changes in copyright law. There is a chart to help determine if a hymn is in the public domain, as well as a wealth of other resources.
- [Copyright Resource for Church Musicians](#) -- The Music Publishers Association has produced a guide specifically for church musicians which addresses some of the most frequently asked questions regarding copyright law.
- [Guide to Copyright Information](#) -- The Church Music Publishers Association has prepared this guide to copyright information for church musicians.

Everything Else

Everything else, for purposes of this guide, encompasses things like using a song or video clip for an illustrative purpose during a sermon or class, showing a movie to your youth group, or pulling a quote from a book and using it in your bulletin or printed lesson outline.

If you plan to use a song clip, video clip or a segment of a movie (anything that features moving pictures with or without sound), you need to get permission from the copyright holder. If you plan to show a commercially-released movie to your youth group for Youth Night or a retreat, you need to get permission from the copyright holder. If you don't, you are infringing on that copyright, and could be sued. [Damages](#) can range from \$750 to \$150,000 for each willfull infringement, plus attorney fees.

Quoting materials from a written work, assuming you are quoting only a part of something and not the entire work, is allowed under [fair use](#). Please see the [brief article](#) mentioned above for clarification from the US Copyright Office. In general, use of this type of material in this way falls completely within the exception.

For published opinions in this area, please see the two articles referenced below:

- [Fair Use: Is It Copyright Infringement When A Church Uses Clips of Copywritten Works Without Permission?](#) -- In this brief article, a lawyer responds to the issue of using copyrighted materials in church.
- [Is Your Church Infringing on Copyright?](#) -- This article discusses what might and might not constitute fair use in a church setting, as well as the exemption of certain performances.

Suggested resources for further reading

Hammar, Richard R. [The Church guide to copyright law](#). Matthews, NC: Christian Ministry Resources, 1988.

Fishman, Stephen. [The public domain: how to find & use copyright-free writings, music, art & more](#). Berkeley, CA: Nolo, 2004.

Websites

The links below are to guides which address the issue of copyright and trademark issues within the church, not previously addressed above. The first two were created by specific denominations, and the third by a non-denominational group.

[Presbyterian Church Guide to Copyright](#)

The Presbyterian Church has created a guide to copyright and trademark law.

[Copyright, Part 1](#)

[Copyright, Part 2](#)

The Lutheran Church, Missouri Synod, has produced this two-part guide to commonly asked copyright questions.

[License to Create](#)

The Willow Creek Association has archived this article which discusses the use of copyrighted material, including music, video and film and provides further resources for help.

Copyright Services (fee-based)

Links to several fee-based services which assist with licensing for copyrighted materials, including music, videos and other items, are contained below.

[Church Copyright Administration](#)

The Church Copyright Administration provides fee-based services to churches in the area of copyright administration, consultation and education.

[CCLI](#)

Christian Copyright Licensing International provides a variety of fee-based services to churches that include permission to use music and lyrics for over 150,000 songs, as well as video licenses for sermon and teaching illustrations.

[CVLI](#)

Christian Video Licensing International provides licenses for churches to use commercial and home-produced videos legally (including everything from a few seconds for illustrative purposes, to an entire movie for a youth group event).

[Copyright Clearance Center](#)

[Creating a copyright policy](#) (pdf)

The Copyright Clearance Center provides fee-based services to obtain copyright permission for millions of publications. They also have a handout on creating a copyright policy for your institution, which could be adapted to create a policy for a church or religious organization.

SOURCE: <http://www.pitts.emory.edu/ResearchAssist/TUTORIALS/copyright.htm>