Doing Right by Copyright
Exclusive Rights of Copyright

1. Reproduction
2. Adaptation
3. Distribution
4. Performance
5. Display
Fair Use: “Four Factors”

1. Purpose and character of the work

2. Nature of the copyrighted work (creative or factual)
3. Amount and substantiality of the portion in relation to the whole (quantitative and qualitative)

4. Effect of the use on the potential market for or value of the copyrighted work

Note: All four factors need to be met to be considered fair use. Ask if you’re not sure.
US Copyright Law Exemptions

Public Domain

Religious Services Exemption
US Copyright Law Exemptions

Fair Use Guidelines for Educational Uses of Music

Guidelines for Copying in Not-for-Profit Educational Institutions

Caution: Not every educational use is Fair Use
Reproduction—Don’t

- Print more than the number of copies you purchased of a downloadable octavo

- Print © text or music in service folders or programs without permission or a license
Reproduction—Don’t

- Out of print ≠ public domain. Don’t copy out of print copyrighted music without permission.

- Make any reproductions of works being used for a performance
Reproduction—Don’t

Reproduce anything designed to be “consumable” (sheet music)

Distribute video recordings of a performance without permission

Post videos of a performance on the internet without a license or permission
Reproduction—Do

- Print the text of choir anthems in service folders with a reprint license

- Make an emergency copy of a choir octavo IF (1) the performance is imminent and (2) a replacement copy is purchased
Reproduction—Do

Make an enlarged copy of a purchased music piece for a visually impaired student (ADA, IDEA)

Make copies of a short excerpt if (1) it’s not for a performance, (2) it’s used in “face-to-face” teaching, and (3) the number of copies does not exceed the number of students
Adaptations – Don’t

- Make a new arrangement of copyrighted music without permission
- Change any lyrics without permission
Adaptations – Don’t

Alter an arrangement that changes the “fundamental character” of the work, such as:

- Changing or adding lyrics
- Changing the melody
- Changing the key from major to minor
Adaptations — Do

Make minor edits or simplifications of arrangements IF (1) the “fundamental character of the work is not distorted” and (2) lyrics are not altered

- Simplifying a part to an octave lower
- Simplifying a rhythm from sixteenth notes to eighth notes if students are struggling with it
Recording—DO

Make a single recording (audio or video) of a student or choir performance for the purposes of review or instruction
Recording—Don’t

Make and distribute—even if free of charge—any sound recordings without a “mechanical license”

“Statutory rate” is set by Congress

Currently 9.1 cents per copy (or 1.75 cents per minute per copy for songs over 5 minutes long)

Example for a CD:

9.1 cents X no. of © songs X number of copies
Performances — Do

Religious services exemption: religious in nature and in the course of services at a place of worship or other religious assembly

Face-to-face-teaching exemption

Must be at a nonprofit educational institution and in a classroom or other place devoted to instruction
Performances — Do

- Have school concerts without a performance license if:
  - There is no commercial gain
  - Performers are not compensated
  - There is no admission charged
  - Performed by school groups
Performances — Don’t

Have concerts and performances by performers who are compensated for the performance, unless you have a performance license.

Livestream or post concerts or services on a school/church website, YouTube, etc. without a license.
Livestream/Podcasting

- Livestreaming or podcasts of © content requires a license or permission
  - OneLicense
  - CCLI
  - “PROs”

Be aware of potential “take-down” notices from YouTube, even if properly licensed.
License Types

- Print License (reprints, custom arrangements, etc.)
- Performance License (live performances)
- Podcast License (posting performances online)
License Types

- Mechanical Rights License (audio recordings)
- Synchronization, or “Synch” License (music accompanied by video)
- Master Use License (use of existing recordings)
Getting Permission

- Ask copyright holder directly
- Request in writing preferred (email)
- What you’re reproducing
- What you’re doing with it
- When you need the permission
- Plan ahead

Tip: Be specific when making your request
Licensing Agents
(“Blanket” License)

OneLicense.net
- Mainly for service folder reprints
- Yearly or event licenses
- Streaming/podcasting license
- Important to report what you use

CCLI
- Reprint license and streaming license
- Yearly or event licenses
- Covers mostly praise/contemporary music
Licensing Agents
(“Blanket” License)

Capitol CMG

- Covers anything © EMI CMG Publishing (Getty) & some LAPPY
- Best for single-use/event licenses (not yearly licenses)

Performing Rights Organizations ("PROs")

- ASCAP, BMI, SESAC
- For performance rights only, not service folder reprints
Christian Copyright Solutions

- Not for service folder reprints
- Offers streaming license that covers catalog of all three PROs (WorshipCast)

**Read the fine print: what content the license covers and for what uses**
Using a Licensing Agent

Step 1: What kind of license do I need? (print, streaming/podcast, performance)

Step 2: What copyright holders do I need permission from?
Step 3: Does the license cover both the type of license and the copyrighted content?

You may need more than one license to cover all the content
Sources and Resources