



## Music Copyright Information

Diocese of Salt Lake City  
Office of Worship & the Diocesan Liturgical Music Committee  
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“Many published works are protected by national and international copyright laws, which are intended to ensure that composers, text writers, publishers, and their employees receive a fair return for their work. Churches and other institutions have a legal and moral obligation to seek proper permissions and to pay for reprinting of published works when required, even if copies are intended only for the use of the congregation.” (*No. 105, Sing to the Lord: Music in Divine Worship*, © 2007, USCCB)

### **GENERAL COPYRIGHT INFORMATION**

**What is a copyright and how do copyright laws affect the music ministry?** Copyrighted texts and melodies of liturgical music are the property of the individual who created the work and give to that individual the exclusive rights to their original material.

Copyright laws justly compensate artists for their work and composers and copyright owners rely on royalties for their income. Unauthorized copying and use of these materials are not only a legal matter, but also an issue of social justice. Photocopying music or reproducing the music without permission is stealing.

**Where is the copyright information located on a piece of music?** Copyright information is usually located at the bottom of the first page or sometimes in an index in the collection. Do not assume that a work is public domain if a copyright is not displayed.

**What is Public Domain?** Public domain simply means that the term of the copyright protection has expired and anyone is free to use those works in any way. The absence of copyright information is one indication that a song may be in the public domain. However, legal responsibility lies with the user and further research may be needed.

**What is Fair Use?** Some may be familiar with the phrase “Fair Use” but music may not be reproduced for use in the church under this clause. “Fair Use” allows copyrighted works to be legally reproduced for purposes of teaching, news reporting, and research. Fair use does not apply to performance.

### **PERMISSIONS**

**What if the music I need is no longer in print? Can I make copies?** Not without permission from the publisher. They can give permission for a small fee to photocopy these pieces. This would include permission to print “just the words” as both the melody and words are both protected under copyright laws. Permission from the publisher would also be needed if the words to a hymn or song were changed.

**How do I get copies of accompaniment, harmonies, and guitar chords?** Always go to the publisher first! Choral octavos may be available for a specific piece of music. If a selection is part of a music collection, permission may be obtained from the publisher to make individual copies for musicians for a small fee.

**What if our parish or school has already copied music?** If you have not obtained permission, destroy unauthorized photocopies and replace them with legal editions. Even if you did not make the copies yourself, if the organization is in possession there could be a claim of copyright infringement. If you are aware of a claim or allegation, do not destroy the copies and seek legal counsel.

**Can we reuse softbound hymnals, such a Breaking Bread, from a previous year?** No. Parishes pay copyright for those music books only for the year indicated. After that year, the books must be discarded and new books purchased. If parishes wish to use the same music book year after year, they should consider purchasing a hardback hymnal, not a seasonal or annual music book.

**Can we reuse piano/guitar accompaniments from a previous year?** It depends on the publishers. Some publishers update the piano/guitar accompaniment book every year and those updates can be purchased rather than an entire book. However, you will need to check with your publisher to see what is offered.

**How do I format a worship aid?** If you have a license to copy the words and melody line for one-time use, or through a parish reprint license, the music publisher should give the specifics. There are regulations as to how to notate the music that is being copied with permission. Always check with the publisher to assure accuracy when producing worship aids.

Whenever a copyrighted work is reproduced in any form, permission must be obtained. When in doubt contact the publisher and always report your song usage as required by your license.

## **PERFORMANCE**

**Do I need permission to ‘perform’ music in a worship service?** If the music has been purchased, copyright law allows music to be performed at a liturgy.

**Can my choir perform a copyrighted song at a concert or fundraiser without permission?** Yes, if you have purchased a copy of the song for each musician and notated the proper copyright information in the program. However, you would need permission to record, distribute or live stream the performance.

**What permissions are needed if my parish wants to live stream a mass on YouTube or Facebook?** You will need to obtain written permission from the copyright holder or a special license. Using music without permission/license would constitute copyright infringement.

## **LICENSING**

**What type of copyright license does a parish need?** Several different levels of copyright licenses are available from all the major publishers. They vary in price and in scope. There are annual, selected, one-time, and seasonal licenses to name a few. It is important that each individual parish contact their licensing agents to determine exactly which licenses the parish will need.

If you are using a hymnal such as OCP’s “Breaking Bread” or GIA’s “Gather”, you may not need to purchase an additional license unless you choose to copy a work from the hymnal for a special liturgy

such as a wedding or funeral worship aid, program or projected image. This would include both music and/or words. However, the nature of copyright law is ever changing so it is always best to check with the publisher first before proceeding.

Within the last three years, many of the major music publishers for Roman Catholic Worship, GIA, OCP, WLP, Morning Star, Liturgical Press, Selah, and several others, have joined together to form one single licensing agency - One License. The licensing options include producing print or projection of congregational parts, but does not cover permission for choral scores, instrumental parts or accompaniments. CCLI also offers licensing for contemporary Christian music with similar licensing options.

**Do I need a license to make copies of accompaniment recordings, midi-files, or CDs for rehearsal purposes?** Yes. Copyright permission must be obtained from the owner and the publisher to duplicate a recording for any purpose.

**Do I need permission to produce a recording of our liturgies?** Yes, an additional license would need to be purchased which allows for the worship service, music and readings to be recorded and distributed. This would also be true for live streaming.

**Do I need permission to make a projected or electronic image?** Yes. Under most parish copyright licenses, words and music can be copied in various formats. It is important to review the parish copyright license, and/ or check with the specific publisher before proceeding.

**Do I need permission to make a single copy for personal use?** A musician may enlarge a piece of music to aid in reading or to facilitate an awkward page turn, as long as only one copy is made from the original purchased music or hymnal.

**What are the penalties for making unauthorized copies of copyrighted music?** 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 \$500 to \$100,000 dollars per infringement. There have been cases where entire dioceses have been sued because of copyright infringement at the parish or school level.

#### **PLEASE REMEMBER**

Whenever a copyrighted work is reproduced in any form, permission must be obtained. When in doubt contact publisher and always report your song usage as required by your license.

The intent of this document is to give guidance to the parishes and institutions of the Diocese of Salt Lake City. If you have further questions, contact the Office of Worship at 801-328-8641.

If you have questions regarding Copyright Infringements please contact the Diocesan Office of Life, Justice and Peace and reference the August 2020 Memo: Legal Advisory – Copyright Infringement Claims.