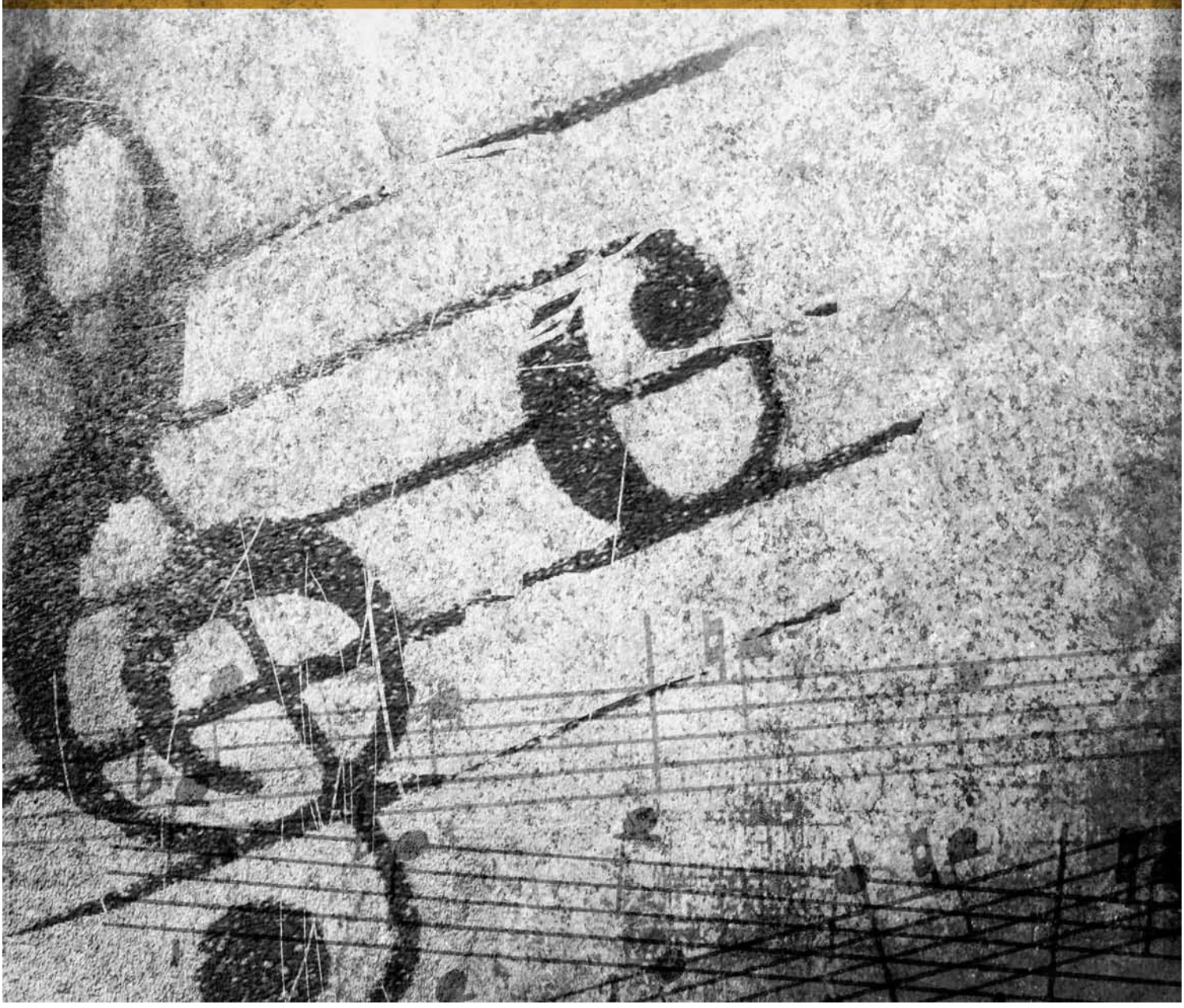
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6 Myths About Copyrights That Put Your Church at Risk



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Overview

Music performance rights represent a fairly simple concept, but one that is often misunderstood by churches. Myths often spread when there are misunderstandings, so this report focuses on identifying six common myths in regard to the performance rights for songs and music in the context of church activities.

Performance Rights Basics

Let's look at some brief definitions to help lay the groundwork for understanding performance licensing. First, the legal definition of a performance is an instance of music being performed "in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered." Most church performances fit those criteria. A performance license grants permission to have these public performances, whether it is a live performance or playing of pre-recorded music.

Performance licenses are controlled and managed by performing rights organizations or "PROs." The three PROs in the United States are ASCAP, BMI and SESAC. Every songwriter and publisher who wants to be paid performance royalties is registered with one of these three organizations, which represent more than 17 million songs. PROs collect performance license fees for a wide range of uses, from Internet, radio and TV broadcast to stadiums and restaurants.

Churches qualify for an important exemption in the U.S. Copyright Law (section 110[3]), but it is vital that church leaders understand which performances qualify for the exemption and which do not. According to the exemption, the following performances are not infringements of copyright:

> "Performance of a non-dramatic music work or of a dramatico-music work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly."

Now that we have laid the groundwork, let's investigate some common myths about performance licenses.

Myth #1:

"I need a performance license to play secular music in service."

Due to the religious service exemption, churches do not need a performance license to play or perform secular music in worship services. In fact, churches do not need a performance license to play any kind of music, whether it's live or pre-recorded. Much of the confusion stems from a misunderstanding of exemption.

The religious service exemption applies both to live performances of music as well as the playing of pre-recorded music. The exemption applies to all music, Christian and secular.

The only musical exception is "dramatico-musical" works of a non-religious nature, such as secular operas or plays. These are not exempt and would require licensing.

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Myth #2:

"Churches are exempt from performance licensing."

Another common misunderstanding of the copyright exemption is when churches believe that the exemption applies to all of their use of copyrighted music, regardless of the context. This is not the case. The religious service exemption applies only to actual religious services. All other performances require a performance license, as stated below:

> "...in the course of services at a place of worship or other religious assembly."

Outside of religious services, churches have the same copyright responsibilities as a restaurant, business or stadium.

Myth #3:

"The religious service exemption allows me to broadcast my church's performances."

Many folks are under the assumption that the religious service exemption allows them to webcast their performances of music, such as the worship team during a service. This is also not true. While the religious service exemption allows churches to play and perform copyrighted music without paying royalties, this exemption does not extend to re-transmission of the service.

This was a real grey area until 2006, when a publisher named Simpleville took a radio station to court for rebroadcasting several churches' services, including the music portion. The defendant's argument against liability was that he could broadcast the songs because the songs had been performed during church services. The court rejected the argument, stating that the exemption applies only to performances that occur at the place of worship; it does not extend to broadcasts of those performances.

The Congressional history shows that the exemption does "not extend to religious broadcasts or other transmissions to the public at large, even when the transmissions were sent from a place of worship." If a church is going to have its services on TV or radio, those stations will need to have a performance license. If a church is going to webcast its services, it will need an Internet performance license (often referred to as an Internet streaming license) if it is performing copyrighted songs.

Myth #4:

"My CCLI license provides performance licenses."

There is a lot of confusion over what the CCLI license covers and what it does not cover. Many think that the CCLI license gives them blanket coverage for all music uses. This is not accurate. The CCLI license covers some very specific music uses, including:

- Printing of songs, hymns, lyrics in bulletins for congregational singing
- Creation of custom songbooks for congregational singing
- Creation of visual format for projecting lyrics for congregational singing
- Limited creation of custom arrangements for congregational singing
- Limited recording of worship services onto CDs and DVDs

The CCLI Church Copyright License is a great resource for churches, but it does not provide any form of performance license. (For further detail of what is covered by the CCLI license, contact your CCLI representative.)

In the next section of this report, we look at the various church blanket licenses and what each covers.

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Myth #5:

"My church does not perform music outside of services."

When church leaders realize that the religious service exemption does not apply to music performed outside of services, often the immediate response is, "We don't play any music outside of services."

This is very rarely the case. After some quick reflection, most churches recognize that they are playing lots of music outside of their worship services, including:

- Coffee shops
- Bookstores
- Concerts
- Retreats
- Picnics & barbecues
- Singles groups
- Dances
- Carnivals & festivals
- Graduations
- Award ceremonies
- Testimonials & retirements
- Dance classes
- Exercise classes
- Karaoke
- Conferences & seminars
- Vacation Bible School
- Camps
- Sporting events
- Movie nights
- Pageants
- Youth group gatherings
- Guest speakers
- Wedding receptions
- On-hold music
- Music before & after service
- Community events
- Retirement home visits
- Day care

Each church should review its music uses to determine if it needs a performance license. Most will find that they do.

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Myth #6:

“PRO licenses are difficult and expensive to obtain.”

Many folks believe that performance licenses are difficult and expensive to maintain. This is not true. Christian Copyright Solutions (www.Christiancopyrightsolutions.com) offers two licenses that cover all of the song catalogs of ASCAP, BMI and SESAC.

The PERFORMmusic License provides churches and ministries with a license for the performance of live and pre-recorded music in their facilities, including satellite campuses. The license covers all 17 million songs from ASCAP, BMI and SESAC, including all genres of Christian and secular songs. The PERFORMmusic License starts at $199 per year.

The WORSHIPcast license allows churches and ministries to webcast their performances of all 17 million songs from ASCAP, BMI and SESAC, including all genres of Christian and secular songs. The WORSHIPcast license starts at $225 per year.

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All About Music Licenses

Blanket licenses are the simplest and most cost-efficient method for churches to stay copyright compliant.

What is a church blanket license?

A blanket license allows licensees to use a catalog of copyrighted works for one fee. Several blanket licenses have been created to meet the need of churches and ministries. The best known of these are:

- PERFORMmusic
- WORSHIPcast
- LifeWay Worship Track Streaming License
- CCLI Church Copyright License
- CCLI Church Streaming and Podcast License
- CCLI Church Rehearsal License
- CVLI
- LicenseSing
- OneLicense

There is a significant amount of confusion around what is covered by these blanket licenses. Each of them covers very distinct rights and uses with very little overlap between them. Used in combination, they provide the mosaic of coverage churches need. The first step in determining which of these licenses to purchase is to understand what they cover and what they do not cover.

Let's look first at what CCS offers:

CCS Blanket Licenses

PERFORMmusic

Covers: Song Compositions
Catalog size: 17 million songs
Rights: Performance

PERFORMmusic allows churches to legally perform and play recorded music outside of religious services.

What you CAN DO:

- Play music before or after service
- Hold concerts (no admission charge)
- Play on-hold music
- Play music in bookstores and coffee shops
- Play music in aerobics and exercise classes
- Play music in seminars and conferences
- Play music at social functions

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What you CANNOT DO:

- Charge admission fees
- Retransmit performances on radio, TV or Internet



WORSHIPcast

Covers: Song compositions
Catalog size: 17 million songs
Rights: Streaming Performance

WORSHIPcast lets churches stream their performances of more than 16 million Christian and secular songs.

What you CAN DO:

- Webcast live performances of music
- Webcast archived performances of music
- Charge for access to services

What you CANNOT DO:

- Make performances available for download
- Webcast third party recordings
- Webcast copyrighted works other than songs

LifeWay Worship Track Streaming License

Covers: Sound Recording Masters
Catalog: LifeWay Worship Tracks
Rights: Digital Performance

LifeWay Worship Track Streaming License is an add-on to WORSHIPcast and allows licensees to stream LifeWayWorship.com versions of master recordings for specific not-for-profit uses.

What you CAN DO:

- Webcasting of worship services and programs (live and on-demand)
- Streaming of ministry related videos (baptisms, testimonials, mission trip)
- Streaming of background music on church/ministry site

What you CANNOT DO:

- Downloads of any kind
- Creation of any physical media
- Any use requiring payment to the licensee in order to hear the stream

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CCLI Church Copyright License

The CCLI Church Copyright License was the first church blanket license and it is the best known. Uses revolve around providing lyrics for congregational singing and limited CD and DVD production.

Covers: Song Compositions
Catalog size: 300,000 Christian songs
Rights: Reproduction for congregational singing

What you CAN DO:

- Print songs, hymns and lyrics in bulletins for congregational singing
- Create custom songbooks for congregational singing
- Create visual format for projection of lyrics for congregational singing
- Arrange, print and copy your own arrangements for songs used for congregational singing where no published version is available
- Record your worship services (provided you only record live music and do not reproduce accompaniment tracks) and sell for up to $4 each for cassette tapes and CDs and $12 each for videotapes and DVDs. (number of copies are limited to 15% of the church's congregation size)

What you CANNOT DO:

- Photocopy or duplicate octavos, cantatas, musicals, handbell music, keyboard arrangements, vocal scores, orchestrations or other instrumental works
- Reproduce or make practice or rehearsal tracks
- Perform songs outside of worship services
- Make translations of songs
- Post any songs to the Internet
- Record song performances, unless recorded live in your services
- Use songs that are not in the CCLI song catalog
- Use of any copyrighted material besides songs

CCLI Church Streaming and Podcast License

Covers: Song Compositions
Catalog size: 300,000 Christian songs
Rights: Streaming Performance

The CCLI Church Streaming and Podcast License is an add-on to the CCLI Church Copyright License. This license allows churches to stream and podcast their performances of songs in the CCLI catalog.

What you CAN DO:

- Stream your performances of catalog songs in worship services
- Podcast your performances of catalog songs in worship services

What you CANNOT DO:

- Stream or podcast your performances other than worship services
- Stream or podcast copyrighted master recordings
- Stream or podcast songs not in catalog, including all secular songs
- Charge for access to streams or podcasts

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- Use any copyrighted material besides songs

CCLI Church Rehearsal License

The CCLI Church Rehearsal License allows worship leaders and church music directors to legally copy commercial audio recordings and/or share audio files via email, flash drives or on worship planning websites. The copies are intended for rehearsal purposes only, and are not intended to remain as permanent copies for personal collections. Annual pricing is based on your church's congregation size.

What you CAN DO:

- Burn CDs from commercial CD recordings
- Digital downloads and burn to CD
- Email digital files to worship team

What you CANNOT DO:

- Record your worship service performances
- Download songs from free streaming services
- Record songs and burn to a CD

For recordings not included in the Rehearsal License, you will need to obtain individual master licenses for the recordings from the record label and mechanical licenses for the songs from the publishers. Through the PERMISSIONSplus Service, CCS professionals can assist you in obtaining the licensing you need.

CVLI Church Video License

Covers: Videos
Catalog size: 400 producers
Rights: Performance (or showing film)

The CVLI license allows churches to show selected films & videos for specific uses. The catalog includes Christian and secular films and videos.

What you CAN DO:

- Show videos to illustrate sermon points
- Show videos in Sunday schools and youth groups
- Show videos for teaching and training in classes
- Host special event movie nights
- Show whole videos or select portions

What you CANNOT DO:

- Reproduce videos
- Sync video to another medium
- Charge admission or advertise titles
- Retransmit on TV or internet

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LicenSing

Covers: Song Compositions
Catalog size: 100,000 songs
Rights: Reproduction for congregational singing

The LicenSing License allows reproduction of songs for congregational singing. LicenSing has a liturgical focus.

What you CAN DO:

- Use catalog songs, hymns, lyrics for congregational singing

What you CANNOT DO:

- Record your performances
- Reproduce or copy sound recordings
- Make translations of songs
- Use songs that are not in the LicenSing song catalog
- Use of any copyrighted material besides songs

OneLicense

Covers: Song compositions
Catalog size: 62 publishers
Rights: Reproduction for congregational singing

OneLicense allows churches to make copies of songs for congregational singing. OneLicense also has a liturgical focus.

What you CAN DO:

- Use catalog songs, hymns, lyrics for congregational singing
- Record worship services for the home-bound
- Podcast your performance & create practice tracks

What you CANNOT DO:

- Reproduce or copy sound recordings
- Make translations of songs
- Use songs that are not in the OneLicense song catalog
- Use of any copyrighted material besides songs

Be sure to see comparison chart on next page.

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	PERFORMmusic	WORSHIPcast	LifeWay Worship Track Streaming License	CCLI Church Streaming and Podcast License	CCLI Church Copyright License	CCLI Church Rehearsal License	CVLI Church Video License	LicenSing	OneLicense
Play music before or after service	✔								
Hold concerts (no admission charge)	✔								
Play on-hold music	✔								
Play music in bookstores and coffee shops	✔								
Play music in aerobics and exercise classes	✔								
Play music in seminars and conferences	✔								
Play music at social functions	✔								
Webcast worship services using catalog songs		✔		✔					
Webcast outside events (in addition to worship services) using catalog songs		✔							
Webcast ministry-related events (baptisms, testimonials, mission trips)		✔							✔
Stream background music on church/ ministry site		✔							
Charge for access to services		✔							
Stream song master recordings			✔						
Podcast worship services using catalog songs				✔					✔
Print songs, hymns and lyrics in bulletins for congregational singing					✔			✔	✔
Create custom songbooks for congregational singing					✔			✔	✔
Create visual format for projection of lyrics for congregational singing					✔				
Arrange, print and copy your own arrangements for songs used for congregational singing where no published version is available					✔				
Record worship services for the homebound					✔				✔
Burn CDs for rehearsal purposes						✔			✔
Show videos to illustrate sermon points							✔		
Show videos in Sunday schools and youth groups							✔		
Show videos for teaching and training in classes							✔		
Host special event movie nights							✔		
Show whole videos or select portions							✔		

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