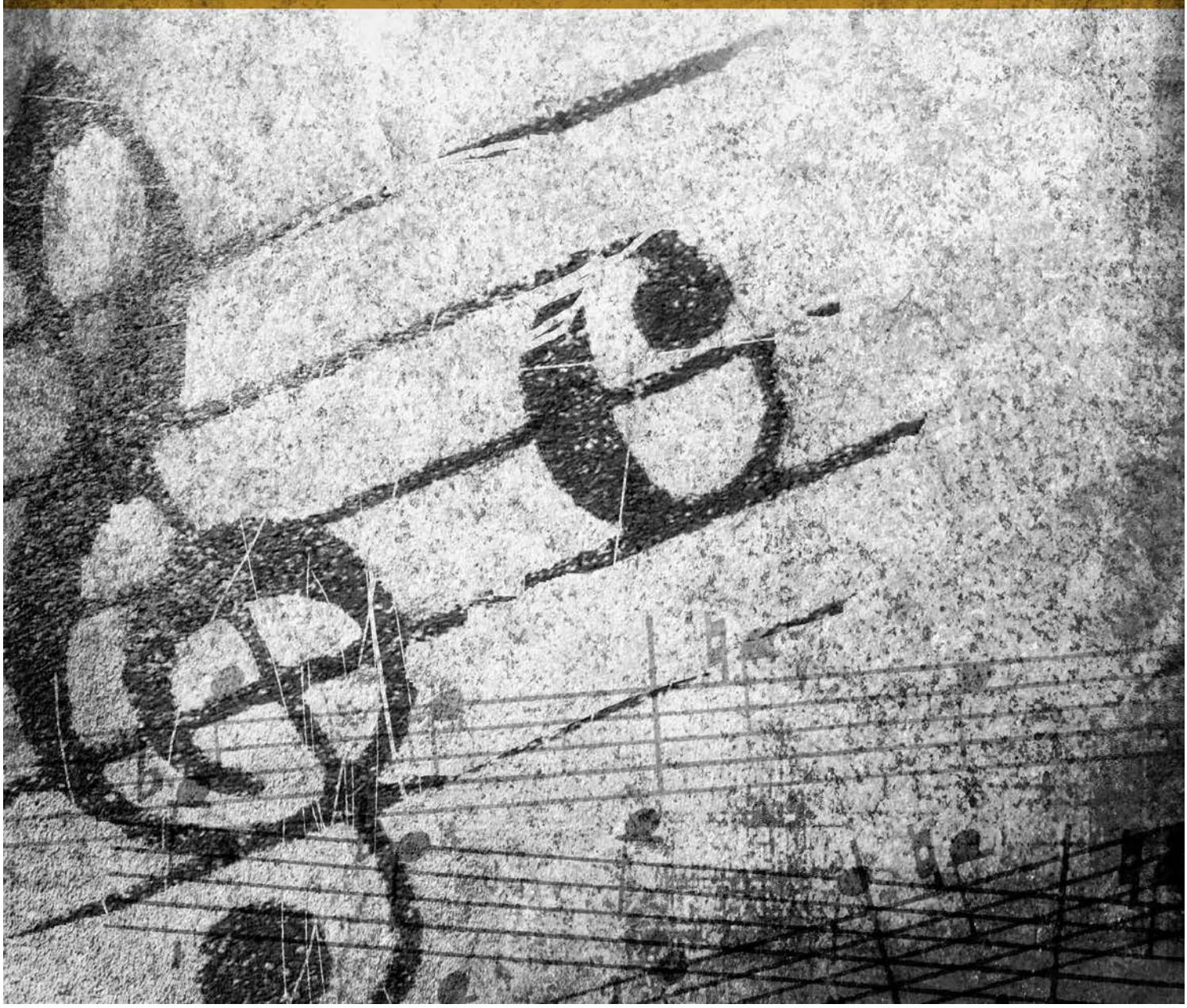
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# Creating Legal CDs and DVDs



Making CDs and DVDs has become a regular activity for churches.
*Learning a few basic rules will let you produce them with confidence.*

# Creating Legal CDs & DVDs

## Overview

Churches and ministries are taking advantage of inexpensive technologies that make creating CDs and DVDs a simple process.

**There are many opportunities for creating CDs and DVDs:**

- Worship services are recorded onto CD and DVD
- Worship teams or indie artists might go into the studio to record a CD
- Media teams might produce a promotional video for the church
- Memory videos are a standard part of the youth group and Christian camp experience

### You Want to Make Them Legally, But You Need to Understand the Rules

Churches are becoming aware that using copyrighted works requires permission. Until recently, there was not a lot of information available to churches on the specific license that they would need. We hear from folks every day that they want to make CDs and DVDs but are nervous about the copyright implications. We are here to explain the ground rules.

Learning the rules for making CDs and DVDs is a lot less complicated than learning the rules to football. If you can understand the licenses and how they apply to your projects, you will be on your way. Taking the time to learn these basics rules will allow you to evaluate your project and move forward with confidence, knowing that you are doing it legally.

**Why Is It Important to Honor Copyrights?**

- It's the law
- It's the right thing to do
- Risks of liabilities & infringement
- Supports the creative arts
- Sends message to next generation

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# Three Licenses

**There are three licenses that you must understand to make CDs and DVDs**

1. The Mechanical License
2. The Video Sync License
3. The Master Recording License

## The Mechanical License

A mechanical license allows the licensee to reproduce and make an audio recording of a copyrighted composition and distribute it. This license covers a specific song (music and lyrics), but does not cover the use of any previously recorded versions of the song. The mechanical license royalties go to the song's owners (the songwriter(s) and/or publisher). You will need to secure a mechanical license if you are creating CDs that include copyrighted songs. Mechanical royalties are "compulsory" which mean that publishers are required by law to grant them, if the song has previously been recorded at least once. Mechanical royalties rates are set by Congress and are currently 9.1 cents per song per CD for runtimes of five minutes (5:00) and under.

## The Video Sync License

A video sync license allows the licensee to make copies of a song within a video. This license covers that song as composed, but does not cover the use of any previously recorded versions of the song. Like the mechanical license, the video sync license royalties go to the song's owners (the songwriter(s) and/or publisher). You will need to secure a mechanical license if you are creating DVDs that include copyrighted songs. Video sync licenses are required whether it is a video of your performance or if you are using the song as a background track with a recording. Publishers are under no obligation to issue video sync license, and they have complete discretion to deny a request. Video sync license royalties vary, but you should budget for 20 to 30 cents per song per DVD.

## The Master Recording License

A master recording license allows the licensee to use a pre-existing recording in their project. This license covers the recording of the song, not the actual composition itself. The royalties from a master recording license go to the recording's owner, usually the performing artist or their record label. You need to get a master recording license if your project will use a preexisting recording owned by someone else. Publishers are under no obligation to issue master recording licenses and they have complete discretion to deny a request. Master recording license royalties vary, but you should budget for 25 to 30 cents per song per copy.

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# Types of Projects

## Recording Worship Services onto a CD

One of the most common things that churches record onto CDs are worship services. One simple way to address copyrights is to just record the sermon, but most churches want to record the whole service, including music. If you are creating a CD of your worship team's performance, you will need a mechanical license for each song that is performed (should mention the CCLI license here and what it covers...up to 15% size of your congregation in units and charging $4 or less for audio and $12 or less for video) If your services include recorded music, you will need to get a master recording license and a mechanical license for each recorded song that is played. This is true even if the pre-recorded music in question is an accompaniment track.

## Recording a CD in a Studio

Sometimes churches and ministries want to produce their own CDs in a studio. For every song that you wish to cover, you will need a mechanical license. If you're recording songs written by your worship team members, you should have them sign a letter of agreement stating they allow gratis use, or pay them royalties. You will need to get a master recording license for any accompaniment tracks that you may use. You also need to get a master recording license for any samples that you may use.

## Making a CD of Rehearsal Tracks

Worship teams will often create a CD compilation of the songs they want to perform for rehearsal tracks. You will need to get a mechanical license for each song. Because you are using the original recording, you will also need a master recording license for each song.

**Different DVD projects require different combinations of licenses:**

**Video Sync**

or

**Video Sync + Master Recording**

Depending on how you are using music, you may need just a video sync license, or both a video sync license *and* a master recording license.

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## Recording Worship Services onto DVD

One simple way to address copyrights is to just record the sermon, but most churches want to record the whole service, including music. If you are creating a DVD of your worship team's performance, you will need a video sync license for each song that is performed. If your services include recorded music, you will need to get a video sync license and a master recording license and for each recorded song that is played. This is true even if the prerecorded music in question is an accompaniment track. You need to be cautious if your church projects your lyrics on the screen. Your CCLI license does not cover the reproduction of lyrics onto DVD. You also want to take care if your services include transitions or video that you may have purchased. These licenses rarely include the right to make and distribute copies.

## Recording Video Productions to DVD

Churches and ministries produce their own videos, whether they are promotional videos for the church or memory videos from camps. You will need a video sync license for every copyrighted song on the video. You will need to get a master recording license for any preexisting recording that you use. For example, if you wanted to make a DVD of your camper singing "Revelation Song", you would need a video sync license. If you wanted to make a DVD of your campers canoeing and score it with Kari Jobe's recording of "Revelation Song", you would need a video sync license AND a master recording license.

# License Preparation

### Compile All of the Information Required to Request a License

Determine which licenses you will need (mechanical, DPD, video sync and/or master recording). Put together a single copyright document for your project. Catalog each song that you will be using, you will need full title, author, source, lyrics, product on which it appears (CD, Songbook, etc.), copyright notice, publishers and administrators.

### You Will Need to Request Licenses from the Copyright Owners

You will need to contact each owner of each song and each recording that you want to license. Sometimes copyrights are owned by more than one party. In this case, you will need to contact each owner to get permission Depending on the license that you are requesting, it may take 3-4 weeks to get licenses in place, so start early!

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