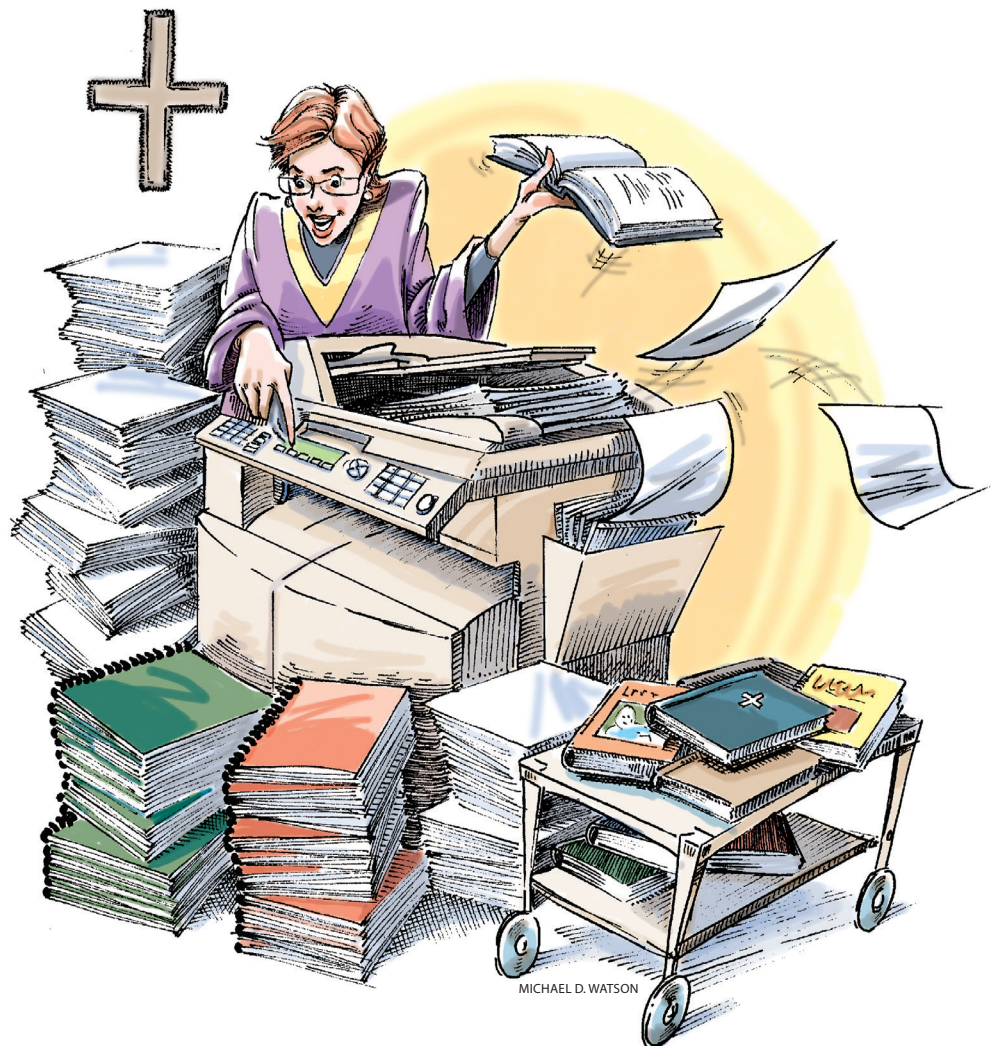


Keeping it legal

Copyright laws and the church

By Susan Lang

Lang is an ELCA pastor who serves ecumenically as a retreat facilitator and church consultant (www.revwriter.com).



Britt Vickstrom, Bettendorf, Iowa, learned the basics of copyright law as a student at Wartburg Seminary, Dubuque, Iowa. So when she moved to a pastoral call where the congregation used the resource *Sundays and Seasons*, she knew it was important to clarify what could be legally printed in the bulletin.

“I was confused about reproducing hymns,” she said. “I wanted to make sure we were obeying the law and respecting hymn writers. I found out it was a lot more complicated. You can’t just print everything as some assume.”

Martin Seltz, publisher for worship and music at Augsburg Fortress, the ELCA publishing ministry, said, “Many congregations are becoming more savvy about copyright law. However, there are still some who believe that because they are religious institutions, they are exempt, or that their reprinting of copyrighted materials without permission is fair use.”

Owning hymnals doesn’t give congregations the right to print, project or record their contents without permission of the copyright holder.

Intellectual property

Michael Moore, copyright administrator for Augsburg Fortress, said most

congregations don't think in the realm of intellectual property. Yet even the founders of the U.S. thought it important enough to place in the first article of the Constitution. Any concrete item that is produced by someone is intellectual property owned by its creator who may have the sole right to copy, distribute or sell that item.

Moore encourages congregations to think of themselves as weekend publishers. That means they need to play by the rules that any publisher has to follow.

Moore calls music "a big bugaboo" because it's so complex. A hymn may have at least four different copyrights attached to it through its text, tune, arrangement and translation. To be able to print, project or record music requires the permission of the copyright holder too.

Sundaysandseasons.com contains a searchable database of hymn copyright holders. Many congregations purchase additional music permission licenses through companies like **OneLicense.net** or Christian Copyright Licensing International. Both websites contain lists of current member publishers, but CCLI tends to cover more contemporary music.

Congregations probably have never considered that intellectual property rights for music extend to the production of any recording, including those made for rehearsal purposes or for distribution to homebound members. Licenses can be purchased for those uses too.

U.S. Copyright Law does contain a section that permits the actual performance of literary works and music in religious services. But concert performances outside of worship, which accept money or even freewill offerings, may place congregations in violation of the law. When money crosses hands the copyright holder needs to be paid.

Then there is video. In a world in which anyone can make an instant video and upload it to websites like YouTube and Vimeo, it's easy to assume that you can record parts of a worship service and place it on the Web. But recording music without permission may be another violation. There are licenses for use of video in the church and worship setting available through sources like Church Video Licensing International (<http://cvli.com>).

Even God's word may be copyrighted. Each modern translation of the Bible has its own requirements regarding how much can be used and how it needs to be attributed. Check the copyright page in each version for owner and requirements.

When in doubt about copyright ownership ask permission, and the best advice is to start from a head-scratching posture of doubt.

"As a copyright administrator a phrase that drives me crazy in our society right now is: It's better to ask forgiveness than to ask permission," Moore said.

He advises congregations to plan ahead because each copyright holder has its own specific process to follow. And have a Plan B just in case.

The artist's perspective

Sharon Wren, secretary of St. James Lutheran Church in Bettendorf, Iowa (where Vickstrom serves), is a writer and has experienced the other side of infringement. That's why Wren took it seriously when Vickstrom began digging deeper into the laws.

"Once or twice someone has lifted something I've written and posted it on the Internet. I've had to email them to take it down," said Wren, who admitted to a sense of violation. "I worked hard on that and you're just taking this from me."

Jonathan Rundman, a full-time

For more information see www.augsburgfortress.org copyrights or contact Michael Moore at 800-421-0239 or copyright@augburgfortress.org. He said he'd like to be the most popular guy in the ELCA.

touring singer, songwriter (www.jonathanrundman.com) and ELCA member, performs both church and mainstream rock music. He said the two worlds are very different.

The mainstream pop/rock world has an established system for protecting the rights of artists by requiring fees to cover the performance of original music in any public venue. The church, however, is generally uninformed regarding its obligation to the creative community. Rundman said it's not uncommon for purchasers of his CDs to tell him they're going to burn copies for others in their church or youth group, which creates an awkward situation for him as an artist.

"People aren't bad," he said, "they're just ignorant. We need to fight the ignorance."

Whether most people realize it or not, the use of intellectual property by congregations has deep vocational ramifications for artists whose livelihood is their art.

30 ►

The Ps of copyright law for churches

Anytime you *print, project or perform* anything get permission. Obtain copyright permission for:

- Any materials used for worship.
- Recordings made for any purpose.
- Bible passages.
- Articles in newsletters, including literary works like poems.
- Printed material for any kind of gathering (see definition of fair use, page 30).
- Video clips or movies.
- Material on church social media.
- Directory photos.
- Photos found on the Internet.

“Vocationally speaking, if we say that the gifts God has given to you lead to how you live out your life in the world, those gifts are legitimate,” Rundman said. “Whether you are living out your vocation as a bus driver, teacher or musician, you deserve to be paid. From the Lutheran perspective, all those jobs

are holy vocations. As Lutherans we owe it to our neighbor to support them in their vocation in order to give them dignity.”

Copyright violations occur in congregations, he said, and people don’t consider they might be violating someone’s vocation.

Both Moore and Seltz know of

congregations that have been prosecuted for copyright violation.

“The best known case involved a multimillion-dollar settlement with the (Roman Catholic) Archdiocese of Chicago, which was prosecuted for illegal copying carried out by some of its parishes,” Seltz said.

The person in a congregation who might have violated someone’s copyright may not be able to be identified, but if you’ve got a stack of illegally copied choir music sitting in the music room, the congregation is liable. While who within the congregation is held liable may differ from state-to-state, the congregational council is the governing board for the corporation.

Fines can start at \$200 per copy infringement, if the congregation is cooperative, and drastically increase if the congregation isn’t cooperative. Yes, per copy — perhaps enough to send choir directors scurrying to their file cabinets and bookshelves. □

What congregations can do

- Plan worship services far in advance to ensure time to obtain necessary permissions.
- Purchase licenses for the use of all print material, video projection and performances.
- Check to make sure the things you want to use for worship or special events are covered by your licenses.
- When in doubt, check with the rights holder. Pages 1172-1173 of Evangelical Lutheran Worship offer a list of copyright holders. Still unsure? Contact Michael Moore, copyright administrator at Augsburg Fortress.

Travel with other Lutherans & “Come home with me to Hawaii”

HAWAII

4-Island Kings Tour

15 Days from **\$1998***

Departs: September 25, 2013

“Aloha! My name is David Burgess. I am a native-born Hawaiian and have been in the Lutheran ministry since 1981, currently serving as pastor at St. Phillips Lutheran Church in Detroit, Michigan.

Our **15-day, 4-Island vacation** will depart **September 25, 2013** and spend five nights in Waikiki; three nights in Kona, Hawaii; one night in Hilo; two on Maui, and three on Kauai. Sightseeing includes a city tour of Honolulu, The Iolani Palace and Pearl Harbor, the Wailua River Boat Cruise, Lahaina and Iao Valley, Hilo Orchid Gardens, Rainbow Falls, Black Sand Beaches, Volcanoes National Park and more. This will be my 17th trip to Hawaii as a chaplain with YMT; they really do a terrific job.”

Includes: quality hotels, taxes, inter-island flights, baggage handling, tour director, special events & escorted sightseeing on all four islands.

YMT specializes in Hawaii and has had their own office in Honolulu since 1967!

***Price per person, based on double occupancy. Airfare is extra.**



**Travel
with Pastor
Burgess!**

Need to know definitions

• **Fair use:** Material used for educational purposes often falls under fair use. However, your *use* is affected by the work and the amount of material used.

“If you use more than 10 percent of a publication, you have a problem,” said Michael Moore, copyright administrator for Augsburg Fortress.

• **Public domain:** Out of print doesn’t mean a work is in the public domain. Generally anything created prior to 1923 is in the public domain. From 1923 to 1978 it doesn’t enter public domain until 95 years from the date of creation. From 1979 on the copyright is in effect for the life of the longest surviving author plus 70 years.



For reservations & details call 7 days a week:

1-800-736-7300