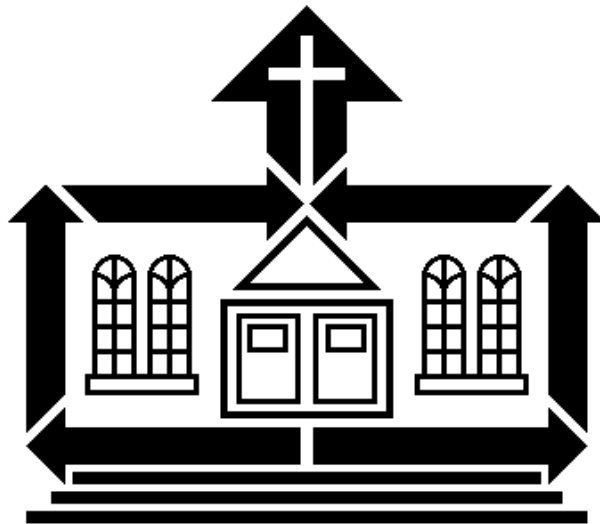


# Copyright Issues for Churches and Ministries



# Copyright Issues for Churches and Ministries

## The Church and the Law

- Churches and other religious organizations are now the frequent targets of lawsuits that may cripple or destroy the organization.
- Whether a lawsuit is precipitated by greed, by neglect on part of the organization, or by irresponsible behavior that harms others, the result is often a damaged fellowship and ministry.
- So now religious organizations need to get it right, not only for legal reasons but also for moral reasons.

Without revelation (vision) people run wild, but one who keeps the law will be happy.  
Proverbs 29:18 (HCSB)

## COPYRIGHT ISSUES FOR CHURCHES AND MINISTRIES

- Whether they know it or not, churches around the country are dealing with issues relating to copyright questions.
- The difficulty churches face is that they rarely discern that they may be doing something illegal until it is too late.
- Because of the magnitude of potential damage awards, ensuring that your ministry is abiding by copyright laws is critical to your ministry's very existence.

## COPYRIGHT PROTECTION

A copyright is a legal protection for authors of original works, including literary, dramatic, musical, artistic, and certain other intellectual works.

The United States Constitution gives Congress the authority to issue copyrights. See U.S. CONST. Art. I, Sec. X. Congress enacted the Copyright Act of 1976 for the purpose of issuing and protecting copyrights.

## “POOR-MAN’S” COPYRIGHT

- A tangible work is automatically copyrighted at the moment of creation.
- No publication or registration is necessary.
- A tangible work is one that can be perceived, reproduced, or otherwise communicated directly or with the aid of a machine or device. Books, software, music, art, even architecture are subject to copyright protection.

## COPYRIGHT OWNERSHIP

- In most cases, the author or publisher of a work owns the copyright to the work.
- An exception would be a work *made for hire*, in which case the person for whom the work is prepared owns the copyright.
- An artist who is commissioned to paint a portrait is the classical work for hire situation.

- A pastor who prepares sermons for Sunday morning is in a work for hire relationship.
- Mere ownership of a copyrighted work does not give the possessor the copyright.
- For example, a church music director who buys copyrighted sheet music does not receive the copyright or any of the privileges belonging to the copyright owner.

### **DURATION OF COPYRIGHT**

- For works created after January 1, 1978, a copyright lasts for the life of the author plus seventy years.
- This copyright can be extended for another twenty years.
- The copyright of a work created by two or more authors endures for fifty years after the last surviving author's death.
- Copyrights for anonymous and pseudonymous works, and for works made for hire last for one hundred twenty years after the work's creation or ninety-five years after its publication, whichever expires first.
- For works created before January 1, 1978, the copyright endures for twenty-eight years after the copyright was acquired and may be renewed for an additional forty-seven years, allowing the copyright to last up to a total of seventy-five years.
- If a work was renewed prior to January 1, 1978, the copyright lasts for seventy-five years from the date the copyright was originally secured.

### **WORKS NOT SUBJECT TO COPYRIGHT PROTECTION**

- Intangible works are not subject to copyright protection.
- Examples: works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, a distinguished from a description, explanation, or illustration—all these are eligible for patent protection.
- Works consisting entirely of information that is common property and containing no original authorship are not subject to copyright protection.
- Examples: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources.

### **REGISTRATION OF COPYRIGHT**

- No registration is required for copyright protection.
- However, registering with the copyright office establishes a public record of the copyright claim and offers some protection should a dispute arise concerning the ownership of the copyright.
- A copyright may be registered at any time within the life of the copyright—go to [www.copyright.gov](http://www.copyright.gov) and register electronically or use downloadable paper form.

## **RIGHTS OF COPYRIGHT OWNER**

- Subject to limitations, the author or copyright owner has the exclusive authority to reproduce, distribute, perform, or display publicly the copyrighted work, to prepare derivative works based upon the copyrighted work, or to delegate these privileges to others.

## **PENALTIES FOR COPYRIGHT VIOLATION**

### **Civil:**

- A person who violates copyright laws may be required to pay the rightful copyright owner both actual damages and profits lost as a result of the violation or statutory damages, plus costs and attorney's fees.
- Statutory damages may range from \$500 to \$20,000.
- A person willfully violating copyright law may be fined up to \$100,000.

### **Organizational:**

- An organization may be fined from \$10,000 to \$500,000, depending on whether the offense is a misdemeanor or felony.

## **FAIR USE DOCTRINE**

- The fair use of copyrighted materials for criticism, comment, news reporting, teaching, scholarship, or research is allowed without permission of copyright holders.
- To determine if use is fair, courts look at whether the use is commercial or for nonprofit, educational purposes; the nature of the copyrighted work; the amount used; and the economic effect of the use on the value of the work to the copyright owner.

## **FAIR USE GUIDELINES FOR TEACHERS**

### **What is allowed?**

- A teacher may make a single copy of a chapter from a book; an article from a periodical or newspaper; a short story, essay, or poem; a chart, graph, diagram; or a cartoon or picture from a book, periodical, or newspaper for the teacher's own scholarly research or for use in teaching a class.
- Multiple copies, not to exceed more than one copy per pupil in a course, may be made by or for the teacher for classroom use or discussion.
- Provided that certain guidelines on particular works are followed.

## **FAIR USE GUIDELINES FOR MUSIC TEACHERS**

### **What is allowed?**

- A music teacher may make emergency copies to replace purchased copies that are not available for imminent performance.
- Purchased copies must replace the emergency copies as soon as possible.
- A music teacher may make up to one copy per pupil of excerpts from works, as long as no more than 10% of the entire work is copied and the copies are not used for performance.

- A music teacher may make copies of entire works for educational purposes other than performance if the copyrighted work is out of print or is only available as part of a larger work.
- A music teacher may edit or simplify music as long as the teacher does not alter, add, or distort the character of the music or the lyrics.
- A music teacher may make one copy of recorded music for oral exercises or exams.
- A music teacher may make one copy of recordings of performances by students for instruction or rehearsal purposes.
- Copying without the inclusion of the copyright notice that appears on the printed copy is not allowed.

### **VIDEOTAPES**

- One must obtain permission from the copyright owner to show a videotape for any purpose other than home viewing by a family and its social acquaintances.
- A videotape purchased from a company specializing in videotapes for the classroom will include a license to show the tape in a classroom.
- A teacher may show videotapes, including those intended for home viewing, for limited purposes. The teacher must show the videotape for “**face-to-face**” teaching activities only, not for entertainment. The teacher must show the video **in a classroom** or a similar place devoted to instruction, and the videotape must have been made lawfully under the Copyright Act.
- Unless the preceding requirements are met, a teacher must obtain a public performance license before showing a videotape.
- These licenses may be obtained from the Motion Picture Licensing Corporation (MPLC). Also, Christian Video Licensing International (CVLI) sells licenses to certain videos to churches and Christian schools.

### **COMPUTER SOFTWARE**

- Computer software programs are sold with a license, usually for only one computer.
- Placing the program on additional computers without a license is a violation of the copyright. A user may make one backup copy of a purchased program in case the original copy becomes damaged.

The penalties for violating the copyright of computer software are the same as those for violating other copyrights.

## **SUMMARY OF COPYRIGHT REQUIREMENTS**

- The safest approaches to avoid violating copyright laws are to purchase copies needed or to obtain permission from the copyright owner.
- Also, the Christian Copyright Licensing International (CCLI) has obtained permission from numerous copyright holders to allow churches to use their music freely in their congregations.
- Contact Information for CCLI: 17201 NE Sacramento Street, Portland, OR 97230; 503-257-2230 and 1-800-234-2446; [www.CCLI.com](http://www.CCLI.com).

**Additional updated material may be found at [www.copyright.gov](http://www.copyright.gov)**



**We exist to strengthen churches through practicing biblical servant leadership and cultivating spiritual transformation.**

Compiled by Roy Lee Saint, Associate Director  
Leadership & Life Development Department  
Florida Baptist Convention  
1230 Hendricks Avenue  
Jacksonville FL 32207  
800.226.8584, extension 3070  
Fax: 904.596.4453  
Email: [rsaint@flbaptist.org](mailto:rsaint@flbaptist.org)



A Cooperative Program  
Ministry of the Florida  
Baptist Convention

June 2011