

Copyright Licensing Guidelines for Uniting Church Congregations



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Copyright laws exist in order to protect the creators of works and content from unauthorised use and supports artists/authors who produce artistic works, and whose royalties provide their income. It is a legal issue and an ethical one which we urge congregations to treat as important. It is recommended that each congregation appoints someone to look into issues of copyright in relation to your individual circumstances. The information below is designed to offer some guidance around the difficult issue of copyright for churches.

What is copyright protected?

Literary works (plays, Bible studies, sermons, commentaries, blogs, compilations of works)
Musical works (hymns, songs, cantatas) and sound recordings
Artistic works (photos, clip art, paintings, illustrations, craft)
CDs, films, DVDs, videos
Computer programs

The General Rule

Generally, all original copyrighted items must be licensed from the copyright owner if they are to be used in public, copied or projected. This includes copying or projecting words or music in church, and playing music at church events (but not during worship services) such as youth groups, discos, fêtes, concerts or art shows.

Key Exceptions to the General Rule

1. Performance of music by churches in worship services (including weddings, and funerals) is granted a specific voluntary exemption by the licensing organisation known as APRA/AMCOS, whether in a church or other setting.
2. Also, no licence or permission is required where a musical work is in the public domain and is no longer subject to copyright.
 - Copyright in a musical work lasts for the life of the creator plus 70 years (subject to some exceptions for works created before 1 Jan 2005).
 - Copyright in a published edition of a musical work will expire 25 years after the year of publication. This means that a recent publication of a work may be protected even though the musical work it contains is out of copyright.

A Summary of what needs to be done to play music, photocopy music or project words:¹

If you intend to play music at an event which is not a worship service, or to copy musical works (including copying music sheets, or words into a pew sheet or for projection), the following steps should be taken:

1. If a musical work is no longer under copyright, you may reproduce it with acknowledgement of the artist just as the hymn books do. The moral rights of the artist should be recognised even if in the public domain.

¹ See also Copyright Flowchart at page 6.

Copyright Licensing Guidelines for Uniting Church Congregations



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

2. If the musical work is subject to copyright:
 - a. Determine who owns the copyright and who can provide a licence for the proposed use. This will be the copyright holder of a licensing organisation which acts for the copyright holder. (See list of licensing organisations below).
 - b. Ascertain the appropriate type of licence by contacting the licensing organisation
 - o Annual site licences may be suitable for a congregation, school or other body which meets regularly at one site.
 - o Event licences may be suitable for a 'once-off event' such as a public Christmas carols event at a different site.
 - o Mobile licences may be suitable for itinerant leaders such as Lay Preachers (CCLI, One License).
 - c. Include copyright information with the copied musical work, including the artist/author of the work just as the hymn books do.
 - d. Report (usually on an annual basis) the use of songs as per the requirements and reporting processes of the license your church decides to purchase.

Licensing organisations

Name	Proposed Use	Website
CCLI / CVLI (Christian Copyright Licensing International)	Copy/project words, record live church service, play video	www.ccli.com
APRA / AMCOS	Play/perform professionally recorded music outside of a worship context and music on hold	www.apraamcos.com.au
One License	Copy/project words	https://onelicense.net/
Copyright Agency	Copy/project church music words	http://copyright.com.au
ARIA	Copy sound recordings	www.aria.com.au

Which Licence is right for your church?

Note that no single index of worship material lists the copyright holder or licencing organisation of all worship material available. Each licensing organisation provides a website search function that lists the works that the particular licence covers. Some licences such as the CCLI license include an online reporting process as part of the requirements of the license. This can be a quick and useful tool to determine if a hymn, song or musical work is within the public domain or under copyright, and is therefore one method of determining whether a piece of music may be used or not.

It is a good idea to compare the 'Terms and Conditions' sections of the various licensing options and consider the variety of music and materials used in your congregation, as churches differ in the styles and types of media used. Look at the publishers listed under each type of copyright licence and compare these with what you are currently using when determining the best copyright licensing options for your church.

Copyright Licensing Guidelines for Uniting Church Congregations



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SYNOD OF VICTORIA AND TASMANIA

An overview of the various situations and options that may be relevant to your church²

Literary works

Permission should be obtained from the publisher of the work, and/or the author.

Photocopying sheet music and lyrics, or projecting words

If a church plays music directly from a music hymn book, and the congregation sings from hymnbooks, they don't need a license to play music in a service of worship. If, however, you are copying sacred works such as hymns or songs, then a copyright license will need to be purchased to cover all of the works you are using. (A list of licensing organisations is listed further below).

If the church needs to photocopy the music or lyrics of secular works – e.g. to put in an order of service – then further licensing is required from the copyright owner directly. This is something APRA AMCOS is able to help facilitate if you email them.

Email: victas@apra.com.au

Performing live and recorded music outside a service of worship

While churches don't need a licence to play music in a service of worship, they do need a licence to play music at other church events; e.g. at youth groups, discos, fêtes, concerts or art shows.

If you are holding a free event where no professional musicians get paid, then the APRA Churches Licence will cover you to play music. If you are playing sound recordings at your events – not just live music – then you'll also need a PPCA Licence.

<http://apraamcos.com.au/music-customers/licence-types/church/>

<http://www.pcca.com.au/music-users/licensing-home/>

If you are holding an event where admission is charged or musicians are paid for their performance, you will need further licensing beyond the Church Licences mentioned above. From APRA you will need a Casual Event Licence and from PPCA you will need either a General Licence or an Events and Festivals Licence, depending on the kind of event.

<http://apraamcos.com.au/music-customers/licence-types/event-licences/>

[http://www.pcca.com.au/IgnitionSuite/uploads/docs/Tariff%20A%2001%2007%2016\[1\].pdf](http://www.pcca.com.au/IgnitionSuite/uploads/docs/Tariff%20A%2001%2007%2016[1].pdf)

[http://www.pcca.com.au/IgnitionSuite/uploads/docs/Tariff%20B%2001%2007%2016\[1\].pdf](http://www.pcca.com.au/IgnitionSuite/uploads/docs/Tariff%20B%2001%2007%2016[1].pdf)

We recommend applying for these licences at least two to four weeks in advance of the event to ensure that there is enough time for the licence to be processed.

Performing live and recorded music in a service of worship

Playing or performing music in a service of worship doesn't require any licensing from APRA or PPCA. This includes playing music in a service, at a wedding, a funeral or a baptism. The service does not need to be in the church – e.g. an outdoor wedding – as long as it is for the purpose of worship.

² List adapted from <http://apraamcos.com.au/music-customers/licence-types/church/>

Copyright Licensing Guidelines for Uniting Church Congregations



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Playing music on your telephone hold system

If you play music on your church telephone hold system, you need to make sure you have an APRA Music on Hold Licence and a PPCA Music on Hold Licence.

http://apraamcos.com.au/media/Customers/RMH_Music-on-Hold.pdf

[http://www.pzca.com.au/IgnitionSuite/uploads/docs/Tariff%20HM%2001%2007%2016\[1\].pdf](http://www.pzca.com.au/IgnitionSuite/uploads/docs/Tariff%20HM%2001%2007%2016[1].pdf)

Copying recordings for use at church events including services

If you need to copy recordings of secular music that you own into a different format e.g. burning a CD – for the purpose of playing that recording at a church event, you will need a Casual Reproduction Licence from APRA AMCOS. If you are copying existing, commercially released sound recordings then you will also need to seek permission from the record label that owns the copyright in those sound recordings. Not sure who the relevant record label is? Information is usually on the back of the CD or in the file notes of a legal download – then you can contact ARIA for assistance. If you are only copying sacred works such as hymns, then the APRA AMCOS Reproduction License may cover you for this use.

<http://apraamcos.com.au/music-customers/licence-types/copying-and-reproducing-music/casual-reproduction/>

<http://www.aria.com.au/pages/contactus.htm>

Recording your own version of copyright songs

If the church choir or instrumental group wants to make a recording – e.g. to sell as a fundraiser – that contains covers of other people’s works (be they sacred or secular), then they will require an Audio Manufacture Licence from APRA AMCOS.

<http://apraamcos.com.au/music-customers/licence-types/copying-and-reproducing-music/audio-manufacture/>

Making a video of a church event for domestic purposes

If your church wants to make a video recording of a service of worship that contains sacred or secular music to provide to those involved – e.g. to give a couple a video of their wedding ceremony – then you require an AMCOS ARIA Domestic Use Video Licence.

<http://apraamcos.com.au/music-customers/licence-types/copying-and-reproducing-music/domestic-use/>

If you are making a video of a service of worship for the purpose of providing to someone who is physically unable to attend the service – e.g. due to disability or illness – you do not require any licensing.

Making a video to sell or screen

If your church wants to make a video containing secular copyright music to sell, give away or screen publicly, then permission needs to be sought from those who own the music and the sound recording separately. APRA AMCOS, ARIA and PPCA aren’t able to license the use of music in this context. If you would like assistance with getting in touch with the copyright owners, APRA AMCOS may be able to assist.

Only using sacred music? The CCLI Church Copyright Licence may cover you to make and sell the video.

Copyright Licensing Guidelines for Uniting Church Congregations



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

<http://au.ccli.com/what-we-offer/church-copyright-licence/>

Streaming services or events online

If your church wants to make its services or events available online by way of streaming, then you must obtain an Online Mini Blanket Licence from APRA AMCOS.

<http://apraamcos.com.au/music-customers/licence-types/digital-and-online-music/online-mini-licence/>

Visual art

Permission needs to be obtained from the representing gallery or the artist themselves.

<http://copyright.com.au/license-permission/visual-art-licenses/>

Photos and clip art access from the internet are only copyright-free if specifically stated. Items used in PowerPoint slides, bulletin sheets, etc., need to be purchased from a stock library. For example:

<http://www.istockphoto.com/au>

CDs, Films, DVDs, Videos, Broadcasts

Playing recorded music from a CD or music digital file in a worship context does not require a license or permission. Playing this music outside of a worship context does.

<http://www.pcca.com.au/music-users/licensing-home/>

If a DVD movie or digital file, played in whole or in part, both in or out of a worship context, needs to have permission from the distributor.

The Big Studio Movie License (Heritage Films)

<http://www.church.bsml.com.au/>

CVLI

<http://au.ccli.com/what-we-offer/church-video-licence/>

YouTube videos and broadcasts

A church service is seen as a public performance, so permission needs to be sought from the content owner.

Disclaimer

*Copyright legislation and licensing is complicated and ever changing. This document provides guidelines only, and does not replace legal advice. **Please contact the Synod Legal Services (Legal Counsel – General and Commercial) if further assistance or case-specific advice is required.***

<https://www.victas.uca.org.au/UCA%20Resources/Pages/Legal-Services.aspx>

or telephone (03) 9251 5205 / (03) 9251 5218.

The information contained in this document has been derived from the individual websites mentioned, where you'll find more comprehensive details, and the Australian Copyright Council publication 'Churches and Copyright', which is well worth obtaining at only \$15.00 (download only).

Other details are also available from ARPA's Music Copyright Guide for Churches

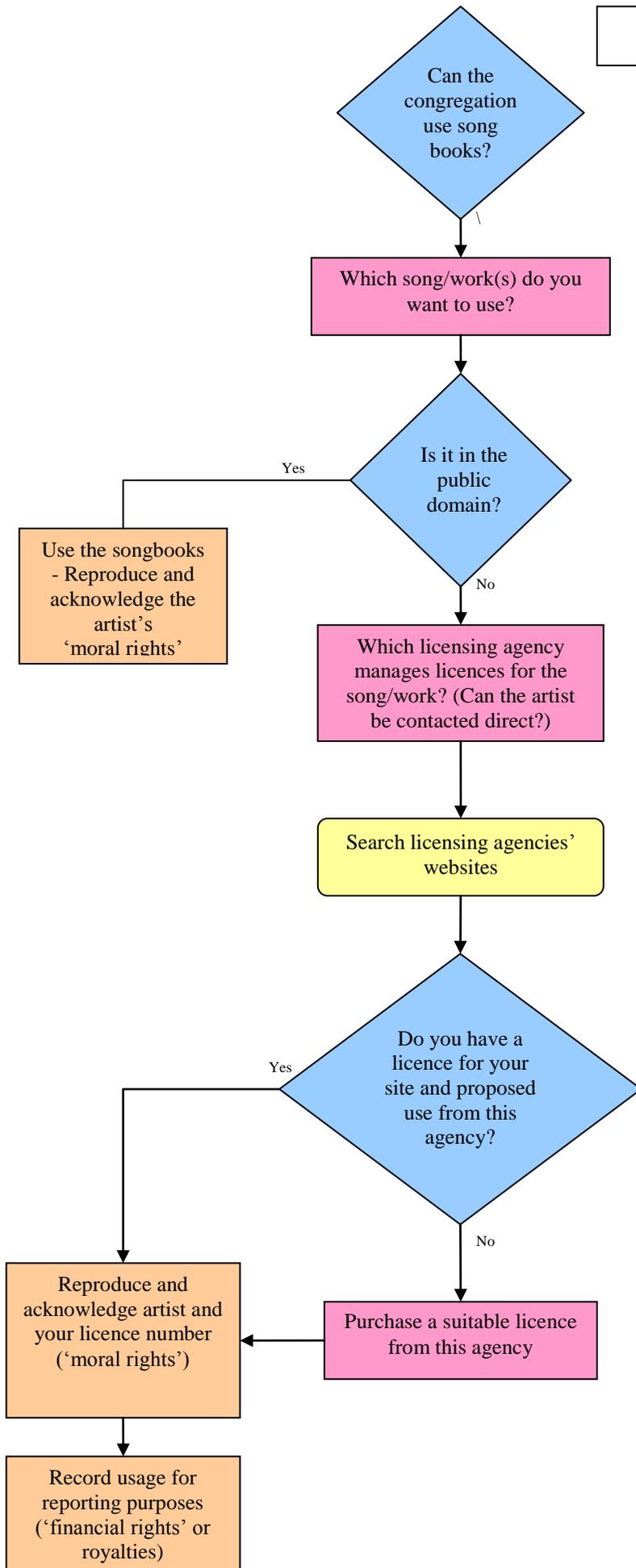
http://www.mn.catholic.org.au/media/612991/APRA%20AMCOS_Music%20Copyright%20Guide%20for%20Churches.pdf

Copyright Licensing Guidelines for Uniting Church Congregations



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Copyright flowchart



Check the work or search online:

- Death+70 years
- Death+50 before 2005
- Published edition +25 years

Some important questions you might like to ask (particularly for itinerant Lay Preachers and lay worship leaders who lead different congregations from time to time):

1. What music styles or sources does the congregation prefer?
2. Which songbooks do the congregation use?
3. Which songs do local music leaders suggest? (e.g. organist, band, elder, etc.)
4. Which songs are known by the congregation?

A balance needs to be found between using familiar songs and introducing or using new songs, depending on the themes of the worship service, the musical capabilities of the leaders, and the engagement of the congregation.