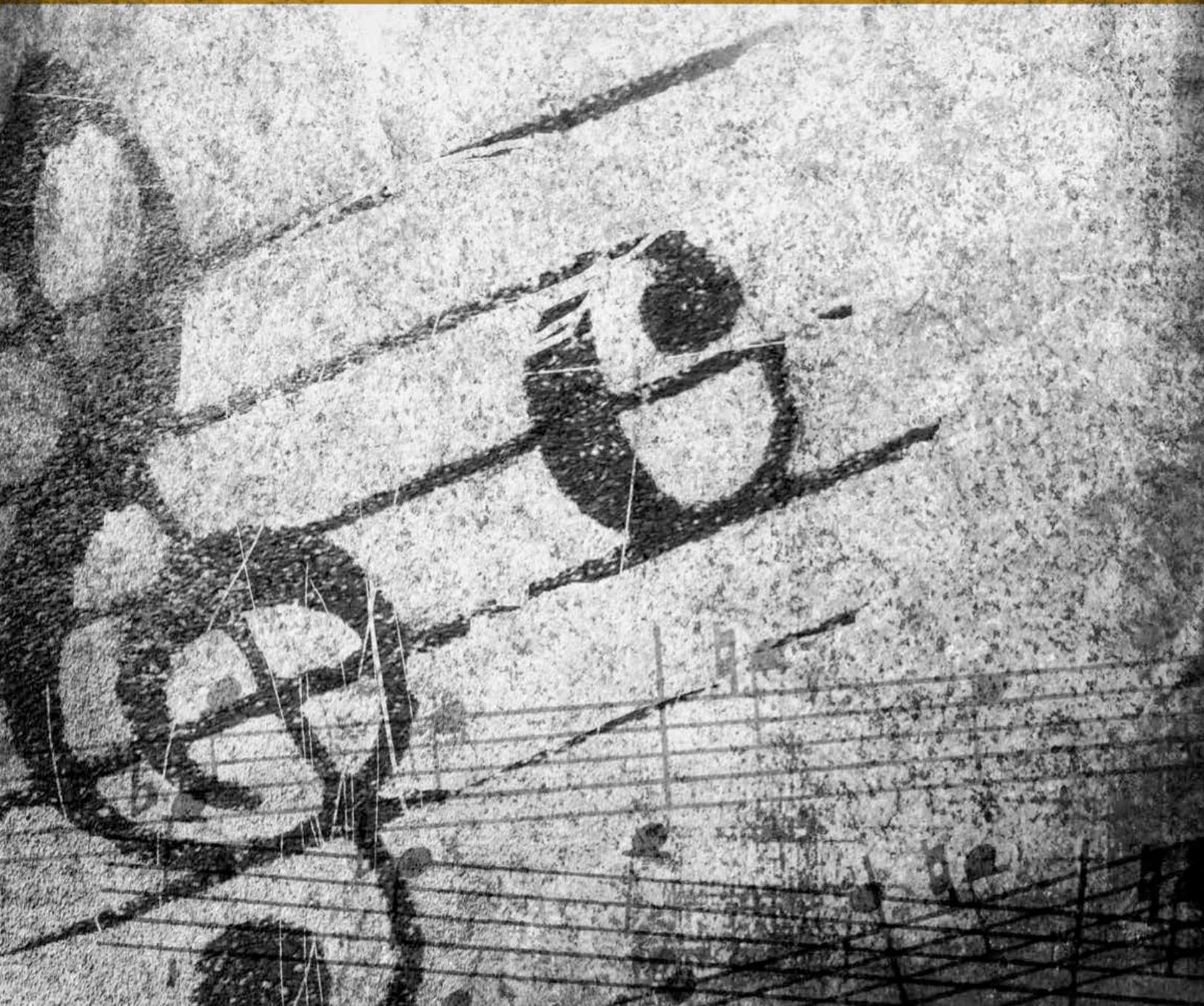




CHRISTIAN COPYRIGHT SOLUTIONS™
We help you do music right.

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.



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:

“The Church Copyright License by CCLI provides performance licenses.”

We have found that many churches are unsure of what rights the **Church Copyright License by CCLI** grants and which uses of copyright fall outside of its coverage. The **Church Copyright License by CCLI** is a great resource for churches; however, it does not grant performance rights needed for a Church to use music outside of worship services.

(For additional information on the rights and limitations of the Church Copyright License by CCLI refer to the license terms of agreement provided by CCLI.)

The **Church Copyright License by CCLI** grants a very specific set of rights, including:

- Print songs in bulletins, liturgies, programs, and song sheets*
- Print songs in bound or unbound songbooks compiled by the Church*
- Make overhead transparencies, slides, or to utilize electronic storage and retrieval methods for the visual projection of songs
- Print customized vocal and/or instrumental arrangements of songs, where no published version is available*
- Translate songs into another language where no published version is available
- Record songs in church worship services by either audio or audio-visual means*

**Note: The quantity of copies and recordings that may be created is limited based on the “Church Size” of the licensee. For additional information on the limitations, church responsibilities, and additional restrictions on rights granted, please refer to the Church Copyright License terms of agreement provided by CCLI.*



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.

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 by CCS** 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 by CCS** 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.



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 License by CCS**
- **WORSHIPcast License by CCS**
- **LifeWay Worship Track Streaming License by CCS**
- **Church Copyright License by CCLI**
- **Church Streaming and Podcast License by CCLI**
- **Rehearse License by CCLI**
- **Church Video License by CVLI**
- **LicenSing Online**
- **OneLicense**

There are many licenses available to Churches for obtaining the rights needed for copyright use. However, not all licenses are the same and often church leaders can confuse which rights they need and what licenses provide them. Each blanket license grants a very distinct set of rights and uses with very little overlap between them. When used in combination, having multiple blanket licenses can provide a church with a mosaic of coverage they need. The first step in determining which licenses to purchase is to understand exactly which rights are granted and when additional licenses are necessary.



PERFORMmusic License by CCS

Covers: Song Compositions

Catalog size: over 17 million songs Christian and secular songs

Rights: Performance

CCS's PERFORMmusic License DOES grants the rights to:

- 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

CCS's PERFORMmusic License DOES NOT grant the rights to:

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





WORSHIPcast License by CCS

Covers: Song compositions
Catalog size: over 17 million songs Christian and secular songs
Rights: Internet Performance

CCS's WORSHIPcast License lets churches stream their performances of more than 17 million Christian and secular songs.

CCS's WORSHIPcast License DOES grant the rights to:

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

CCS's WORSHIPcast License DOES NOT grant the rights to:

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

LifeWay Worship Track Streaming License by CCS

Covers: Sound Recording Masters
Catalog: LifeWayWorship.com Sound Recordings
Rights: Internet Performance

LifeWay Worship Track Streaming License by CCS provides supplemental coverage to **CCS's WORSHIPcast License** and grants licensees the rights needed to stream LifeWayWorship.com Sound Recordings for specific not-for-profit uses.

CCS's LifeWay Worship Track Streaming License DOES grant the rights to:

- 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

CCS's LifeWay Worship Track Streaming License DOES NOT grant the rights to:

- Provide downloads of any kind
- Include tracks on any physical media
- Requiring payment to the licensee in order to hear the stream



Church Copyright License by CCLI

The **Church Copyright License by CCLI** grants rights for the reprinting of lyrics in congregational singing aids, limited CD and DVD reproduction of a worship service, and where no published version is available – the arrangement and translation of songs.

Covers: Song Compositions

Catalog size: over 300,000 worship songs

Rights: Reproduction

CCLI's Church Copyright License DOES grant the rights to:

- Print songs in bulletins, liturgies, programs, and song sheets*
- Print songs in bound or unbound songbooks compiled by the Church*
- Make overhead transparencies, slides, or to utilize electronic storage and retrieval methods for the visual projection of songs
- Print customized vocal and/or instrumental arrangements of songs, where no published version is available*
- Translate songs into another language where no published version is available
- Record songs in church worship services by either audio or audio-visual means*

**Note: The quantity of copies and recordings that may be created is limited based on the "Church Size" of the licensee. For additional information on the limitations, church responsibilities, and additional restrictions on rights granted, please refer to the Church Copyright License terms of agreement provided by CCLI.*

CCLI's Church Copyright License DOES NOT grant the rights to:

- Photocopy or duplicate any choral sheet music (octavos), cantatas, musicals, handbell music, keyboard arrangements, vocal solos or instrumental works.
- Distribute licensed printed materials outside the jurisdiction of Church use.
- Rent or sale licensed printed materials
- Reproduce or make practice or rehearsal tracks
- Perform songs outside of worship services
- Feature music or lyrics online

Church Streaming and Podcast License by CCLI

Covers: Song Compositions

Catalog size: over 300,000 worship songs

Rights: Internet Performance

The **Church Streaming and Podcast License by CCLI** requires an active **Church Copyright License by CCLI**. This license grants the additional rights needed for churches to stream and podcast songs in the CCLI catalog online.

CCLI's Church Streaming and Podcast License DOES grant the rights to:

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

CCLI's Church Streaming and Podcast License DOES NOT grant the rights to:

- 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
- Use any copyrighted material besides songs



Rehearse License by CCLI

Covers: Sound Recordings

Catalog size: 188 approved labels

Rights: Reproduction and Distribution

The **CCLI Rehearse License** allows worship leaders and church music directors to legally provide rehearsal copies of commercial audio recordings to their musicians 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.

CCLI's Rehearse License DOES grant the rights to:

- Burn CDs from commercial CD recordings
- Burn CDs from digital downloads
- Upload recordings for listening via web-based Worship Planning software
- Email digital files to worship team

CCLI's Rehearse License DOES NOT grant the rights to:

- Download songs from free streaming services
- Provide recordings to musicians for their personal use
- Share recordings with non-members of the church choir, church band, or church vocalists

Church Video License by CVLI

Covers: Videos

Catalog size: over 650 producers

Rights: Film Performance

The **CVLI Church Video License** allows churches to show approved films & videos for specific uses. The catalog includes Christian and secular films and videos.

CVLI's Church Video License DOES grant the rights to:

- 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

CVLI's Church Video License DOES NOT grant the rights to:

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



LicenSing Online

Covers: Song Compositions
Catalog size: over 100,000 songs
Rights: Reproduction

The **LicenSing Online License** allows reproduction of songs for congregational singing. **LicenSing Online** features a greater variety of liturgical music than most other lyric reproduction licenses.

LicenSing Online DOES grant the rights to:

- Use catalog songs, hymns, lyrics for congregational singing

LicenSing Online DOES NOT grant the rights to:

- Record your performances
- Reproduce or copy sound recordings
- Make translations of songs
- Use of any copyrighted material besides songs

OneLicense

Covers: Song compositions
Catalog size: 62 publishers
Rights: Reproduction

OneLicense allows churches to make copies of songs for congregational singing. **OneLicense** includes many publishers which provide liturgical music.

OneLicense DOES grant the rights to:

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

OneLicense DOES NOT grant the rights to:

- Reproduce or copy sound recordings
- Make translations of songs
- Use of any copyrighted material besides songs



	PERFORMmusic	WORSHIPcast	LifeWay Worship Track Streaming License	CCLI Church Streaming and Podcast License	CCLI Church Copyright License	CCLI Church Rehearsal License	CCLI 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							✓		

