

Copyright Law for the Church Musician

by David Schaap

There have been many questions on social media about copyright for streaming or posting on YouTube your church services and other church events where music is performed, and hopefully this will give you some answers with regards to what's required and available.

I have been a publisher of congregational song with Selah Publishing Co. for over 30 years, and church musicians are now quite aware of the legal need to ask permission for reprinting copyrighted hymn tunes and texts in bulletins and service leaflets, which used not to be the case. But current circumstances have thrown many of us into a new world of podcasts/Facebook live/YouTube channels and church website videos that we haven't had to deal with before.

You're aware of the reprinting permission required by copyright law, but there are other separate forms of copyright held by composers, authors, or publishers. You might be familiar with mechanical rights, where you get permission to produce a CD for a certain fee per disk. That's a separate right granted to copyright holders from reprint rights.

The U.S. copyright law requires permission for "synchronization" to allow you to broadcast copyrighted music with video, whether it's Facebook Live, posted on your website, or on a YouTube channel (or even if it appears in a commercial, public service announcement, or feature film). According to the law, you must request permission before broadcasting it in any form. You can do this by contacting each publisher and requesting a synchronization license. The law doesn't specify a mandatory fee, so it's up to the publisher to decide what they charge to cover the cost of issuing a license and making a small profit. Many publishers have a minimum fee; for example, Selah's is a minimum of \$15. This could clearly become a nightmare of administrative work, even though we all enjoy that aspect of our work so much.

Or, you can subscribe to a service that allows you to do synchronization. The most comprehensive is Christian Copyright Solutions (christiancopyrightsolutions.com) which works with ASCAP, BMI, and SESAC to license their artists' works for streaming. Nearly all (but not all) composers and authors and publishers are members of one of these agencies. The lowest fee is \$500/year and goes up to \$5,500/year. A disadvantage aside from the expense is

that much of these fees don't make it back to the composers because of their wide variety of clients.

Many of you already have licenses with CCLI or [OneLicense.net](https://www.onelicense.net) or both, and know that they cover what you are using in worship. Both agencies fortunately offer a reasonably priced podcast/streaming license which you can easily add to your subscription. Or sign up now for your new foray into music videos!

The [OneLicense.net](https://www.onelicense.net) Podcast/Streaming license covers your Facebook Live broadcasts, archived Facebook videos from previous services, your YouTube channel, and broadcasting video on your church's website. This covers copyrighted hymn text and tunes from their member publishers AND the performance of any of the member publisher's organ/choral/instrumental copyrights. If you use them for permission to reprint copyrighted hymns or service music or other congregational music in service leaflets you can add the Podcast/Streaming license with a simple email or phone call to them. The fees begin at \$67/year and go up to \$655/year (for those churches with weekly attendance up to 30,000). You would need to do this as an add-on if you were providing a PDF of your bulletin with the copyrighted hymn texts or tunes, or if you are scrolling the lyrics during the video.

If you never reprint copyrighted congregational hymns for use, OneLicense has a new "Limited Podcast/Streaming License." The title is misleading: it's not limited in what you can use from their member publishers, it's limited to only licensing for Facebook Live, YouTube channel, and website videos. And that license is the same price as the add-on, \$67/year up to \$655 a year.

OneLicense has also said they can make arrangements with churches if you would never stream a service and now are for the time being, but you're not printing any bulletins or providing a PDF with copyrighted hymns at the moment, they can toggle you back and forth between one or the other option. And if you stop streaming at some point mid-license, they can remove that and prorate the fee.

Publishers from [OneLicense.net](https://www.onelicense.net) covered under both congregational reprints AND Podcast/Streaming include Augsburg Fortress, Church Publishing, Celebration, Concordia Publishing, ECS Publishing, Fred Bock (including Hinshaw), GIA (including Iona Community, Taizé, RSCM), Hope Publishing, Kjos, MorningStar, OCP, Oxford University Press, Paraclete Press, Selah Publishing, and hundreds more. So if you would be performing copyrighted hymns, choral music, organ or keyboard music, or instrumental music from one of these publishers, you would be covered with this Podcast/Streaming license.

CCLI has a similar arrangement at similar costs you can add if you already use their services. There are many publishers that are members of both (including Selah), but the majority of what they represent tends towards the more evangelical/Pentecostal repertoire, just as OneLicense tends toward the more liturgical traditions. They cover Word/Hillsong/Keith Getty and many more of the Praise & Worship resources out there, from over 3,000 artists and labels.

A caveat: to keep your videos online or available through YouTube or Facebook or on your website, you need to pay for the annual license, and if you don't renew, you must take them down.

A really important part of this licensing is reporting your usage. You do not just sign up and are then fine forever, you have to tell the licensing agencies what you are using. This provides income to the composers, authors, and publishers, and is the fair and right thing to do. You should also indicate on your website or in posts that you are legally presenting the music under the license, and include your unique license number in the form they require under the license indicating those who created the work, the copyright notice, and the legal permission (i.e. Music by COMPOSER NAME, © 2020 PUBLISHER NAME, used with permission under CCLI/[OneLicense.net](https://www.onelicense.net) XX-XXXX).

Note, these licenses DO NOT cover the broadcast of pre-recorded music by other artists. You can't take your favorite organ music or choral music CD and play a track for a prelude on your Facebook Live broadcast with any blanket license: this can only be arranged by contacting directly the copyright holder of the recording (usually a label).

Sure, this is an additional cost for the church, but I don't think we are going back to normal worship right away, nor that this might not happen again in the future. And it's a small price compared to even what my church has been putting out for tripods, Bluetooth lavalier microphones, camera memory cards, lighting stands, routers, and cable to make live-streaming viable.

If you're streaming or posting copyrighted music online, subscribe to a service, report the music you're using on a regular basis, and indicate online that you're doing it legally. We need to do what's right and just in our work, and these agencies help you do just that.

David Schaap, president
Selah Publishing Co., Inc.
Pittsburgh, Pennsylvania