

MANAGING COPYRIGHT MUSIC LICENSES

For Music Directors and Clergy

PART 2 of 2

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INTRODUCTION

This presentation, in two parts, provides information on how to manage licensing (permissions) of copyrighted **music** used in your church's worship services, and how to keep your church compliant with the copyright law.

Presented by Ed Ackermann, Music Director at St. Barnabas Anglican Church in north Fort Worth Communications Director and other staff positions for Fort Worth Chapter of American Guild of Organists. He is also a member of the Church Music Institute headquartered in Dallas.

Information presented is based upon personal research and copyright workshops conducted by the American Guild of Organists and the Church Music Institute.

A handout accompanies this presentation. You may find it on the diocesan website under "**Risk Management & Church Administration Resources.**" Download it and use it to follow along with the presentation.

Part 1 explained the basic parts of copyright law as it applies to music: what a license is, public domain vs. copyrighted music, the religious music performance exemption, identifying the types of licenses required, how to determine the current copyright holder. This **Part 2** will explain how to acquire licenses, how to attribute copyright licenses on printed materials or audio or visual formats, and how to report usage of copyrighted scores.

This presentation is only for educational purposes, and not offered or intended as legal advice. Consult with legal professionals regarding unique needs of your ministry.

Part 2 follows.

PURPOSE OF THE PRESENTATION

PART 1

- Defining Licensing and Permissions of Copyrighted Music
- Using Public Domain vs. Copyrighted Music
- Understanding the Religious Performance Exemption
- Determining the Kinds of Copyright Licenses Needed
- Determining Public Domain vs. Copyright Status
- Identifying the Copyright Holder(s)

PART 2

- Obtaining Licenses to Use Copyrighted Music
- Choosing a License Clearinghouse Company
- Attributing Copyright Licenses
- Documenting and Reporting Usage
- Assigning Management of Copyright Licenses to a Designated Staff Position

OBTAINING LICENSES TO USE COPYRIGHTED MUSIC

A license includes the permission of use given by copyright holder and payment of royalties of the use. A license is required for EACH use of a copyrighted piece.

There are two ways to secure a license:

(1) Your church staff does all the work. This requires a full-time position. It takes much time (days, weeks and sometimes months). It takes a lot of money. If one piece of copyrighted music is to be used 4 times in a month and the royalty fee is \$20 per use, that's \$80 in a month for just one piece of music. The following steps are required for EACH license required.

- Locate the copyright holder (this can be an exhaustive search at times)
- Request permission from copyright holder for number of licenses needed
- Receive the permission and invoice for royalty
- Send royalty payment to the copyright holder

(2) Use copyright clearinghouses. All share the following characteristics.

- An inventory of publishers and creators of music
(Some cover only songs; some cover everything.)
- Annual subscription fee based upon congregational size
- Provide for verification that your copyrighted score is covered by their inventory. You can be assured a license is granted if the music is covered by their inventory or by one of the publishers in their stable.
- Report usage periodically as the company requires (reporting officially grants a license and causes royalty fees to be paid)

CHOOSING A LICENSE CLEARINGHOUSE COMPANY

The predominant licensing clearinghouses for reprint/reproduction and livestreaming worship services that include performance of copyrighted music are listed here. (There are other companies.) **You may need more than one company to provide copyright licenses.**

For example, at St. Barnabas Anglican Church in Fort Worth, TX, since there are no pew hymnals, music sung by congregation must be printed in the service bulletin. The church uses both contemporary and traditional congregational songs, so the church subscribes to both CCLI (contemporary song focus) and One License (traditional song focus) to provide reprint licenses for songs printed in the bulletin. And because the church livestreams services, the church subscribes to WorshipCast to provide livestreaming licenses because that company provides licenses for all sung music (congregation contemporary & traditional hymns and liturgy settings, choir anthems) and instrumental solo or ensemble music as well.

- **CCLI (Christian Copyright Licensing International) – www.ccli.com**

Use this service for contemporary Christian congregational songs. Over 500,000 songs in their inventory. Does not provide for instrumental music or anthems sung by choirs, although with the current interest in livestreaming, it appears the company is enlarging their coverage of scores.

The company offers reprint/reproduction licenses, livestreaming (synchronization) licenses and video licenses for contemporary congregational songs. It does not cover instrumental solo music or anthems.

- **ONE LICENSE – www.onelicense.net**

Use this company for traditional congregational hymns and liturgy settings sung by a congregation. The company will accept manual entries of non-congregational sung music (organ voluntaries, anthems, other instrumental music, etc.) IF the scores are produced by one of the publishing companies in their inventory. Their inventory includes most publishers of traditional sacred music.

The company offers reprint/reproduction licenses (for music put in service aids or projected on screens) and podcast and livestream (synchronization) licenses, practice track licenses, and event licenses (for non-worship events).

- **WorshipCast, CCS (Christian Copyright Solutions) – www.christiancopyrightsolutions.com**

This company covers traditional and contemporary sung music, and instrumental scores. The company does not have an inventory of scores or publishers. Instead, it connects to the dominant industry licensing companies (ASCAP, BMI and SESAC) that have long provided licenses to rock bands, symphony orchestras, stage performances, radio and TV productions, etc.

ATTRIBUTING COPYRIGHT LICENSES

- Each piece of licensed music must have attribution of licensing authority.
- Attribution includes names of the creator(s), publisher, copyright date, copyright holder(s) and license number or person/entity providing permission of use.
- **Attribution for printed scores in service bulletins:** indicate immediately below the score; see example below.

Words and music © 1972 Maranathia!Music. .All rights reserved. International Copyright secured. Reprinted under CCLI License 2467061.

- **Attribution for livestreamed copyrighted music:** indicate on a slide at the beginning or ending of the video, or paste a list of all the music and attributions in the description section below a video entry on YouTube, Facebook, church website, or other media platform.

(See *partial* example below from St. Barnabas Anglican Church, Fort Worth, TX, livestream attribution music list for a typical Sunday service shown below the video entry.)

All performed music listed below that bears a copyright is **livestreamed/archived with permission under license # 13401 issued by WorshipCast, Christian Copyright Solutions**, EXCEPT if beside the score title it is indicated that others have provided permission. Copyrighted music **scores printed in the service bulletin** (provided in print to those attending in person in the sanctuary and over the internet for those attending virtually) **have copyright attributions indicated immediately below the printed score**. As indicated below the scores, reprint/reproduction is licensed by an account with One License or Christian Copyright Solutions International (CCLI).

Organ Prelude 1: “Thou Shalt Bring Them In” (from the Oratorio: “Israel in Egypt,” by George Frederic Handel). Arr. for organ by Diane Bish in *The Diane Bish Wedding Book*, © 1980 Gentry Publications.

Organ Prelude 2: Improvisation by resident organist, Ed Ackermann. Performance livestreamed with his permission.

Processional Hymn: “O for a Thousand Tongues to Sing.” In public domain. Words: Charles Wesley (1707-1788). Music: AZMON, Carl Gotthilf Glaser (1784-1829); adapt. and arr. Lowell Mason (1792-1872).

Gloria: From *The Hymnal 1982 Service Music*, S277, “Gloria, New Plainsong Mass,” David Hurd. © 1981, GIA Publications.

Gospel Sequence: “Festival Alleluia,” James Chepponis. © 1999 MorningStar Music Publishers.

DOCUMENTING AND REPORTING USAGE

- Establish a file to document determination of copyright for each score, including recognition of works in Public Domain, and permissions/licenses secured. This helps avoid doing the same research when the score must be licensed again in the future.

- Retain copies of correspondence with copyright holders, their permissions and royalties paid.

- Report usage of copyrighted scores as required by licensing clearinghouses subscribed. Their websites give reporting instructions.

CCLI - requires periodic (every 3 years) sampled reporting (the reporting period is 6 months). Report weekly during the reporting period any music covered by CCLI.

OneLicense - requires weekly usage reports.

WorshipCast – requires quarterly reports.

- Note that if a subscription to a license company is not renewed, all files and platforms having printed, video and audio materials must be destroyed. Each license company has that requirement.

ASSIGNING MANAGEMENT OF COPYRIGHT LICENSES TO A DESIGNATED STAFF POSITION

- If licensing is done totally in house, a permanent full-time position is required with authority given to commit expenditures for royalty payments and to fully keep the church legal in terms of copyright law. The position requires having access to the music plans for the upcoming month as a minimum.

- If licensing is done through subscriptions to licensing clearinghouses, then tasking may be assigned to an existing staff position.

- - Estimated 5 to 12 hours per week, depending upon the clearinghouses used and how well scores to be used match clearinghouse inventories.

- - Must ensure copyrighted music is licensed in advance of use.

- - Must report usage according to the schedule and formats of the licensing company.

- - Must maintain documentation of licensing requests and approvals.

- In either case, provision must be made for copyright license planning, budgeting, management and administration.

SUMMARY

The management of licensing copyrighted music for worship services is important to remain compliant with copyright law.

Each church should have a policy requiring staff to keep the church copyright compliant on all aspects of copyright law, for music and all other intellectual property, for worship services, workshops, Sunday school classes, and other events.

One staff person should be delegated the responsibility for copyright planning, budgeting, management and administration.