

## COPYRIGHT - COULD YOU BE BREAKING THE LAW?

*(This material was first issued by the Diocesan RSCM Committee, and is reproduced with grateful thanks)*

Copyright law is a minefield, but getting things wrong can be a costly business - a number of churches have received substantial fines for holding unauthorised music copies. This is only a very brief outline of the current position but we hope that it will help you to recognise the potential problem areas and avoid a situation where your church is faced with substantial costs as a result of breaking the law.

### What is copyright?

Each author and composer has a legal right to receive royalties whenever his or her work is copied, recorded or performed. The permission of the author or composer must be sought in advance and they may make a charge for granting permission to copy, record or perform the work. Copyright lasts for 70 years after the death of the author or composer. In addition, publishers are granted separate graphic copyright over the works that they publish and this lasts for 25 years.

Therefore, you cannot reproduce words or music, or make arrangements of music (eg for instrumentalists or to add a descant), without first obtaining permission from the copyright holder. Also, works cannot be performed in public (even if you hold authentic copies) without an appropriate payment to the composer. Thankfully, music used in the context of divine worship is specifically exempt from this last requirement, but music performed in church for other purposes, such as fundraising concerts, is not.

### Word copies of hymns

Two licence schemes now operate to enable churches to reproduce material for use in services:

- (i) **Christian Copyright Licensing (Europe) Ltd [CCLE]** offers a licence scheme allowing the reproduction of a wide range of hymns, especially those of modern hymn-writers. An annual fee is payable, based on the size of the regular congregation, and the church has to submit an annual return of the hymns reproduced, so that the fee can be allocated to those writers whose work has been used.
- (ii) **Calamus** offers a similar licence covering works written primarily for the Roman Catholic liturgy but actually in use across a wide range of churches today - for instance, 'Make me a channel of your peace' and 'I, the Lord of sea and sky' are covered by this licence. Once again, there is an annual fee, based on the size of the regular congregation, with quarterly returns of the material used under the licence.

Both schemes have specific rules on disclosure of copyright information and licence details on any copies that are produced.

An important point to remember is that neither licence gives blanket permission to reproduce hymns - you must check that each item you intend to reproduce is actually covered by a licence that you hold. For instance, the words of 'Morning has broken' are not covered by

either scheme and permission to reproduce this must therefore be obtained direct from the copyright holder.

### **Music for hymns**

CCLÉ recently extended its scheme to include a Music Reproduction Licence, which allows churches to make copies of the music of certain hymns. The number of hymns covered is more limited, but many churches will nevertheless find this a useful licence to hold. A separate fee is charged on the same basis as the main CCLÉ licence fee and an annual return is required of the music copies made.

The Calamus licence allows reproduction of the melody line of hymns, which can be useful for inclusion in service sheets, but it does not permit the harmony to be copied.

### **Taize**

The Calamus licence also covers reproduction of the vocal harmony and guitar chords of Taize refrains, and churches who do not use the main Calamus licence can obtain a separate licence for Taize only. However, neither the main licence nor the Taize licence extend to the reproduction of choral arrangements or cantor parts.

### **Performances outside worship**

Permission to perform music outside the context of worship should normally be obtained from the Performing Rights Society Limited [PRS] - this can be dealt with by holding an annual licence and submitting quarterly returns or by obtaining a one-off licence for each performance. However, CCLÉ has recently introduced a PRS Church Licence, with the cost once again based on the size of the regular congregation, and this may be both cost effective and easier to administer

### **Video recording**

A special licence is required before any service which includes copyright material can be video recorded. Most requests will relate to weddings. Strictly it is up to the wedding couple to arrange the licence, but the church

could well be liable if they fail to do so. It is therefore in the church's interest to ensure that the rules are followed. CCLÉ will usually be able to provide a suitable licence. The same rules apply regardless of whether the video is a professional recording or one made by family and friends.

### **Further information**

Useful contact addresses are:

Christian Copyright Licensing (Europe) Limited, P O Box 1339, Eastbourne, East Sussex, BN21 Lad. Telephone: 01323 417711. [www.ccli.co.uk](http://www.ccli.co.uk)

Calamus, 30 North Terrace, Mildenhall, Suffolk, IP28 7AB. Telephone: 01638 716579

The Performing Rights Society Limited PRS, Live Music Centre, Copyright House, 29-33 Berners Street, London, W1P 4AA. Telephone: 0207 306 4700. [www.prs.co.uk](http://www.prs.co.uk)

If you would like to discuss any of the above issues in more detail locally, please contact Glynis Morris on 01223 263640 or [glynis@gdmorris.demon.co.uk](mailto:glynis@gdmorris.demon.co.uk)

PLEASE TAKE THESE ISSUES SERIOUSLY. NOW THAT THERE ARE RELATIVELY STRAIGHTFORWARD WAYS OF KEEPING WITHIN THE LAW, THE PENALTIES FOR BREAKING IT COULD BECOME EVEN HARSHER