

# Guidelines: Copyright in Parish and School Liturgy

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There has been a great deal of confusion regarding copyright obligations and licensing in the past couple of years. Copyright licence providers have announced many changes to their lists of publishers and copyright owners they represent; new technology has challenged some of our understanding of what copying and reproduction means; a new copyright agency, *LicenSing Online*, has recently established services in Australia.

All these changes have raised many questions. The Australian Pastoral Musicians Network is running a number of forums around Australia to help provide answers and clarify misunderstandings (for details, go to [www.apmn.org.au](http://www.apmn.org.au)). Some clarifications that have been made regarding copyright have surprised people.

Just as we respect and care for the works of God, the author of all life, so we in turn respect and care for the works of others – particularly the many translators, authors and composers of sacred text and music.

This guideline and the corresponding “Copyright Quick FAQ” (Frequently Asked Questions) aims to help clarify the current situation with regard to liturgy and worship in parishes and schools, identifying what activities require permissions from copyright owners and what organisations to approach to gain permissions.

## 1. What is copyright?

Copyright reserves certain rights to the authors of literary, dramatic, musical and artistic works, recordings and published editions. These rights are:

- The right to **reproduce** the work
- The right to **publish** the work
- The right to **communicate** the work
- The right to **publicly perform** the work
- The right to **adapt** the work

## 2. Who are copyright owners?

Copyright owners are those persons or organisations to whom all the rights to a work are reserved. Copyright may be owned by the authors themselves, or their employer (where the work has been created as a part of their employment), or a publisher or a third party to which the copyright has been sold or assigned. For example: Willow Publishing, GIA, OCP and Catholic Truth Society (publishers), Monica Brown, Jen Charadia and Michael Mangan (composers), the Grail and the International Commission for English in the Liturgy - ICEL (organisations).

### 3. How long does copyright last?

Works are protected from the moment a work is written down or recorded until 70 years after the death of the author. Arrangements and recordings are protected for 70 years from the year of publication. Published editions are protected for 25 years from the date of publication. These rights are established in Australian law and protected by the *Copyright Act (1968)*.

### 4. Is liturgy subject to copyright?

Yes! Virtually all scripture, liturgical texts and music contained in the Rites of the Church are copyright protected works. The Gather Australia hymnal, the As One Voice hymnals, the Together in Song hymnal, the New Living Parish Hymnal and the Catholic Worship Book hymnal are copyright protected published editions of works. CD and DVD recordings are also copyright protected.

There are some older hymn texts and melodies that are in the public domain (i.e. they are no longer copyright protected). But it is worth noting that recent publications of arrangements of public domain hymns are copyright protected for 25 years from date of publication.

### 5. Is permission needed to “publicly perform” liturgy?

No. Thankfully, parishes and schools do not need permission to **publicly perform** copyright protected works in a liturgical or other worship service. Performances in these circumstances are exempt from public performance licensing requirements by the Australian performance rights organisations – Australasian Performing Right Association (APRA) and Phonographic Performance Company of Australia (PPCA). This exemption covers live performance as well as the playing of recordings and extends to all liturgical services – Masses, Weddings, Funerals, Reconciliation Services, etc. – whether in a church, school hall, or other location.

Note, this exemption only applies for liturgy and worship situations. See FAQ #13 below regarding public performance permissions required for other events.

### 6. What are the implications for parishes and schools?

Parishes and schools may use the published editions of missals, lectionaries, worship aids, hymnals, psalm collections, DVDs, digital media CDs and audio CDs in liturgy without concerning themselves with copyright permissions.

However, parishes and schools must gain permission from copyright owners when they **reproduce, publish, communicate** or **adapt** any copyright protected work for use in liturgy and other forms of prayer and worship. This includes duplicating CDs, photocopying pages from hymnals and other published editions, publishing booklets for special events, transcribing lyrics onto PowerPoint slides or into worship presentation software systems, copying PowerPoint slides into presentation slide sets in PowerPoint software, etc.

Fortunately, most copyright owners of scripture, liturgical texts and hymns have special licence arrangements to make it easy for parishes and schools to obtain permissions to **reproduce, publish** and **communicate** copyright protected works. But, obtaining permission to **adapt** works is difficult if not impossible.

## 7. What about liturgical texts in booklets or slides?

It is often useful to include dialogue responses, acclamations and the people's prayers (e.g. the Creed, the Our Father) in service booklets or slide presentations to facilitate the assembly's participation. This is particularly the case for weddings, funerals and other rites where the people may not be familiar with their parts.

The International Commission for English in the Liturgy (ICEL) is the copyright owner of the majority of liturgical texts, including the English translations of:

- the *Roman Missal*
- the psalm responses and Gospel verses from the *Lectionary for Mass*
- the *Rite of Marriage*
- the *Order of Christian Funerals*
- the *Rite of Baptism for Children*
- the *Rite of Confirmation*
- the *Rite of Christian Initiation of Adults*
- *Holy Communion and Worship of the Eucharist outside Mass*
- the *Rite of Penance*

ICEL provides royalty-free permission for parishes and schools to **reproduce**, **publish** and **communicate** their liturgical texts for use at a specific Mass or celebration of an individual congregation or institution, for example: convention program booklets, jubilee Masses, ordinations, baptisms, first communions, confirmations, funerals, weddings, etc., *provided* that the following conditions are met:

- the publication is not produced by a publishing firm;
- the publication is not sold;
- the appropriate copyright notice appears on the cover, inside cover, or title page;
- the official editions of the texts are followed exactly.

When transcribing the texts from the official ICEL editions or copying from the LabOra software library of the official editions, the appropriate copyright notices to be used are as follows:

- Excerpts from the English translation of the *Rite of Marriage* © 1969, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation of the *Rite of Baptism for Children* © 1969, emended 1984, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation of the *Rite of Holy Week* © 1970, International Committee on English in the Liturgy, Inc. All rights reserved.
- The English translation of the Alleluia and Gospel verse from *The Lectionary for Mass* © 1969, 1981, 1997 International Committee on English in the Liturgy, Inc. All rights reserved.
- The English translation of the Lenten Acclamation from *The Lectionary for Mass* © 1969, 1981, 1997 International Committee on English in the Liturgy, Inc. All rights reserved.
- The English translation of the psalm response from *The Lectionary for Mass* © 1969, 1981, 1997 International Committee on English in the Liturgy, Inc. All rights reserved.

- Excerpts from the English translation of the *Rite of Christian Initiation of Adults* © 1985, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation of the *Rite of Confirmation, Second Edition* © 1975, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation of the *Ordination of Deacons, Priests, and Bishops* © 1975, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation of the *Dedication of a Church and an Altar* © 1978, Revised 1989, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation of the *Order of Christian Funerals* © 1989, 1985, International Committee on English in the Liturgy, Inc. All rights reserved.
- Excerpts from the English translation and chants of *The Roman Missal* © 2010, International Commission on English in the Liturgy Corporation. All rights reserved.

Multiple attributions may be necessary in a given booklet. If the texts are being copied into a slide for projection, the attribution should be included on the slide.

## 8. What about scripture in booklets or slides?

Scripture references may be included in service booklets for a liturgy as a memento of the particular service. Scripture references should not be displayed during proclamation of the Word, as they are superfluous to the liturgical action, which is proclamation by the reader and listening by the assembly. No copyright permissions are required to print scripture references.

The text of the scripture readings proclaimed during the Liturgy of the Word should not be included in service booklets or on slides. The proclamation of scripture in the liturgy is a ministerial function. It calls for the readings to be **read by a reader, a deacon or a priest** (*General Instruction of the Roman Missal*, 59). "When the sacred scriptures are read in the Church, God himself speaks to his people, and Christ, present in his word, proclaims the Gospel. Therefore the readings from the Word of God are to be **listened to reverently by everyone**" (*General Instruction of the Roman Missal*, 29). Readers are to be trained to proclaim the word loud and clear. Churches should provide adequate sound reinforcement, including hearing loops for those with hearing aids, so that all present can clearly hear the reader and listen to the proclamation. Where the community includes deaf people, the proclamation should be signed in Auslan (Australian Sign Language) so they can understand what is being proclaimed.

There are some parish and school settings where it is helpful to provide scripture in handouts for the purposes of individual reflection. For example: for bible study groups, Lenten reflection groups, sacramental preparation groups and other catechetical situations.

Where more than 500 words of scripture are being reflected upon, it is advisable to have bibles or other published editions of scripture available for all participants. However, the copyright owners of the various translations permit parishes, schools and individuals to **reproduce, publish and communicate** up to 500 words of scripture without applying for permission, provided that:

- No more than 500 words of scripture are reproduced,
- the verses quoted do not amount to more than 50% of a complete book of the Bible,
- for CEV: the verses account for twenty-five percent (25%) or less of the total text of the work in which they are quoted,
- for NRSV: the verses account for fifty percent (50%) or less of the total text of the work in which they are quoted,
- for GRAIL: excerpts taken from no more than five psalms,
- the official editions of the text are followed exactly, and
- an appropriate copyright notice appears in the publication.

Acknowledgements depend on the translation of scripture used:

- JB (Lectionary): The Scripture quotations contained herein are from *The Jerusalem Bible* © 1966 by Darton, Longman & Todd Ltd and Doubleday and Company Ltd, and used by permission of the publishers.
- CEV (Children's Lectionary): Scripture taken from the *Contemporary English Version* © 1991, 1992, 1995 by American Bible Society, and used by permission of the publishers.
- The Grail (Psalms and canticles from the lectionary and liturgy of the hours): Psalm texts from *The Psalms: A New Translation* © 1963 The Grail (England), published by HarperCollins, and used by permission of the publishers.
- NRSV: The Scripture quotations contained herein are from the *New Revised Standard Version* of the Bible © 1989 the Division of Christian Education of the National Council of the Churches of Christ in the United States of America, and are used by permission. All rights reserved.

## 9. What about music and lyrics in booklets or slides?

When singing hymns, psalms and Mass settings in the liturgy that are not included in hymnals or other published editions for the assembly, it is important to provide at least the texts of the songs in some form for the assembly. Where the tune is unfamiliar, it is also helpful to provide the melody. This can be done in booklets, bulletin inserts, hymn sheets or in slides for projection.

Copyright owners of hymns, psalm settings and Mass settings have established agreements with a number of copyright licence providers to provide various permissions to **reproduce**, **publish** and **communicate** lyrics and melody lines. But not all copyright licence providers are equal!

In Australia, there are four copyright licence providers offering a range of reproduction, publishing and communication permissions to produce assembly booklets and slides. They each offer a range of reproduction, publishing and communication permissions (e.g. lyrics only, lyrics and melody). They each represent different copyright owners, provide a range of value added services (e.g. online reporting, lyrics download, melody and lyrics download) and support copying and publishing assembly aids in the form of booklets and slide presentations. The permissions fee is charged on an annual licence basis, a single title basis, or a one time event basis. The following table provides a comparison analysis of the various offerings and costs for annual licences and reporting services (as of August 2012).

<b>Lyrics and melody copy licences</b>	<b>CAL Copyright Agency Limited</b>	<b>CCLI Church Copyright Licensing International</b>	<b>WOLI Word of Life International</b>	<b>LSO LicenSing Online</b>
<b>Which Copyright Owners are represented?</b>	Separate Religious licence. No published list; does not include any major religious Copyright Owners.	Evangelical, Pentecostal; e.g Crossroads; Hillsong; Integrity; Kingsway; Willow; Michael Mangan; Andrew Chinn; John Burland;	Catholic; e.g. GIA; OCP; Spirit and Song; WLP; Wild Goose; Taize; Willow; Andrew Chinn; John Burland; Monica Brown; Michael Mangan	Catholic; e.g. GIA; OCP; Spirit and Song; WLP; Wild Goose; Willow; John Burland; Monica Brown; Michael Mangan
<b>Permission to copy lyrics?</b>	Yes. CAL works only.	Yes. CCLI works only.	Yes. WOLI works only.	Yes. LSO works only.
<b>Permission to copy melody?</b>	No.	No.	Yes. WOLI works only.	Yes. LSO works only.
<b>Annual licence whole of parish</b>	Yes. CAL works only.	Yes. CCLI works only.	Yes. WOLI works only.	Yes. LSO works only.
<b>reporting system</b>	None.	Yes. online.	Yes, CD.	Yes. online.
<b>Parish &lt;500 attendees per Sunday?</b>	Contact CAL. Not published.	\$464	\$449.50* (\$74.80 for Taize only)	\$249
<b>Parish &lt;1,000 attendees per Sunday?</b>	Contact CAL. Not published.	\$599	\$560.50* (\$74.80 for Taize only)	\$329
<b>Parish &lt;1,500 attendees per Sunday?</b>	Contact CAL. Not published.	\$775	\$637.50* (\$74.80 for Taize only)	\$429
<b>School (# of pupils)</b>	Contact CAL.	200-499: \$278 500-999: \$360	0-499: \$137.50 500+: \$274.80	\$0.25c - \$0.50c per pupil***
<b>Download lyrics?</b>	No.	Some songs. add'l \$60**	No.	Some songs. All inclusive.
<b>Download melody?</b>	No.	Some songs. add'l \$125**	No.	Some songs. All inclusive.

\* - based on the extended parish price to cover multiple parish locations (E), and including cost of CD program for reporting (\$60.50 per annum)

\*\* - requires a Song Select program licence (fee covers 200 prints).

\*\*\* - indicative per pupil pricing. Contact LSO for specific details.

Note that none of the above licences include secular or pop music. There are no blanket copyright licences providing lyric copy permissions for secular songs.

The following conditions apply to all lyrics/melody copyright licences:

- Parishes and schools must maintain weekly records of copying (CCLI, CAL for audit purposes) or usage (WOLI, LSO),
- Parishes and schools must regularly report copying (CCLI) or usage (WOLI, LSO) in accordance with the licence terms,
- Parishes and schools must ensure the song title, author, appropriate copyright notice and the copyright licence number appears on the cover, inside cover, or title page of a booklet or below the title of the work in a booklet or slide; e.g.:  
*Holy, Holy, Holy- Glendalough Mass*, by Liam Lawton. Excerpts from the English translation of *The Roman Missal* © 2010, ICEL, All rights reserved. Music setting: © 2010 by GIA Publications, Inc. All rights reserved. Used with permission, Word of Life International Licence #55555E.
- the published editions of the texts and melodies must be followed exactly.

The appropriate copyright notices are listed on the published editions of the works and are also included in the CCLI and LSO downloads.

It is important that each parish chooses the licence or licences that meet their repertoire requirements for copyright permissions, and that they fulfil the conditions of use of the licences. Parishes and schools must limit their repertoire to that supported by the licence or licences that they purchase.

Example 1: To reprint the words and melody of the Mass parts from the "Glendalough Mass" setting by Liam Lawton (published by GIA) will require a WOLI or LSO licence. Note that a WOLI or LSO licence is still required even if only the words of the Glendalough setting are reprinted. The ICEL permission is insufficient as it is necessary to transcribe the texts as they are laid out in the GIA publication of the Glendalough Mass setting in order to effectively enable the assembly to sing the setting. The source of the reproduction (the GIA publication) dictates the appropriate permissions needed to **reproduce** the text.

Example 2: To reprint the response of "Eat this Bread," by Jacques Berthier (TAIZE) in a booklet will require a full WOLI licence or a TAIZE-only WOLI licence.

Example 3: To reprint the lyrics of "Shout to the Lord," by Darlen Zschech (Hillsong), requires a CCLI licence.

Example 4: To reprint the lyrics of "I am the bread of life," by Suzanne Toolan (GIA), requires a WOLI or LSO licence.

Example 5: A "special request" to reprint the lyrics of "You are the wind beneath my wings" (Alfred Publishing) in a service booklet, would require a special permissions request to Alfred Publishing.

Note: Commercial publishers generally require at least 15 working days to process a request. There is no guarantee that permission will be granted. In all

likelihood there will be a fee associated with the permission and the fee might be substantial, depending on the song and the circumstance.

## 10. What about music for choirs and musicians?

Generally speaking, parishes and schools must purchase published editions of music for use in liturgy for each of their choir members and musicians. Most copyright owners provide choral octavos and instrumental editions at a fair price. GIA, OCP and Willow provide downloadable editions of choral music at a reduced cost per download and print. For example, the Mass Shalom choral download is \$6.95 per download and print of 11 songs (~\$0.60c per song copy). LSO also offers purchases of downloadable music editions at a reasonable cost.

CCLI and WOLI both offer music copying licences to **reproduce, publish and communicate a limited repertoire** of sheet music for choirs and musicians. It should be noted that these are time-based licences - the copies can only be used as long as an annual licence fee is paid. If the license is not renewed, all copies made in previous years must be destroyed. The costs of time-based licences can be deceptive: they offer a lower initial cost of acquisition but the long-term costs can be significantly greater than purchasing published editions.

The WOLI music copying licence provides for unlimited copying of sheet music for a fixed annual price (\$221.65 per annum for churches with a congregation size less than 750, and \$400.40 per annum for congregations greater than 750). With such a licence an 800-strong parish could photocopy 50 copies of a 500-song choir edition hymnal, one for each choir member and singer, and 20 copies of the accompaniment edition of the hymnal for all the musicians, all for the one flat fee of \$400.40 per annum. This fee is recurrent every year and cannot lapse. If it lapses, all copies must be shredded. Most churches retain hymnals for around twenty years. For a church with a total congregation of 800 the cost of the service over a twenty year period would be more than \$8,000.

It is important to note that the WOLI music copying licence has a **limited repertoire coverage** and does not cover songs from the majority of copyright owners and publishers of popular Catholic publications, including the co-publishers of Gather Australia (GIA) and the publishers of the As One Voice series of hymnals (Willow).

The CCLI music reproduction licence is based on the number of copies made. The fee payable in a year is based on the quantity of copies of songs made in a year. A minimum fee of \$144 is applicable and allows from 1 - 249 copies. For the previous example of 50 choir copies and 20 accompaniment copies of a 500-song hymnal copied in one year, the cost would be ~\$14,000. The CCLI music copy licence is designed to meet ad hoc copying needs, and covers songs by a selected list of copyright owners and publishers.

The following conditions apply to all music copy licences:

- Parishes and schools must own the original published edition being copied (1 original for CCLI, 2 originals for WOLI);
- Parishes and schools must maintain weekly records of copies made;
- Parishes and schools must report copies made annually;
- Parishes and schools must ensure the title, author, appropriate copyright notice AND the copyright licence number appears on each song copy made.



<b>Music Copy Licences</b>	<b>Word of Life</b>	<b>CCLI</b>
<b>Cost mechanism</b>	flat annual fee, based on size of congregation	annual fee based on number of song copies made for choirs and musicians
<b>Repertoire range</b>	Word of Life catalogue items <b>excluding</b> GIA (co-publisher of Gather Australia and many other international publications) and Willow Publishing (publisher of As One Voice hymnals and many other Australian publications)	Evangelical, Pentecostal; Crossroads; Hillsong; Integrity; Kingsway; Willow Publishing; Michael Mangan; Andrew Chinn; John Burland
<b>Cost for copying Mass book (11 songs) for 20 choir members and 10 musicians (congregation less than 750)</b>	\$221.65 (first year) \$2,216.50 (ten year cost) -e.g. Mass of Christ the Redeemer (OCP) -but not Mass Shalom (Willow Publishing)	\$216.00 (first year) \$1,512.00 (minimum ten year cost [minimum \$144 pa]) -e.g. Mass Shalom -but not Mass of Christ the Redeemer (OCP)
<b>Comparison cost of purchasing 20 choral octavos and 10 song books (published editions)</b>	\$300.00	\$388.00
<b>Cost for copying Mass book (11 songs) AND a 500-song hymnal for 20 choir members and 10 musicians (congregation less than 750)</b>	\$221.65 (first year) \$2,216.50 (ten year cost) -e.g. Mass of Christ the Redeemer and songs covered by WOLI from Journeysongs hymnal (OCP)	~\$13,250 (first year) \$14,546 (ten year cost) -e.g. Mass Shalom and songs covered by CCLI from hymnals such as As One Voice volumes I and II, Gather Australia and The Source
<b>What happens when cease renewal?</b>	All copies made must be destroyed	All copies made must be destroyed

## **11. What about music adaptations or changes to text?**

Parishes and schools are not permitted to adapt liturgical and scriptural texts. This is a strict policy of the copyright owners of English translations of liturgical and scriptural texts. Re-arrangements of music and changes to lyrics of copyright protected works are not covered by any blanket copyright licence and copyright owners need to be contacted directly to obtain adaptation permissions.

Parishes and schools should avoid adaptations because of the complex procedure to apply for permissions and the likelihood that permissions will not be granted. Adaptations made without permission are an infringement of copyright law.

## 12. What about making recordings?

Parishes and schools wishing to make recordings must firstly obtain the permission of the performer. The only time a licence is not required for making a recording is when it is made for members of the congregation who are house-bound and cannot attend services. AMCOS and ARIA do not require a licence for recording in these circumstances.

All other recording applications require some kind of licence. To make an audio recording of copyright AMCOS works, a parish or school will need to apply for an Audio Manufacturing Licence from AMCOS. If a parish or school wants to assemble a compilation of copyright AMCOS works and duplicate it, then permission needs to be sought firstly from ARIA/PPCA to ensure copyright clearance to use the recording. Then an application needs to be made to AMCOS for a Casual Blanket Licence.

If a parish or school wishes to make a video recording of an event for domestic and personal use, such as a wedding or a graduation Mass, it must apply to AMCOS for a Domestic Use Video Licence. If a parish or school wishes to publicly screen or distribute a video recording, it must first obtain publisher and record label permission to make a recording.

Duplicating and sharing commercially produced CD or mp3 recordings among choir members or musicians is an infringement of copyright. An alternative is to email links to iTunes or other similar sites where choir members and musicians can listen to previews of the track and download the whole track for a small fee.

## 13. What about non-liturgical parish and school events?

The exemption for public performance of works in a liturgical or other worship service **does not extend** to concerts or other non-worship events where copyright protected works are performed in churches, school halls or other parish and school situations. Nor does the exemption extend to music on hold in parish or school office phone systems.

For live music performances in school concerts, church concerts, awards nights, fetes, socials, dances, festivals, and youth group events (other than praise and worship events), parishes and schools need to obtain an APRA licence. For playing of sound recordings and videos in concerts, fetes, socials, dances, festivals, and youth group events (other than praise and worship events), parishes and schools need to obtain an APRA licence AND a PPCA licence. Playing music on phone lines when callers are put on hold, parishes and schools need an APRA Music on Hold licence, and may also require a PPCA licence if playing commercial sound recordings.

## 14. What are the consequences of not complying?

If a parish or school **reproduces, publishes, communicates or adapts** any copyright protected work for use in liturgy without first obtaining permission from the copyright owner, it infringes Australian copyright law and is liable to a

range of consequent penalties, including substantial fines and imprisonment of individuals involved. From a justice perspective, it should be noted that the sale of published editions is the primary source of remuneration for composers' works. Photocopying of published editions without the permission of the copyright owner, either directly or via a music copy licence, is a serious infringement of copyright law.

## **15. Where do I get more information?**

The following contact details are helpful when requesting permissions from copyright owners and obtaining licences from copyright licence providers.

### **Australian Copyright Council**

[www.copyright.org.au](http://www.copyright.org.au)

### **Australian Pastoral Musicians Network**

<http://www.apmn.org.au>

### **APRA/AMCOS**

<http://www.apra-amcos.com.au/downloads/file/Music%20Consumers/Music-Copyright-Guide-for-Churches.pdf>

### **CAL**

<http://www.copyright.org.au/find-an-answer/>

### **CCLI (Christian Copyright Licensing International)**

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

### **Darton, Longman and Todd Ltd (The Jerusalem Bible)**

<http://www.darton-longman-todd.co.uk/contact-us/rights-permissions.aspx>

### **HarperCollins Publishers (The Grail Psalms)**

<http://www.harpercollins.co.uk/business-centre/Permissions/Pages/Permissions.aspx>

### **ICEL (International Commission on English in the Liturgy)**

[www.icelweb.org](http://www.icelweb.org)

[permission@eliturgy.org](mailto:permission@eliturgy.org)

### **LicenSing Online**

<https://www.licensingonline.org/en-au>

### **Word of Life International**

<http://www.freelink.com.au/wolstart.htm>