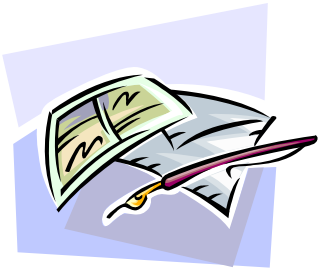


# Copyright ... What Should A Church Do About It?



## WHAT IS COPYRIGHT?

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship," including

literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- **To reproduce** the work in copies or phonorecords;
- To prepare **derivative works** based upon the work;
- **To distribute copies or phonorecords** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- **To perform the work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- **To display the copyrighted work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- In the case of **sound recordings, to perform the work publicly** by means of a **digital audio transmission**.

## WHO CAN CLAIM COPYRIGHT

Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship **immediately** becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is considered to be the author. Section 101 of the copyright law defines a "work made for hire" as:

- (1) a work prepared by an employee within the scope of his or her employment; or
- (2) a work specially ordered or commissioned for use as:
  - a contribution to a collective work
  - a part of a motion picture or other audiovisual work
  - a translation

- a supplementary work
- a compilation
- an instructional text
- a test
- answer material for a test
- a sound recording
- an atlas

if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire....

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

## Two General Principles

- Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.
- Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, consult an attorney.

## WHAT WORKS ARE PROTECTED?

Copyright protects "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device.

Copyrightable works include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words
- (3) dramatic works, including any accompanying music
- (4) pantomimes and choreographic works
- (5) pictorial, graphic, and sculptural works
- (6) motion pictures and other audiovisual works
- (7) sound recordings
- (8) architectural works

These categories should be viewed broadly. For example, computer programs and most "compilations" may be registered as "literary works"; maps and architectural plans may be registered as "pictorial, graphic, and sculptural works."

## WHAT IS NOT PROTECTED BY COPYRIGHT?

Several categories of material are generally not eligible for federal copyright protection. These include among others:

- Works that have *not* been fixed in a tangible form of expression (for example, choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded)
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration
- Works consisting *entirely* of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources)

## HOW LONG COPYRIGHT PROTECTION ENDURES

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinarily given a term enduring for the author's life plus an additional 70 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 70 years after the last surviving author's death. For works made

### Additional Comment Related to Church Use

In most cases, churches and church leaders will find it is easy to secure permission from publishers and authors to make copies of selected materials and to play videos, music CD's, and tapes. It is best to make the request in writing and to maintain a copy of copyright permission granted. "Right to Copy" is usually only granted for a specific purpose. On page 3 is a sample letter for making a request. To ensure compliance with copyright law a church may want to establish a church policy of copyright compliance. On page 4 a sample is provide.

### The following copyright service can help a church with most concerns.

Each of these services charge fees.

Church Video License Incorporated (CVLI), <http://www.cvli.org/cvli/index.cfm>

Church Copyright License Incorporated (CCLI), <http://www.ccli.com/UnitedStates.cfm>

Copyright Clearance Center, Inc., <http://www.copyright.com>

for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter.

### How much of someone else's work can I use without getting permission?

Under the fair use doctrine of the U.S. copyright statute, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, and scholarly reports. There are no legal rules permitting the use of a specific number of words, a certain number of musical notes, or percentages of a work. Whether a particular use qualifies as fair use depends on all the circumstances. See [Circular 21](#) and [FL 102](#).

### How do I get permission to use somebody else's work?

You can ask for it. If you know who the copyright owner is, you may contact the owner directly. If you are not certain about the ownership or have other related questions, you may wish to request that the Copyright Office conduct a search of its records for a fee of \$65 per hour. Additional information can be found in [Circular 22](#).

The preceeding materials are from "Copyright Basics" Circular 1, Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000, <http://www.copyright.gov>



***Actions your church may need to take:***

1. Secure a license for music, video, web and written documents depending on your need.
2. Began to request permission from authors and publishers using a letter similar to the enclosed sample.
3. Purchase videos and books intended for church use.
4. Establish a church “Policy of Copyright Compliance” using the sample policy enclosed.
5. Watch for violations and encourage church members and leaders to follow appropriate standards.



***SAMPLE “Right to Copy Letter”***

Dear Permissions Manager:

I read your [type the kind of item: e.g. article, book, selection] called [type the name of the title or the article or selection] and was quite impressed.

I will be conducting a workshop for [type the name of the intended audience ... church leaders, employees, etc.] on [and type the name of the workshop or presentation] and would like to use your [type the name of the title or the article or selection] as attached in the training session. May I reprint your [type the name of the title or the article or selection] as a handout for our training session?

We would like to distribute approximately [type the number of copies] copies. If this is permissible, please sign below and fax this letter back to me at [type you fax number]. If there are any charges, please let me know. Also, we will credit the [type the name of the title or the article or selection] as bylined from the source, unless you have an alternate credit line that you prefer we use.

Sincerely,

[Requester’s name]

[Requester’s job title]

APPROVED BY (signature) \_\_\_\_\_ DATE \_\_\_\_\_

**SAMPLE**  
**Policy for Copyright Compliance**

- A. Statement of Church Values  
We at [Insert Your Church Name] recognize and respect intellectual property rights. As part of our mission to maintain the highest standards for ethical conduct, we are committed to fulfilling our moral and legal obligations with respect to our use of copyright-protected works
- B. Sources of U.S. Copyright Law  
Article I of the U.S. Constitution authorizes Congress to pass legislation "to promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." On the basis of the Constitution, Congress has enacted the Copyright Act found at Title 17 of the U.S. Code.
- C. Statement of Corporate Obligations Regarding Copyright  
As a matter both of moral integrity and of adherence to U.S. copyright law, [Insert Your Church Name] sets forth these policies for all U.S.-based employees to demonstrate our respect for intellectual property and compliance with the law:
1. No employee of [Insert Your Church Name] may reproduce any copyrighted work in print, video or electronic form in violation of the law, and the easiest way to ensure no violation is by receiving express written permission of the copyright holder. Works are protected by copyright laws in the U.S. even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol (©).  
Copyrighted works include, but are not limited to, printed articles from publications, TV and radio programs, videotapes, music performances, photographs, training materials, manuals, documentation, software programs, databases and World Wide Web pages. In general, the laws that apply to printed materials are also applicable to visual and electronic media. Examples include diskettes, CD-ROMs and World Wide Web pages.
2. For all copyrighted works not covered by [If your church has any licensing agreements, list them here],[Insert Your Church Name] directs its employees to obtain permission from copyright holders directly, or their licensing representative, when the reproduction exceeds fair use. Alternatively, employees may request permission online at [copyright.com](http://copyright.com).
  3. [Insert Your Church Name] designates [Insert Name of Designated Employee] as the copyright officer to administer our church's copyright policy. [Insert Name of Designated Employee] at [Insert Church Name] can help you determine whether a work is covered by the copyright license and how to handle any special copyright issues. Questions concerning copyright procedures, including fair use, should be addressed to [Insert Name of Designated Employee].
- D. Outline of Compliance Procedures  
To obtain permission to reproduce copyrighted works not covered by [the CCC license or other prior agreements - modify this phrase to reflect your church's licensing situation], the employee should contact the Rights and Licensing Department of the copyright holder or request permissions online at [copyright.com](http://copyright.com). Questions on specific procedures should be directed to the copyright officer named above.
- E. Instructions for Handling an Incident of Copyright Infringement  
[Insert Your Church Name] encourages its employees to educate their peers on copyright compliance. If any employee witnesses a potential copyright infringement, we encourage the employee to bring the matter to the attention of the individual as well as to our copyright officer named above. Employees who illegally duplicate copyrighted works may be subject to disciplinary action up to and including termination.

The preceding materials are from Copyright Resources "Guideline for Creating a Policy for Copyright Compliance", Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923, <http://www.copyright.com/>