



LIVESTREAMING YOUR CHURCH SERVICES

Are You Doing It Legally?

BY DAVID SCHAAP

In this time of pandemic and quarantine, many churches are livestreaming their services on Facebook, YouTube, or other platforms. Perhaps your church is doing this very thing. But have you thought of the copyright issues this brings up? I have seen many questions on social media about copyright as it relates to music in church services and other church events that are streamed or posted online. I hope this article will give you some answers with regard to what's required and available.

I have been a publisher of congregational song with Selah Publishing Co. for over 30 years, and it has been my observation that 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 to not be the case. But current circumstances have thrown many of us into a new world of podcasts, Facebook Live, YouTube, and church website videos that we haven't had to deal with before.

I'm sure you're aware of the reprinting permission required by copyright law, but there are other, separate forms of copyright held by composers, authors, and publishers. You might be familiar with mechanical rights, for example, where you are given permission to produce a CD for a certain fee per disc. That's a separate right granted to copyright holders from reprint rights. You might not know that religious institutions are given the right to

perform copyrighted music in worship services without permission, a religious exception to the copyright law. That exception, however, has never extended to broadcasting your services on radio, TV, or the internet.

United States copyright law requires permission for "synchronization," which allows you to broadcast copyrighted music with video, whether it's on Facebook Live, your website, or a YouTube channel (or even if it appears in a commercial, public service announcement, or feature film). Streaming or recorded video on your website is considered a public performance, just like a TV broadcast. According to 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 does not 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 \$15. Given the wide range of music programmed at many churches, this could clearly become a nightmare of administrative work.

Another option is to subscribe to a service that facilitates synchronization. The most comprehensive is Christian Copyright Solutions (ChristianCopyrightSolutions.com), which works with ASCAP, BMI, and SESAC to license its artists' works for streaming. Nearly all composers, authors, and publishers

are members of one of these agencies. Subscription costs begin at \$500 per year and go up to \$5,500 per year.

Many of you already have licenses with Christian Copyright Licensing International (CCLI) or One License (OneLicense.net) or both, and know that they cover printing in bulletins or projecting hymns and songs you are using in worship. Both agencies fortunately offer a reasonably priced podcast/streaming license that you can easily add to your subscription. Sign up now for your new foray into music videos!

The One License podcast/streaming license covers Facebook Live broadcasts, archived Facebook videos from previous services, YouTube channels, and broadcasting video on church websites. It covers copyrighted hymn texts and tunes from its member publishers *and* the performance of any of the member publishers' organ, choral, or instrumental copyrights. If you use them for permission to reprint copyrighted hymns, service music, or other congregational music in service leaflets, you can add the podcast/streaming license with a simple email or phone call. The fees begin at \$67 per year and go up to \$655 per year (for those churches with weekly attendance up to 30,000). You would need to do this as an add-on if you are providing a PDF of your bulletin with the copyrighted hymn texts or tunes, or if you are scrolling the lyrics during the video.

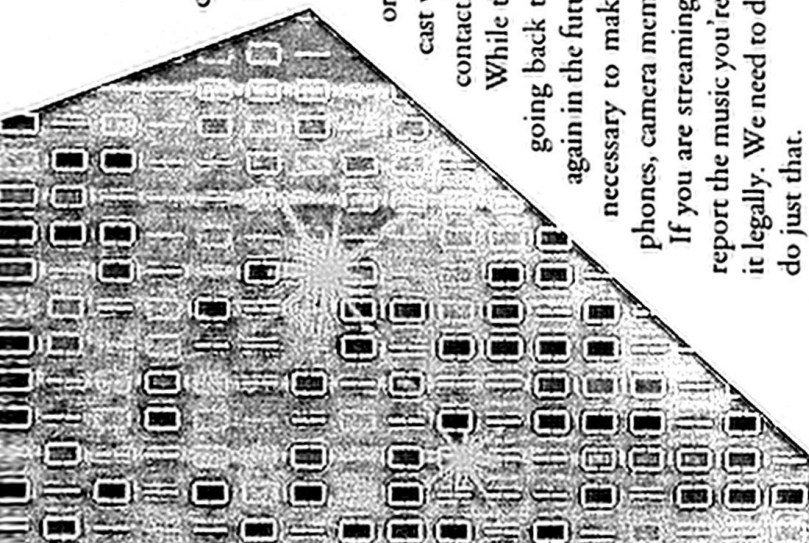
If you never reprint copyrighted congregational hymns for use, One License has a new Limited Podcast/Streaming License. The title is misleading: it's not limited in what you can use from their member publishers, it's limited to licensing for Facebook Live, YouTube, and website videos. And that license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

Publishers from One License 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 perform copyrighted hymns, choral music, organ or keyboard music, or other instrumental music from one of these publishers, you would be covered with this license.

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

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

An essential part of this licensing is reporting your usage. In addition to signing up, you must tell the licensing agencies what you are using. This provides income to the composers, authors, and publishers, and it 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 required form, indicating those who created the work, the



copyright notice, and the legal permission (e.g., Music by *Composer Name*, © 2020 *Publisher Name*, used with permission under CCLI or One License XX-XXXX).

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

While this is an additional cost for the church, I don't think we are going back to normal worship right away or that this might not happen again in the future. And it's a small price compared to the cost of the hardware necessary to make livestreaming viable—tripods, Bluetooth lavalier microphones, camera memory cards, lighting stands, routers, and cable.

If you are 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 to do just that.

Q&A

Is it legal to play recordings of copyrighted instrumental music, past performances from our choir, or a portion of a recital I once performed?

Only if you have a streaming license from one of the organizations above *and* the work you want to use is copyrighted by one of the participating publishers (check the licensors' websites to search for specific publishers and what rights they allow with those licenses). Most of these works will *not* be in their database (since their main business has been reprinting of congregational music), so if they are a participating publisher, you report that piece as a work that is new to their list.

Can I use a YouTube performance I like for our livestreaming service?

Not with the blanket licenses mentioned here. You have to get express written permission from all parties: the copyright holder of the music and the copyright holder of the video (and their licenses with musicians and other performers might not allow them to grant this permission). It is perfectly legal for you to suggest recordings and videos for people to view or listen to and provide links to those resources, but do not incorporate those recordings or videos in your streamed service without getting prior permission.

I have a CD of favorite choral anthems or organ music. Is it legal to play one during our streaming service?

Not with these licenses. You have to contact the copyright holder of the recording directly (often a music label) and the copyright holder of the music, if the music is still under copyright.

Publishers often have demo recordings of their anthems. May I use those recordings?

Not with these licenses. You will have to contact the publisher directly to ask for this permission. Some will say yes, others will say no, and they do have the right to ask for a fee for this use, so don't balk at a request for payment, as it's usually just a nominal fee.

We will only be streaming services when our church is closed. Will I need a license when we're not streaming services in the future?

You won't need a license if you're not streaming anymore, but once that license's end date is reached you will have to remove all videos from your website that use licensed material, and remove all Facebook posts or YouTube videos that also use licensed material.

How long does it take to do this reporting with my streaming license?

Depending on how much music you're streaming in a week, five minutes or more. They make it as simple as possible so that they can be as accurate as possible in their payments to publishers. Money paid for a license actually makes it back to the publishers and composers and authors, so reporting is important for their sake.

Why even bother? No one is going to pay attention during this pandemic.

First, we need to do what the law requires (I don't expect you regularly shoplift because no one is looking). Second, the composers and authors and publishers who have invested their creative selves into making music available deserve to be compensated. Even though copyrighted music is intellectual property rather than a physical good, the law considers them equal, and fines prescribed by the law are quite severe, just to discourage such a cavalier attitude. Third, it's our moral duty to operate honorably and justly.

I'm only using public domain music in our streaming. Do I still need a license?

No, but are you sure it's all public domain? Just because a composer is dead does not mean the work is public domain. You have to check to make sure it was published before 1925 if you're in the U.S. (Many countries have different laws from the U.S., so check your local laws. A piece in the public domain in the U.S. might still be in copyright in Britain, etc.) And there are many copyrighted arrangements of public domain works, so that's another hurdle to clear. The main thing is to do your research (but having the licenses means you don't have to worry about that for any participating publisher). It is also worth noting that many of the hymns your congregation knows very well are under copyright. Do you want those to fall from their memory just for the sake of saving a few dollars?

Where can I find out more about copyright law?

The Church Music Publishers Association has a short guide to this at its website: CMPAmusic.org/copyrights.

Please note: This article is intended for educational purposes, not as legal advice for your particular situation. If you have a specific question, you should consult with a qualified legal professional regarding your questions and needs, or about other issues that may be of concern. The licensing agencies themselves are also open to answering your questions, so look on their websites for FAQs or ways to contact their representatives.

David Schaap is president of Selah Publishing Co. Inc., founded in 1988 and currently located in Pittsburgh, Pa. Selah is an ecumenical publisher of music for the church, including organ music, choral music, instrumental music, and congregational song. Schaap also serves as organist-choirmaster at Trinity Episcopal Cathedral in Pittsburgh, Pa.