

Guidelines: Copyright in Parish & School Liturgy

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There has been a great deal of confusion regarding copyright obligations and licensing in recent years. Licensing Online merged with US copyright provider One License. Then Word of Life International, the major copyright license provider in Australia, was acquired by One License. New technology has challenged some of our understanding of what copying and reproduction means.

All these changes have raised many questions, which in turn have generated a great deal of misinformation. The Australian Pastoral Musicians Network has promoted education around Australia at its Conferences and at special copyright workshops to help provide answers and clarify misunderstandings. There also have been a number of discussion threads on the APMN Facebook page. (For further details, go to www.apmn.org.au). Some clarifications that have been made regarding copyright have surprised many people in parishes and schools.

This guideline, and the corresponding "Copyright Quick FAQ v4.0" (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 where to gain permissions.

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, Litmus Productions and Liturgical Song (publishers), Monica Brown, Paul Mason, Paul Taylor, Gen Bryant and Michael Mangan (composers), the Australian Conference of Catholic Bishops (ACBC), the United States Conference of Catholic Bishops (USCCB) and the International Commission for English in the Liturgy - ICEL (organisations).

¹ This article is based on a 2018 article written by Paul Mason when he was Coordinator of Liturgy at the Catholic Diocese of Wollongong (2011-2020). It includes updates based on changes since 2018.

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, and the Catholic Worship Book II 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 #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 and recorded audio, 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, embedding audio recordings in PowerPoint slides etc.

Fortunately, most copyright owners of scripture, liturgical texts and hymns have special license 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 *Order of Celebrating Matrimony*

the *Order of Christian Funerals*

the *Rite of Baptism for Children*

the *Order 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.

Liturgy Help (<https://www.liturgyhelp.com>), publications by Liturgy Publications (<https://www.liturgybrisbane.net.au>) and Liturgia (<https://www.liturgia.com.au>) provide access to many of the liturgical texts. When transcribing the texts from the official ICEL editions or copying from the Liturgy Help or Liturgy Publications resources, the appropriate copyright notices to be used are as follows:

Excerpts from the English translation of the *Order of Celebrating Matrimony* © 2013 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.

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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 normally 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,
- for REVISED GRAIL & ABBEY 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.

The Abbey Psalms and Canticles (2010, 2018): Psalm texts from *The Abbey Psalms and Canticles* Copyright © 2010, 2018 United States Conference of Catholic Bishops (USCCB). All rights reserved.

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 have established agreements with two specialist Church copyright license providers to provide various permissions to **reproduce**, **publish** and **communicate** lyrics, melody lines and recordings. One License offers **Annual Reprint** Licenses for parishes (based on average weekly attendance) and schools (based on student enrolment), as well as **Event** and **Single Use** Licenses (based on estimated attendance). One License covers Mass settings, psalm settings, liturgical text settings and most hymns. Parishes and Schools must have a current license with One License to allow them to *reproduce* lyrics and melody, *communicate* via projection or *publish* booklets. An *Annual* Parish license covers all Mass and other worship services in all parish worship centres. An annual *School* license covers all school assemblies and classroom liturgies and other uses on school premises. The **Audio** license is an additional cost item. A Christian Copyright Licensing International (CCLI) license may be required to cover hymns not covered by One License.

Lyrics and melody copy licences	One License	CCLI Church Copyright Licensing International
Which Copyright Owners are represented?	<p>Catholic.</p> <p>International publishers: Augsburg Fortress; GIA; Hal Leonard; Hope Publishing; Kevin Mayhew; Make Way Music; McCrimmon Publishing; OCP; Oxford University Press; Spirit and Song; Taize; Vineyard; WLP; Wild Goose.</p> <p>Local publishers: Butterfly Music; Chevalier Music; CopyCare Pacific; Emmaus Productions; Litmus Productions; Liturgical Song; Ovation; Spectrum Publications; Willow Publishing.</p>	<p>Evangelical, Pentecostal.</p> <p>International publishers: Crossroads; Curious? Music; Hillsong Music; Integrity; Kingsway; Mountain Spring Music; Sixsteps Music; Thankyou Music; Universal Music.</p> <p>Includes popular singer / songwriters: Paul Baloche; Ben Fielding; Joel Houston; Tim Hughes; Brooke Ligertwood; Reuben Morgan; Matt Redman; Martin Smith; Chris Tomlin; Stuart Townsend; Darlene Zschech.</p>
Permission to copy lyrics?	Yes. Reprint licence for One License works only.	Yes. CCLI works only.
Permission to copy melody?	Yes. Reprint licence for One License works only.	Limited Songs. Add'l cost. See au.ccli.com for details.
Permission to copy sheet music?	No. Published editions of sheet music must be purchased for all musicians.	Limited repertoire of sheet music using CCLI's Song Select license (Add'l cost).
Annual license	Yes. One License works only.	Yes. CCLI works only.
reporting system	Mandatory weekly reporting of usage online.	Mandatory reporting online when reproductions are made.
Download lyrics?	Yes.	Limited songs. Add'l cost. See au.ccli.com for details.
Download melody?	Yes.	Limited songs. Add'l cost. See au.ccli.com for details.
Download mp3?	Yes.	No.
Podcasts & Live-streaming	Yes, for most works covered. See onelicense.net for details.	Limited (streaming license). See au.ccli.com for details.
Audio Recording & Practice Tracks	Yes, for most works covered. See onelicense.net for details.	Limited (Rehearsal license). See au.ccli.com for details.

Note that neither One License nor CCLI include secular or pop music. There are no blanket copyright licenses providing lyric copy permissions for secular songs.

The following *mandatory* conditions apply to all lyrics/melody copyright licenses:

1. Parishes and schools *must* report (a) weekly actual copying for CCLI, for audit purposes, (b) report weekly song usage for One License (1 song @ 3 Masses = 3 usage), in accordance with the license terms and conditions.
2. Parishes and schools *must* ensure the song title, author, appropriate copyright notice and the copyright license 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.:
 - i. *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, One License, License #705342.
3. 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 One License listings on their website and in the CCLI Song Select and One License downloads.

It is important that parishes choose the license or licenses that meet their repertoire requirements for copyright permissions, and that they fulfil the conditions of use of the licenses. Parishes and schools must limit their repertoire to that supported by the license or licenses 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 One License **Reprint** licence. Note that a One License licence is still required even if only the words of the Glendalough setting are reprinted, transcribing 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 (a One License licence).

Example 2: To reprint the response of "Eat this Bread," by Jacques Berthier (TAIZE) in a booklet will require a One License **Reprint** licence.

Example 3: To reprint the lyrics of "Shout to the Lord," by Darlen Zschech (Hillsong), will require a One License or CCLI **Reprint** licence.

Example 4: To reprint the lyrics of "I am the bread of life," by Suzanne Toolan (GIA), in a podcast will require a One License **Reprint** and **Podcast** licence.

Example 5: To make an audio recording of a song covered by One License (e.g. Eat this Bread") for rehearsals, or to use an audio recording in YouTube or streaming podcasts requires a One License **Audio** and **Podcast** licence.

Example 6: A "special request" to reprint the lyrics of "You are the wind beneath my wings" (Alfred Publishing) in a service booklet, cannot be accommodated with either One License or CCLI. It would require a 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 sheet music for use in liturgy for each of their choir members and musicians. If the congregation customarily sings in parts and the item you wish to reprint is published in a typical four-part hymnal version, you may reprint that version under a *One License Reprint* license (see onelicense.net/faqs). Most copyright owners provide choral octavos and instrumental editions at a fair price. GIA, OCP, WLP, Willow and Liturgical Song offer print and downloadable editions of choral music at a reduced cost per download and print.

CCLI offers music copying licenses to **reproduce, publish** and **communicate** a very **limited repertoire** of sheet music for choirs and musicians. It should be noted that these are time-based licenses - the copies can only be used as long as an annual license fee is paid. If the license is not renewed, all copies made in previous years must be destroyed. The costs of time-based licenses 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 CCLI music reproduction license 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. The CCLI music copy license is designed to meet ad hoc copying needs, and covers songs by a small list of copyright owners and publishers.

The following conditions apply to CCLI music copy licenses (see au.ccli.com):

Parishes and schools must own one original published edition being copied;
 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 license number appears on each song copy made.

Music Copy Licences	CCLI
Cost mechanism	annual fee based on number of song copies made for choirs and musicians
Repertoire range	Evangelical, Pentecostal. Limited.
What happens when cease renewal?	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 license 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 and subject to penalties and criminal prosecution. See onelicense.net/faqs

12. What about making recordings?

Parishes and schools wishing to make recordings must obtain the permission of the performer. Parishes and schools wishing to **communicate** a live worship event via live-streaming or podcasts, or **reproduce** CDs, MP3s and other recordings for rehearsal and other purposes must obtain the appropriate **Audio** and/or **Podcasting** license from One License. A few One License Member publishers do not permit podcasting of master recordings. Check the particular song and copyright permissions.

All other recordings require specific permission from the copyright owner. To make an audio recording of copyright AMCOS works, a parish or school will need to apply for an Audio Manufacturing License from AMCOS. If a parish or school wants to assemble a compilation of copyright AMCOS works and duplicate it, for purposes other than rehearsal, 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 License.

If a parish or school wishes to make a video recording of an event for domestic and personal use other than podcasting and live-streaming for the community such as a wedding or a graduation Mass, it must apply to AMCOS for a Domestic Use Video License. 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 CDs, mp3 or local recordings among choir members or musicians can be made using One License's **Audio** license (see onelicense.net for restrictions, terms and conditions).

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 license. 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 license AND a PPCA license. Playing

music on phone lines when callers are put on hold, parishes and schools need an APRA Music on Hold license, and may also require a PPCA license 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' published works. Photocopying of published editions without the permission of the copyright owner, either directly or via a music copy license, 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 licenses from copyright license providers.

Australian Copyright Council

www.copyright.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>

USCCB (The Abbey Psalms and Canticles – Revised Grail Psalms)

<https://www.usccb.org/committees/divine-worship/policies/copyright-permissions-requirements>

HarperCollins Publishers (The Grail Psalms)

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

ICEL (International Commission on English in the Liturgy) (The Roman Missal and Lectionary Texts)

www.icelweb.org

One License

<http://onelicense.net>