

Why Churches Need to Consider Copyright Laws

Rectors and church leaders use a variety of methods to connect with their parishioners. Sometimes a poem or a song might seem like just the thing; it might say something profound in a particularly lovely way. But if you discover a piece you'd like to share with the rest of the church population, you have to be careful that you're not infringing on a copyright.

What is copyright infringement?

According to the United States Copyright Office, if you reproduce, distribute, perform, publicly display, or derive a new piece from a copyrighted work without the permission of the copyright owner, you've infringed on a copyright¹. That could include putting a poem or song on your website, printing an essay or column in your bulletin or even streaming a service that includes the performance of hymns from a hymnal you have purchased.

Paul Stephens, Vice President of Marketing & Risk Management Services at the Church Insurance Agency Corporation (CIAC), says, "Many people think they're actually doing authors and artists a favor by reproducing their work without permission, that they're promoting them. But that's not how the author, the artist, the publisher, or the law sees it. Under the copyright law, this type of activity is considered stealing—in the case of images, music, or anything else."

Paul says that "the safest thing a church can do is only to use copyrighted materials when they have the express written permission of the copyright owner."

How do artists or publishers find out you've used their material without permission?

The Internet makes it easy to discover if materials are being used without permission. For example, artists could set up "Google alerts" for certain phrases or names, which would inform them when the material gets posted on a site.

"You can also just search a phrase or a name in a search engine," Paul says. "If a writer types in the name of his or her poem and it comes up on your website, it's easy to check whether you've obtained permission and paid a licensing fee if required."

What happens when artists or publishers see you've used their work?

Typically, if you're caught infringing a copyright, the publisher sends a demand letter, asking for a certain amount of money that acts as a settlement. These settlement numbers can run up to several thousand dollars.

According to Mike Lindgren, Senior Claims Supervisor at CIAC, "Though people might post a poem without malicious intent, they still [may be] technically guilty of a violation. Any copyright infringement suit carries the risk of substantial penalties, which might include attorney's fees."

It's not just the written word that can be copyrighted, Mike stresses; he recalls a recent case in which someone from a church posted a photograph on its website, only to discover later that it had been copyrighted. That church had to settle a copyright infringement suit.

He also cautions church leadership to be careful about removing copyrighted material from their websites. "Get your webmaster to do it; it's possible, if you just delete the text, that people searching the Internet may see a cached image of your site, which would still contain the copyrighted material."

How do you license copyrighted material?

Some of the material you might want to reproduce is in the public domain; in other words, no one owns a copyright on the work. If that's the case, you don't need to worry about permissions and licensing fees.

However, you should not make assumptions about what is and isn't in the public domain, and you should always verify that you're dealing with the material appropriately. Some works you might think would be in the public domain are actually protected by copyright. One frequently-used example of this is the song "Happy Birthday to You."

Generally, if a work is published by a legitimate entity, you can identify and contact the publisher to inquire about obtaining permission and paying a licensing fee. For example, if you want music to play on your website, "the usual channel through which you can clear its use is the Harry Fox Agency," says Paul.

Once you've contacted a publisher for permission, Paul says "they'll quote you the fee you'll need to pay to license the work. After you've paid that, it's all on the up and up."

If you can't afford to pay the licensing fee, then don't use the work. The cost of a lawsuit, Paul says, will be a lot higher.

¹Certain exceptions may apply.

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