

Copyright Laws

An often overlooked—even intentionally ignored—area is copyright infringement. Although I'm sure that section 110 of the Copyright Law of 1976 (17 U.S.C. 110[3]) is on your recreational reading list this year, let me relieve your suspense regarding its content.

Without fear of breaking the law, churches may—

- Perform non-dramatic literary or musical works and religious dramatic and musical works
- Display individual works of a non-sequential nature (17 U.S.C. 101)

This means that during worship, you may—

- Perform contemporary songs, regardless of the owner.
- Show any still image, regardless of its source. You may even show frames of a film, if they are not in sequence. You may show scanned images of any sort, including newspaper headlines, periodicals, and pictorial books.

Here's what churches may NOT do during worship, according to Section 110(3):

- Play any non-live-performed recording of a musical work—whether on CD or DVD.
- Reproduce lyrics in any fashion from a copyright-protected musical work, including displaying lyrics within projected graphic images and printing the lyrics in bulletins or other handouts. Section 110(1) applies the same rules for media use in non-profit educational environments, as well.

Outside of worship and classroom, legal use of copyrighted works (including posting works on the Internet and selling works to other churches or individuals) is not as clearly defined. Much is made of the exemption in the copyright law for fair use (NUGGET). As a rule, never make blanket use of fair use.

Keep in mind the following guidelines for claiming fair use of a copyrighted piece:

- The more creative the work, the less likely it is to be covered by the fair use clause.
- Although no specific percentages apply, the more of a work that you use, the less chance that your use is covered by fair use.
- The more that fair use of a work decreases its market value, the less likely it is that you can claim fair use of it.

The only activities qualifying for blanket fair use, according to standard interpretations of the First Amendment, are news reporting, research, and criticism. Evaluate all other uses on a work-by-work basis.

Parodies may violate copyright protection.

Fair use of copyrighted works for parodies *may* allow use of pre-recorded music with original dramatics, such as in a skit or video version of a sketch or TV show. To be sure you're not in audio-visual copyright violations, however, check with a copyright lawyer on a case-by-case basis.

Non-home showing of rented videos requires a license.

By law, as well as by intent, pre-recorded DVD's and Downloads available for rental or purchase are for home use only. You must have a license to show them in any other setting. Rentals or purchases of materials do not carry with them licenses for non-home showings.

These rules are stated in the Federal Copyright Act, Public Law 94-553, Title 17 of the United States Code. Any institution, organization, company, or individual wishing to engage in non-home showings of home videocassettes *must* obtain a special license to show video materials. Among other rights, the Copyright Act grants to the copyright owner the exclusive right "to perform the copyrighted work publicly" (Section 106).

Obtaining a license for non-home use of copyrighted materials.

Licenses to show motion pictures at a church meeting and to display song lyrics are available through the following businesses, as well as through other channels:

- **Motion Picture Licensing Corporation**, P.O. Box 66970, Los Angeles, CA 90066. (800) 462-8855. The MPLC offers an umbrella license for a number of studios whose films are already available for rental. They charge an affordable yearly fee (**mplc.com**).
- **Swank Motion Pictures**, 201 S. Jefferson Avenue, St. Louis, Missouri 63103-2579. (800) 876-5577. **swank.com** Swank offers copies with license for public showings of films not yet available for rental.
- **Criterion Pictures**, 800-890-9494
- **Christian Copyright Licensing International (CCLI)**, 17201 N.E. Sacramento St., Portland, OR 97230. 800-234-2446 or **ccli.com**.

Recommended resources

A Copyright Primer for Educational and Industrial Media Producers, 2nd Edition, by Esther S. Sinofsky

Check with your umbrella organization or your denomination to see what copyright licenses you may already be covered by.