

Copyright and liturgy



Introduction

This guide provides some direction based on the most recent information available at the time. **Please be aware that this guide should not be taken as legal advice.** Your parish should seek legal advice, or consult their music licensing agency if they require clarification on particular issues.

What is copyright?

Copyright is the right the creator has to claim ownership of an original work. The creator of a legal work has the right to determine if others can use their creative work, as well as the conditions under which their work may be used. In Australia, copyright is regulated by the Commonwealth *Copyright Act*. Under the act, copyright is automatic and comes into effect the moment an original work is created. The creator of the work does not need to apply for copyright, nor does the work need to be published.



Why do we need to observe copyright?

Many published works are protected by national and international copyright laws, which are intended to ensure that composers, text writers, publishers, and their employees receive a fair return for their work. Churches and other institutions have a legal and moral obligation to seek proper permissions and to pay for reprinting of published works when required, even if copies are intended only for the use of the congregation.

Many publishers provide licenses and other convenient ways for obtaining permission for reprinting texts and music for the use of a liturgical assembly. Pastors, directors of music ministries, and other pastoral musicians need to be informed about the legal requirements for copying printed and recorded music, and they should act with a sense of justice.

United States Conference of Catholic Bishops, *Sing to the Lord: Music in Divine Worship*, nn. 105-106

Our legal obligation

Despite what some people may suggest, the Church is not exempt from copyright legislation. Copyright legislation is binding on both institutions and individuals, and ignorance is not accepted as an excuse under the legislation. If a parish is not compliant, both the parish and any person involved in the breach of copyright (eg musicians, people preparing visual display files for liturgy) can be held to account.

Our moral obligation

For our Church to encourage the best possible music, art and creative work, it must be prepared to contribute to the livelihood and development of professional artists. In the past, the Church often did this through patronage – that is, paying them directly as employees to produce works for the Church. Nowadays, we make this contribution primarily by paying the royalties due to creative artists in accordance with copyright legislation. To avoid properly paying, acknowledging and compensating artists for the use of their work denies them of a livelihood and is effectively theft.

What is protected by copyright law?

When preparing for liturgical celebrations, consideration must be given to each of the following being potentially protected by copyright:

- Liturgical texts
- Music
- Images

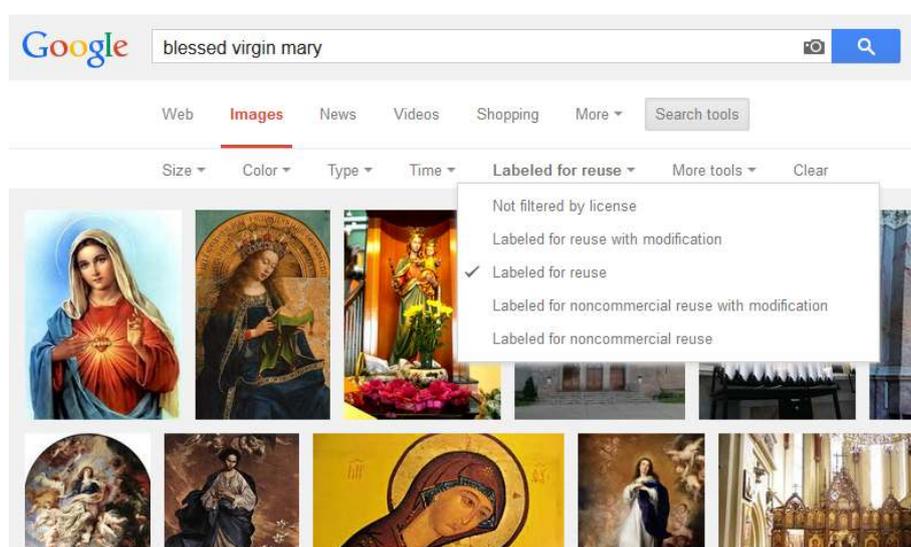
Using material legally

Images

When images are used in visual display files for liturgical celebrations, people preparing the files often search the internet in order to find them. Copyright exists of the majority of images on the internet, and it cannot be assumed that you have permission to use an image simply because it has been published publicly on the internet where it can be downloaded.

Searching for images that you have permission to use

Leading search engines now typically have in their advanced search settings the ability to search specifically for images that can be reused. Here is an example:



Creative Commons licensing

Search engines that provide these options are typically locating images that have been uploaded and shared using the *Creative Commons* licensing system. A number of image sharing websites and apps allow users to choose to grant people permission to use the images they upload without seeking permission or paying a royalty, but it cannot be assumed that users choose this option. Some *Creative Commons* licences do expect that users of the images acknowledge their sources. Information is usually provided with the copyright details for the image.

Purchasing collections of images

Some publishers sell collections of religious art and images for use in parish bulletins and visual display files. Some collections are accessed through a website for which an annual subscription is paid, while others are sold on CD, DVD or USB media. If a parish makes regular use of images in visual display files, then this may be a possible option to ensure compliance with copyright legislation.

Liturgical texts

Copyright for the English translation of the liturgical texts is held by the International Committee on English in the Liturgy (ICEL). ICEL grants permission to parishes to reproduce the liturgical texts for use by the

people in liturgical celebrations. While it is not necessary to apply for this permission, acknowledgement must be made in the following manner:

Excerpts from the English translation of (name of ritual text) © (year), International Commission on English in the Liturgy Corporation. All rights reserved. (ICEL may be used as an abbreviation)

Sample acknowledgements

Texts from the Roman Missal (eg prayers of the Mass)

Excerpts from the English translation and chants of the *Roman Missal* © 2010, International Commission on English in the Liturgy Corporation. All rights reserved.

Texts from the Lectionary for Mass (eg Psalm response)

Excerpts from the English translation of the *Lectionary for Mass* © 1981, ICEL. All rights reserved.

Texts from the Order of Celebrating Matrimony (weddings)

Excerpts from the English translation of the *Order of Celebrating Matrimony* © 2013, ICEL. All rights reserved.

Texts from the Rite of Christian Initiation of Adults (RCIA)

Excerpts from the English translation of the *Rite of Christian Initiation of Adults* © 1985, ICEL. All rights reserved.

Texts from the Order of Confirmation

Excerpts from the English translation of the *Order of Confirmation* © 2013, ICEL. All rights reserved.

Texts from the Order of Christian Funerals

Excerpts from the English translation of the *Order of Christian Funerals* © 1985, ICEL. All rights reserved.

Music

Performing rights

APRA AMCOS, the national society representing the performing and recording rights of composers, allows free performance of music by Churches in worship services. Other activities of parishes where music may be played or performed (eg meetings, prayer groups, sacramental preparation workshops) require the parish to hold a APRA AMCOS Church Licence. An annual fee is charged for this licence.

Words and music for the assembly

Parishes and need to ensure that they have permission to use the lyrics and/or melody of musical works that are printed on a song sheet or with the parish bulletin in a booklet (eg special occasions, weddings, funerals) or visually displayed (eg data projection) for people to follow.

Music in the public domain

The music and/or lyrics of some hymns used in liturgical celebrations are in the “public domain”, that is, either:

- the creator of the work has given free, unconditional use for people to use the work
- the work is of such an age that copyright no longer applies under the law
 - under Australian law, copyright exists on a work for the life of the creator plus seventy years
 - musicians need to keep in mind that copyright exists on each separate element of a musical work, such as melody, lyrics, accompaniment and arrangements.

Some examples of hymns where the melody and lyrics are in the public domain include *Amazing Grace*, *The Lord's My Shepherd* (I'll not want...) and *Holy God, We Praise Your Name*.

The lyrics and melody can be displayed without permission, but acknowledgement should still be made. The information about the lyricist and composer can be found in the music book that the hymn is published in. An example of acknowledgement (for *Holy God, We Praise Your Name*) is found below:

Text: ascr. to Ignaz Franz, 1719-1790, tr. by Clarence Walworth, 1820-1900, alt.
Tune: GROSSER GOTT; *Katholisches Gesangbuch*, Vienna, c. 1774

Music protected by copyright

Much of the music used in parishes and in liturgical celebrations is protected by copyright. Parishes need a licence to reproduce the lyrics and melody line of this music in a booklet, or to display them on a screen. The composers and publishers of the vast majority of material used by Catholic parishes in Australia are represented by *One License*.

It is the responsibility of parishes to ensure that they have a licence that meets their needs and that the terms of the licence are adhered to. Each parish will need to have procedures in place to ensure compliance.

While the specific requirements of the different licensing agencies may vary slightly, proper acknowledgement is expected. This acknowledgement typically includes:

- The title of the song
- Naming the composer
- Naming the lyricist if they are different to the composer
- ©, year, owner of copyright (either the composer or a publisher)
- "Used with permission", name of the licensing agency, and your licence number.

An example of acknowledgement (for *Christ, Be Our Light*) is found below:

Text and Music: Bernadette Farrell, b. 1957
© 1993, Bernadette Farrell, published by OCP Publications
Used with permission under ONE LICENSE #999999

Sheet music for musicians

Each musician needs to have access to an original edition of the music to be played. While singers who sing the melody only may be able to use the same resource the assembly is using at that celebration, this may not always be suitable. Vocalists who are singing others parts will require an original edition of the score.

Photocopying of music is illegal, unless every element of the hymn, and the typographical arrangement, are in the public domain. Licensing for photocopying purposes is not available for the vast majority of material used in Catholic parishes in Australia.

Publishers of Catholic liturgical music are offering an increasing number of hymns for sale on their websites as a digital download, making it easier to purchase and access individual hymns. Care needs to be taken, however, that the number of downloads purchased matches the number of musicians that require the music – in other words, you cannot purchase one copy, then distribute it to several musicians.

What next?

Our parish needs a performing rights licence for our music performances outside the liturgy

Visit the APRA AMCOS website: www.apraamcos.com.au/music-customers/licence-types/church

Our parish needs a licence to display or reproduce hymn lyrics and/or melody line for the assembly

Visit *One License*: www.onelicense.net

Our musicians need to know if a hymn is covered by our parish licence

Firstly, check the copyright information in the hymn book with the hymn

If your parish has a *One License* licence

Check the publisher list to see if the publisher has an agreement with *One License*:

<https://www.onelicense.net/publishers>

or use the Song Title Search facility: www.onelicense.net (scroll down to find search tool)

If you're still unsure, contact *One License's* Australian office, email infoau@onelicense.net

We know that a hymn is covered by our licence, but we want to know if it is recommended for use in liturgical celebrations

The Australian Catholic Bishops Conference has a list of recommended music from *Catholic Worship Book*, *The New Living Parish Hymn Book*, *As One Voice* (volumes 1 and 2), *Gather Australia* and *Together in Song*. This list is the product of an extensive and thorough evaluation of every hymn in each of these hymn books by the National Liturgical Music Board. Find out more at: www.catholic.org.au/national-liturgical-music-board/recommended-hymns-and-songs-approved-by-the-acbc

Our parish needs to purchase print editions of music for our musicians

St Paul's Book Centre, 238 Church Street, Parramatta

website: www.stpauls.com.au/book-centre, phone: 9126 8912, email: bookcentreparr@stpauls.com.au

Pauline Books and Media, 150 Castlereagh Street, Sydney

website: www.paulinebooks.com.au, phone: 9264 8630, email: orders@paulinebooks.com.au

Willow Publishing, website: www.asonevoice.com.au

Catholic Worship Book II (published by Morning Star Publishing), website:

<http://morningstarpublishing.net.au/product-category/m-sp-imprints/catholic-worship-book/>

CWB II is the only officially approved hymn book for the Catholic Church in Australia.

You can find other major international Catholic music publishers online with online purchasing available, such as GIA Publications, OCP Publications and World Library Publications.

I want to read more about Churches and Copyright

The National Liturgical Council of the Australian Catholic Bishops Conference has information available online at www.catholic.org.au/national-liturgical-council/liturgy-copyright-information

The Australian Copyright Council has a downloadable pdf information sheet available online at www.copyright.org.au/acc_prod/ACC/Information_Sheets/Churches_Copyright.aspx