BISHOPS' CONFERENCE OF SCOTLAND

National Liturgy Commission

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1. Introduction

Liturgical music is often the work of a number of people. One person (or more) may have composed the words; one person (or more) may have written the music. No matter the number of artists involved, the resultant work is **their property**. The law recognises this and gives artists the right to control the use of their work -including its reproduction- in order to obtain benefits from the same. In addition, publishers have legal rights with regard to the copying of their publications.

Printing words and/or music without permission is against the law. It is important to remember this when planning to reproduce that which may be another person's property. Note that "printing" here includes copying by hand, re-typesetting or -in the case of music- transposing or even arranging. In the event that illicit copies of liturgical texts or music are discovered in a choir cupboard or Parish office the law, therefore, obliges that they be destroyed, or that payment be agreed with the copyright holder for their retention.

2. What is the legal position on Copyright?

Copyright is a serious legal matter. The current UK position is set out in the *Copyright Designs & Patents Act 1988, as amended*.

https://copyrightservice.co.uk/copyright/uk_law_summary

The basic points to note are that there are three sets of people who have legal (copyright) rights to control the use and reproduction of musical works:-

- The author(s) of the words
- The composer(s) of the music
- The publisher of a printed edition of the work

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The most up-to-date version of *Copyright – a Guide for Parishes* will be available on the Bishops' Conference of Scotland's website.
This is the best point of reference for ongoing streaming and recording advice.

Copyright normally lasts for 70 years from the end of the year in which the author or composer died, or 25 years from the date of publication for publisher's rights.

If you wish to print the words and/or music of a hymn or Mass setting, project them on to a screen (or in any other way reproduce them) you need to obtain consent from the person(s) or company holding the legal rights. This is the case whether it is for one-off use (for a service leaflet - including wedding or funeral services) or for inclusion in a booklet which you are putting together for use by a Diocese, Parish or group. Note that the author or composer may have assigned the copyright to someone else e.g. a publisher - in which case you need obtain their consent.

3. How to get consent

To assist Dioceses, churches, church organisations and schools, there are two main licensing schemes in operation. Both organisations' fees are based on the average size of the congregation at Sunday Mass (or the maximum predicted attendance at a single event). These are:

Christian Copyright Licensing International (CCLI)
https://uk.ccli.com

One License
https://onelicense.net/

Either scheme should cover most of the religious music which Catholic Parishes might wish to reproduce. Purchase of a license is a **necessity- not an option.** An annual license is far less expensive than obtaining permissions from each individual publisher.

Once you have your licence, you are free to reproduce works in accordance with the licence conditions. The conditions include a requirement to acknowledge the author/composer/copyright owner on any leaflet (in order that they receive royalties for the use of their property) and file a report. The report must detail which hymns/worships songs have been used, and when. Whether you are registered with **CCLI** or **One Licence**, reporting is online and is very straightforward.

It is easy to check on the **CCLI** or **One License** websites whether permissions for a particular hymn or worship song are covered by them. If they are not, you **must** contact the author/composer. This can usually be done through their publisher.

4. Public Domain Works

A musical work which is out of copyright is known as a **Public Domain** work**.** You can print such a work yourself, but you cannot photocopy it from a hymn book which is still in copyright, since this infringes the rights of the publisher.

For Parishes with choirs there is a great deal of Public Domain material online. One excellent resource is the *Choral Public Domain Library* from which works can be downloaded in various formats, and reproduced freely.

Choral Public Domain Library
http://www.cpdl.org/

5. Unknown Composers/Authors

If you do not know the author or composer of the work which you wish to reproduce, you may be able to find information on the internet or through one of the licensing schemes. If you still cannot identify the copyright owner you proceed at your own risk, and should be prepared to pay royalties should the owner later become known.

6. Liturgical Texts

Most texts used in the liturgy are copyright. The *International Committee on English in the Liturgy* (ICEL) is the copyright holder for the vast majority of Catholic liturgical texts in English. No specific permission is required for non-commercial, one-off reproduction, and no fee is payable. Copyright must be acknowledged, however, as follows:-

Holy Mass: Excerpts from the English translation of *The Roman Missal* © 2010, International Commission on English in the Liturgy Corporation.
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Funerals: Excerpts from the English translation of the *Order of Christian Funerals* © 1985, International Committee on English in the Liturgy Inc.
All rights reserved.

RCIA: Excerpts from the English translation of the *Rite of Christian Initiation of Adults* © 1985, International Committee on English in the Liturgy Inc.
All rights reserved.

Texts from ELLC: English translations of [text] © 1998, *English Language Liturgical Consultation* (ELLC) and used by permission. www.englishtexts.org

Texts from ICET: Acknowledgment is due to the *International Consultation on English texts* for the text of [title].

7. Scripture Texts

Many modern translations of the Bible are copyright and may not be reproduced without the permission of the copyright holder.

The Jerusalem Bible

Darton Longman and Todd allows the reproduction of up to 500 words from the *Jerusalem Bible* (the translation currently used in the Lectionary) without application. The following acknowledgement must be used, however:

From *The Jerusalem Bible* © 1985 by Darton Longman and Todd Ltd. and Doubleday and Co. Ltd.

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The Grail Psalms

The text of the Psalms currently in use in the liturgy is copyright of *The Grail*. One-off use by Parishes for liturgical celebrations in their community is

permitted without obtaining specific permission. The following acknowledgement must be used, however:

From *The Psalms: A New Translation* © 1963 The Grail (England) published by HarperCollins.

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Example of Acknowledgments on the Back of a Liturgical Booklet

Psalm Response from The Psalms: A New Translation © 1963 The Grail (England) published by HarperCollins, Music: Samuel F. Weber, OSB © 2005 Saint Meinrad Archabbey, St. Meinrad, IN 47577-1010 U.S.A. All rights reserved; Hymn: *Lord, Accept the gifts we offer* words © Sr M. Teresine, OSF; Communion chant *Amen, dico vobis,* Words: Jeremiah 29,11.12.14, English translation from *The Roman Missal* © 2010, International Commission on English in the Liturgy Corporation. All rights reserved. Words of hymns reproduced under licence: One License *****

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8. Use of Images

Like music, online photographs and graphics are protected by copyright law. The photographer or designer owns the copyright for his/her images from the moment they create them, unless they work for hire for an agency or other employer. In that case, the agency or employer owns the copyright. The only way to legally use a copyrighted image is to obtain permission from the copyright owner. This may incur a fee.

If you do not know the copyright owner of an image which you wish to reproduce, you may be able to find this information on the internet. If you still cannot identify the copyright owner you proceed at your own risk, and should be prepared to pay royalties should the owner later become known.

Note that a number of museums with significant collections of sacred art (including the Metropolitan Museum of Art, New York, and the Getty Museum) allow their works to be reproduced royalty-free, so long as they are acknowledged as the copyright holder.

The Getty Museum
https://www.getty.edu/about/whatwedo/opencontent.html

Metropolitan Museum of Art, New York
https://www.metmuseum.org/about-the-met/policies-and-documents/image-resources

9. Live Streaming

Since the National Lockdown "live streaming" (through which audio or video content is broadcast live over the internet) and "podcasting" (through which audio or video content is recorded to be broadcast at a later date) has become a new means of evangelisation for the Catholic Church in Scotland. More recently, live streaming has become a response to the imposed reduction of numbers permitted at particular liturgical celebrations, for example at weddings and at funerals.

Copyright licences are required by law to reproduce hymns/worship songs, as noted above. Many Parishes may be unaware, however, that liturgical celebrations with music, whether broadcast on a Parish's website, or on social media channels/websites, require an additional **Streaming Licence.** Both CCLI and One Licence offer such licenses. Costs are calculated in the same way as for basic copyright licences.

One Licence Podcast/Streaming License Bundle

One Licence's *Podcast/Streaming License Bundle* covers live streamed content via Youtube, Facebook, Zoom, Vimeo, Instagram, and other forms of internet-based communication directly or via the Parish website, and allows the archiving of events for the duration of the license, so long as you do not charge a fee. It also includes the right to show the words of hymns/worship songs onscreen. The use of commercial recordings is **not** covered (cf. below).

If you have any questions One Licence' Customer Services will be happy to assist you.

CCLI Customer Services
✉ infoeu@onelicense.net

CCLI Streaming Licence
CCLI's *Streaming Licence* covers live streamed content via Youtube, Facebook, Vimeo, Instagram, and other forms of internet-based communication directly, and allows the archiving of events for the duration of the license, so long as you do not charge a fee. It also includes the right to show the words of hymns/worship songs in their catalogue onscreen.

If you are hosting the stream/podcast on the Parish website or via Zoom you will need the *PRS for Music Limited Online Music Licence* (LMOL) in addition to the CCLI Streaming Licence. The use of commercial recordings is **not** covered (cf. below).

If you wish to include music before and after live streamed services you may need to look at CCLI's *Streaming Plus Licence.*

If you have any questions CCLI's Customer Services will be happy to assist you.

CCLI Customer Services
☏ 01323 436100
✉ uk@ccli.com

10. Use Commercial Masters or Publisher-Owned Recordings

The use of commercial masters or publisher-owned recordings (CDs, mps3 etc.) in live streaming is not permitted without prior permission. If you wish to use commercially recorded music in your livestreams you will need permission from both the publisher and copyright holder. With sacred music, however, these are often the same entity.

CDs will usually carry information about the copyright holder(s) on the back of the case or in the sleeve. It is your duty to contact the copyright holder(s)

directly. Note that there may be a charge payable to the holder (this may vary) and you must also be in possession of an original, paid for, copy of the recording.

One publisher which generously allows churches to use its recordings free-of-charge in live streamed services (provided they are in possession of an original, paid for, copy of the recording) is *Hyperion Records* which catalogue can be found here:

https://www.hyperion-records.co.uk/n.asp?n=1

Hyperion's catalogue contains a large amount of liturgical music which can be downloaded as individual mp3 tracks. Hyperion has blocked YouTube from using any of its music, however, and an attempt to use any of its catalogue on YouTube will result in your broadcasts being blocked, unless you email Hyperion beforehand to ask that your Parish YouTube channel be unblocked. There is no charge for this, and Hyperion has provided the following email address in order that churches may make use of its property for live streamed liturgical celebrations:

Hyperion Records
✉ info@hyperion-records.co.uk

11. Conclusion

Copyright is a serious legal matter. Lack of attention to the law could expose you, your Parish and/or your Diocese to potential legal action (with the attendant bad publicity) and to legal costs and damages.

The maximum punishment in the UK for copyright infringement if convicted in the Magistrates' Court is a fine of up to £50,000 and/or 6 months in prison; the maximum punishment in the UK for copyright infringement if convicted in the Crown Court is an "unlimited" fine and/or 10 months in prison.

Publishers are becoming ever more active in seeking out copyright breaches; ignorance of the law is no defence. Strict adherence to copyright law is also a matter of Christian justice.

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