

# PRACTICAL COPYRIGHT ADVICE FOR WORSHIP

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# INTRODUCTIONS

- I'm not a lawyer.
- I like puzzles.
- Tech / Host / Question Team:  
Rev. Sharon Dittmar, Kathy  
Charles, Amy Kent
- Special Guest: Rev. Erika Hewitt



# THE RELIGIOUS EXEMPTION

- Applies to worship services.
- Does NOT apply to streaming.
- See <https://www.uua.org/worship/copyright>. Let's go look . . .

# STREAMING

- When we evaluate streaming, we are not talking about the religious exemption anymore. Technically.
- We are now in the “fair use” area of law.
- This is true no matter what platform you use, and regardless of whether or not the recording is saved.

# FAIR USE 1

*Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes:* Courts look at how the party claiming fair use is using the copyrighted work, and are more likely to find that nonprofit educational and noncommercial uses are fair. This does not mean, however, that all nonprofit education and noncommercial uses are fair and all commercial uses are not fair; instead, courts will balance the purpose and character of the use against the other factors below. Additionally, “transformative” uses are more likely to be considered fair. Transformative uses are those that add something new, with a further purpose or different character, and do not substitute for the original use of the work.

# FAIR USE 2

*Nature of the copyrighted work:* This factor analyzes the degree to which the work that was used relates to copyright's purpose of encouraging creative expression. Thus, using a more creative or imaginative work (such as a novel, movie, or song) is less likely to support a claim of a fair use than using a factual work (such as a technical article or news item). In addition, use of an unpublished work is less likely to be considered fair.

# FAIR USE 3

*Amount and substantiality of the portion used in relation to the copyrighted work as a whole:* Under this factor, courts look at both the quantity and quality of the copyrighted material that was used. If the use includes a large portion of the copyrighted work, fair use is less likely to be found; if the use employs only a small amount of copyrighted material, fair use is more likely. That said, some courts have found use of an entire work to be fair under certain circumstances. And in other contexts, using even a small amount of a copyrighted work was determined not to be fair because the selection was an important part—or the “heart”—of the work.



# FAIR USE 4

*Effect of the use upon the potential market for or value of the copyrighted work:* Here, courts review whether, and to what extent, the unlicensed use harms the existing or future market for the copyright owner's original work. In assessing this factor, courts consider whether the use is hurting the current market for the original work (for example, by displacing sales of the original) and/or whether the use could cause substantial harm if it were to become widespread.

Look, it's a camel.



	Owner	Fair Use?	How to get permission
Sermon, prayer, ect.	The writer.	NO	Ask the writer.
Picture book	The publisher	YES, if.	N/A
Film clips	The studio	NO	Video License
Readings	The publisher/writer	YES, if	N/A
Plays	The publisher/writer	Sometimes.	Ask
Images	The photographer	NO	Use free images
Music	Composer, publisher	NO	Let's talk about it!

YES, IF . . .

“IF” YOU TRANSFORM THE  
WORK, COMMENT AND  
INCORPORATE IT INTO  
SOMETHING NEW.

IN OTHER WORDS, IF THE  
WORSHIP IS GOOD.

YES, IF . . .

“IF” MEANS FOR WORSHIP ONLY  
(INCLUDING STREAMED).

**NOT** FOR SEPARATE PODCASTS,  
BOOKS, PAMPHLETS, CONCERTS,  
OR EVENTS.

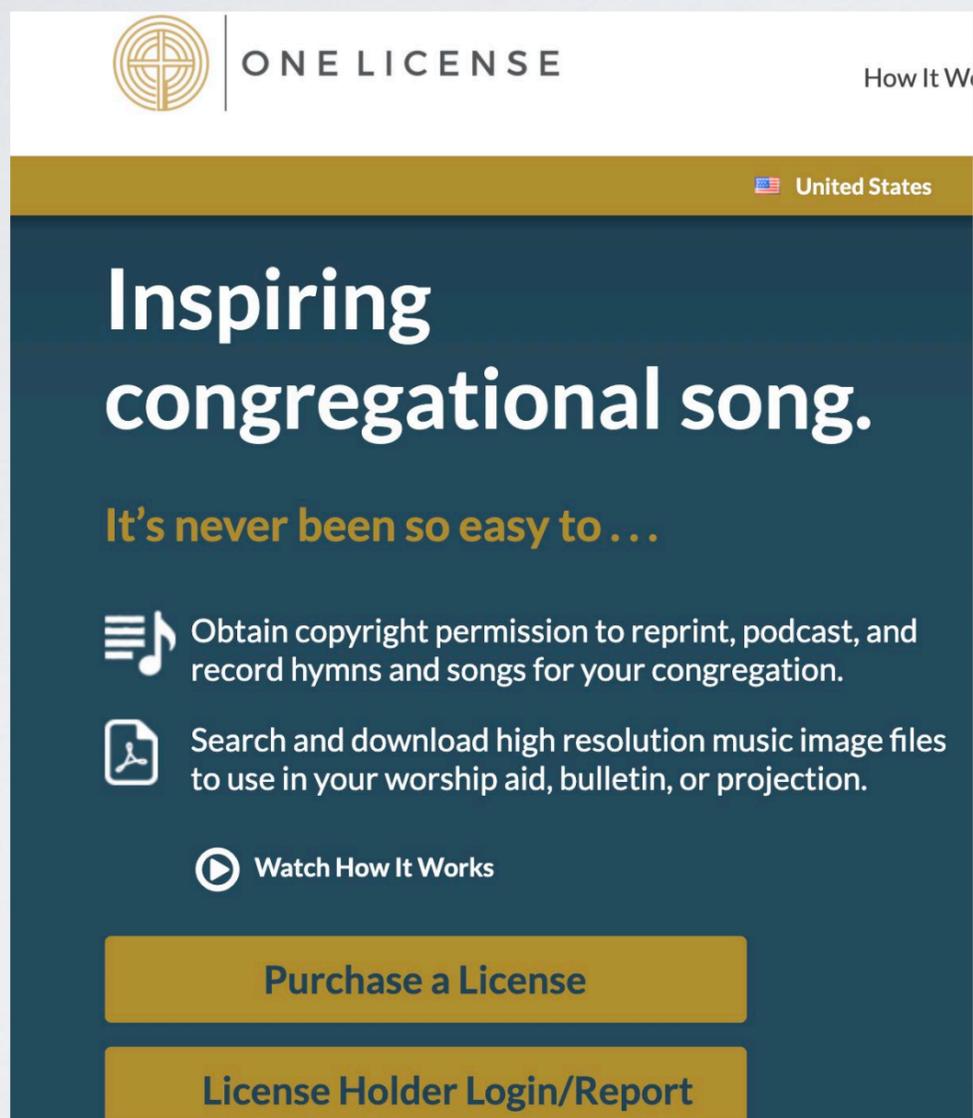


# MUSIC

Music falls into four main categories.

- Public Domain. (75+ years old, usually)
- Licensed.
- UUA copyright.
- None of the above.

# MUSIC LICENSES



The screenshot shows the ONE LICENSE website interface. At the top left is the ONE LICENSE logo, a stylized cross inside a circle. To its right is the text "ONE LICENSE" and further right is "How It Works". Below the logo is a gold bar with a US flag icon and the text "United States". The main content area has a dark blue background with the headline "Inspiring congregational song." in white. Below this is the sub-headline "It's never been so easy to..." in gold. There are three bullet points, each with an icon: a music note, a document, and a play button. The first bullet point says "Obtain copyright permission to reprint, podcast, and record hymns and songs for your congregation." The second says "Search and download high resolution music image files to use in your worship aid, bulletin, or projection." The third says "Watch How It Works". At the bottom are two gold buttons: "Purchase a License" and "License Holder Login/Report".

ONE LICENSE

How It Works

United States

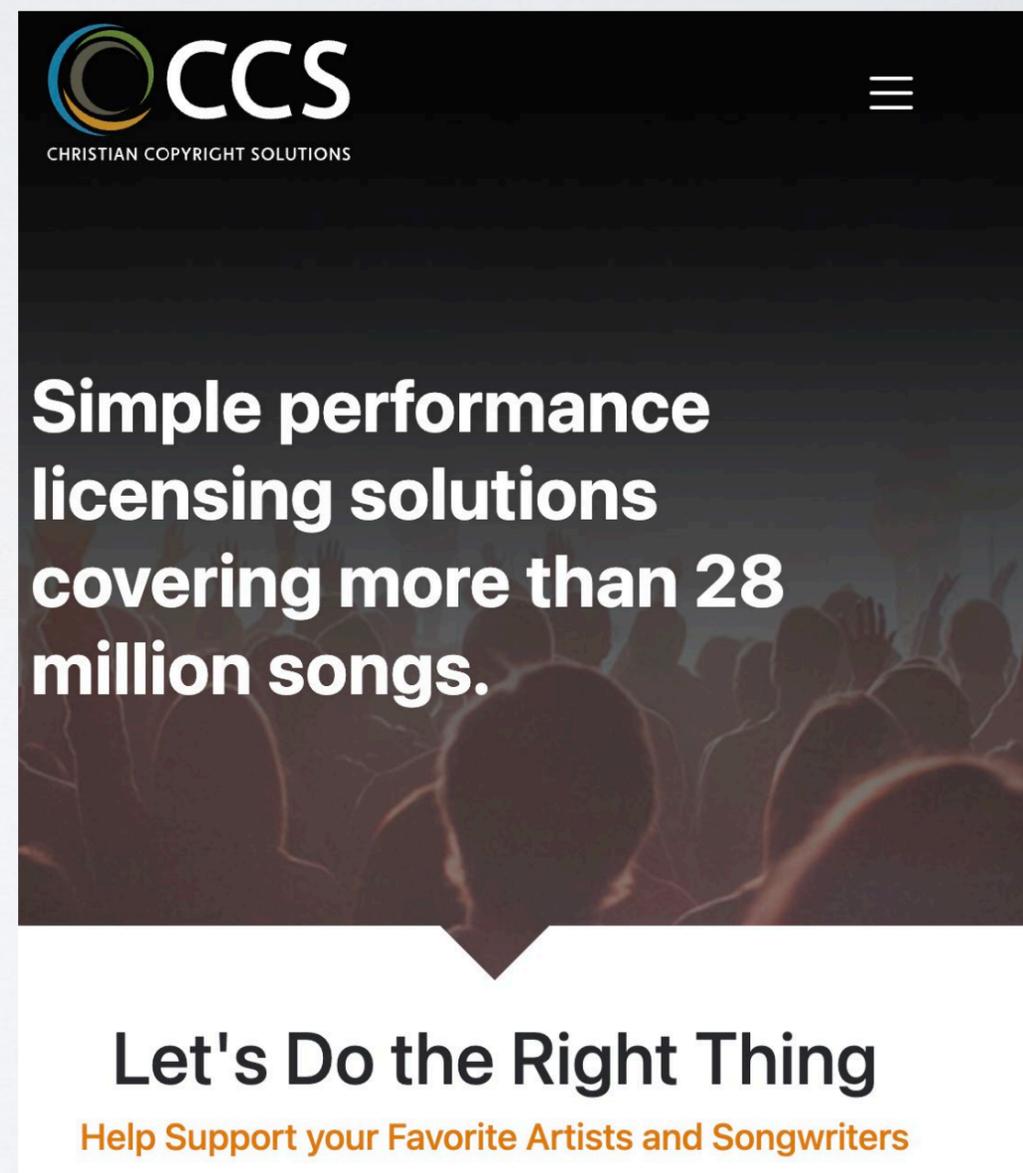
## Inspiring congregational song.

It's never been so easy to...

- Obtain copyright permission to reprint, podcast, and record hymns and songs for your congregation.
- Search and download high resolution music image files to use in your worship aid, bulletin, or projection.
- Watch How It Works

Purchase a License

License Holder Login/Report



The screenshot shows the CCS website interface. At the top left is the CCS logo, a stylized 'C' with a cross inside, followed by "CCS" and "CHRISTIAN COPYRIGHT SOLUTIONS". To the right is a hamburger menu icon. The main content area has a dark background with a silhouette of a crowd. The headline is "Simple performance licensing solutions covering more than 28 million songs." in white. Below this is a white section with the headline "Let's Do the Right Thing" in black and the sub-headline "Help Support your Favorite Artists and Songwriters" in gold.

CCS  
CHRISTIAN COPYRIGHT SOLUTIONS

## Simple performance licensing solutions covering more than 28 million songs.

### Let's Do the Right Thing

Help Support your Favorite Artists and Songwriters

# MUSIC NOT IN THE HYMNALS

- Most is going to be licensed.
- When you purchase the sheet music, purchase the option to stream or record. (Sometimes called a “mechanical license.”)
  - How many copies of sheet music do you need to buy for a 20 member choir?
- Ask. “I love your music and we’d like to perform it and stream it. How can I send you money, and how much do you charge? We want to be generous.” **A NOTE ABOUT EQUITY.**

# WORDS, MUSIC, HARMONY

Words: Sally Rogers, © 1985 Sally Rogers, used by perm. of Thrushwood Press Publishing  
⊕ Music: Traditional, arr. by Betty A. Wylder, 1923- , © 1992 Unitarian Universalist Association

LOVE AND COMPASSION

The image shows a page of sheet music for the hymn 'Love and Compassion'. It features a grand staff with a treble clef on the top staff and a bass clef on the bottom staff. The key signature is one sharp (F#). The music consists of a melody in the treble clef and a bass line in the bass clef. Below the staves, there is a copyright notice and the title of the hymn.

- The UUA has two lists. One on their website identifies which element is PD, UUA, OL, CCS, or “ask.”
- The other has the contact info if you need to ask. This list is available on request.

# BE PATIENT

- There is no staff dedicated to this work. Be patient and considerate.
- Even though I love you, I am not your staff, either.

# THE LIST

- The first draft of this list was done by me, for my congregation, and I shared it freely with colleagues.
- <http://bit.ly/UUHymnInfo>. Let's go look!

# WHAT'S THE WORST THAT CAN HAPPEN?

- As long as you don't offend the mouse, not much.
- YouTube flag. This will happen even when you have permission! Submit that you have permission. Will not be allowed to monetize. So what?
- Copyright holder asks for payment. GREAT! Pay them, and ask them to put materials on license / contact UUA.
- Copyright holder asks for it to be taken down. OK, edit that out.
- I know of NO churches that have been sued (unless by the mouse) ever, especially during the pandemic, for worship content.

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Video and more Resources available at:

<https://www.uua.org/leadership/library/copyright-worship>