

To: CHURCH LEADERS / ELDERS / ADMINISTRATORS
From: ALLIANCE OF CHRISTIAN ORGANIZATIONS
Re: DISPLAY OF SONG LYRICS DURING WORSHIP SERVICES
Date: FEBRUARY 15, 2012

During the 2011 American Leadership Conference, a question arose as to whether the “religious services exemption” to The Copyright Act provides an exemption to copyright licensing requirements such that a church could display song lyrics during worship services without first obtaining a license. The answer is no, a license is required to display song lyrics despite the fact that the religious services exemption allows the same song to be performed by the worship team live without a license.

CHURCH LEADERS, ELDERS & ADMINISTRATORS: WHAT DOES THIS MEAN FOR YOU?

If your church projects any song lyrics in worship services, you need to have legal permission to do so. There are two ways to meet this need: DPI represents that the Songs of the Kingdom hymnal and CD-ROM carries the appropriate rights to display the included PowerPoint files with song lyrics (discussed below); and Christian Copyright Licensing International (CCLI) provides a comprehensive, inexpensive licensing method.

HOW CAN CHURCHES GET PERMISSION? CCLI offers a blanket license to over 200,000 songs in their database; this includes the right to make copies of the lyrics required to display on a screen during song performances. **Your church may have this already.**

Average Sunday Attendance	Annual Cost for License
25 – 100	\$109
100 – 200	\$185
200 – 500	\$245
500 – 1000	\$345
1000 – 1500	\$420
1500 – 3000	\$505
3000 – 5000	\$570
5000 – 10000	\$720

CCLI has a fairly simple administrative process where a "Church Administrator" is designated and responsible to occasionally report on the songs used during a particular period of time. Ample notice is provided by CCLI that a reporting window is approaching, and a convenient web-based entry tool is provided.

Mark Straup of CCLI (tel. 800-234-2446 Ext. 1412) can answer questions about CCLI licensing. For more information, visit <http://www.ccli.com/WhatWeOffer>

WHAT ABOUT THE DPI SONGS OF THE KINGDOM CD-ROM? DPI represents that your purchase of the DPI Songs of the Kingdom CD-ROM (PowerPoint files with song lyrics) includes the legal rights to project lyrics for all of the songs in the collection without any

further concern regarding rights, royalties. *Text from the product page for the Songs of the Kingdom CD-ROM from DPI may be found at:*

<http://www.dpibooks.org/Default.aspx?tabid=59&cid=7&sid=5&ProductID=429&page=1>

We do not have any advice on whether the position taken by DPI is legally sound or not; if you have questions or concerns about your legal rights, you would need to explore the matter with DPI or with your own attorney.

Assuming that the representation by DPI is accurate and legally sound, then churches would only need a CCLI Church License to cover their projection of song lyrics or use of songs online or outside of worship services in these cases:

- The song IS NOT in the Songs of the Kingdom hymnal (this would be anything in the contemporary Christian realm, and River City Music songs)
- The song is IN THE Songs of the Kingdom hymnal, BUT the church has NOT purchased the CD-ROM product from DPI (if you don't own that product, then you need legal rights to project lyrics from somewhere; CCLI seems to be the most logical place to purchase licensing rights.)

HOW DO WE GET PERMISSION FOR SONGS THAT AREN'T INCLUDED IN THE DPI SONGS OF THE KINGDOM HYMNAL / CD-ROM OR WITH THE CCLI BLANKET LICENSE?

Christian Copyright Solutions offers a PERMISSIONSplus service to help churches secure individual licenses to songs that may not be included with the CCLI blanket license; this would include the right to create and distribute CDs, DVDs, MP3s, digital downloads, podcasts, print projects, lyric sheets and streamed video of those songs. The average cost is \$40 labor to obtain the license plus royalties of \$30 - \$40 for Christian songs and up to \$100 - \$150 for secular songs (totaling \$70 - \$190 per song license.) The process can take 3 – 6 weeks for Christian songs and up to 10 weeks for secular songs.

<http://www.copyrightsolver.com/services/permissionsplus>

WHAT ABOUT POSTING WORSHIP SERVICES & SONG PERFORMANCES ONLINE? The religious services exemption to the copyright law only covers the on-site live worship service, not the display of song lyrics or the rebroadcast of the performance online. So, a license is required to rebroadcast or retransmit services over tv, radio or internet, even though the religious services exemption allows the same song to be performed by the worship team live without a license. CCLI offers a WORSHIPcast license (starts at \$500 per year) allowing churches to webcast their performances of more than 16 million songs based on licensing services such as ASCAP, BMI and SESAC.

<http://www.copyrightsolver.com/services/worshipcast>

WHAT ABOUT SPECIAL EVENTS? Licenses must be obtained from the copyright owner for any musical performance outside of a specific "worship service" (this means a license is required for church sponsored concerts, youth classes and special musical programs.) Again, the religious services exemption to the copyright law only covers the *on-site live worship service ("traditional" church service.)*

For those interested in a more in-depth discussion of the religious services exemption to The Copyright Act

The "religious services exemption" in The Copyright Act states that "performance of a non-dramatic literary or musical work or of a dramatico-musical work of a religious nature, or **display of a work**, in the course of services at a place of worship or other religious assembly" is not considered copyright infringement. The "religious services exemption" permits the performance or display of a copyrighted work in the course of services at places of worship; the phrase "display of a work" does not include display of a duplication or reproduction, which is what a PowerPoint or word processing file containing the song lyrics are. Copyright owners have the exclusive right to print, publish, sell and reproduce their protected works. **This means the exclusive right to reproduce the copyrighted work in any form**, including but not limited to: printed copies, digital files, recordings, tapes, CDs, videos, motion pictures, *or any duplicating process* which later comes into being.

Creating a digital file containing lyrics is part of the exclusive right to reproduce the work; this is not part of the religious exemption which allows for use of the "work" as part of a religious worship service. Creating a PowerPoint, word processing or other digital file containing the lyrics constitutes a duplicating process. The reproduction of the copyrighted work into another form, which takes place in creating song lyrics for display, is what infringes on the copyright owner's exclusive reproduction rights.

The "religious services exemption" does not extend to other uses of the copyrighted work such as display of song lyrics via PowerPoint or word processing file, making a transparency, or otherwise printing and displaying using an overhead projector. Permission must be secured from the copyright owner to display the lyrics in digital format and to print stand-alone songsheets containing the lyrics, even for use in church services, Bible studies, or home prayer groups (if you purchased a song book then you can use that but you cannot change the format.)