



# **COPYRIGHT AND CHURCH MUSICIANS**

Guidelines to assist  
Church Musicians to  
comply with Copyright

Archdiocese of Perth  
Liturgical Guidelines

Centre for Liturgy

## **ACKNOWLEDGEMENTS**

The Centre for Liturgy gratefully acknowledges those who have contributed to the development of this resource.

Chris deSilva

Proofreading: Helen Flack and Carmel Woodley

*Published by*

### **Centre for Liturgy**

28 Marda Way, Nollamara WA 6061

Telephone: (08) 9207 3350

Facsimile: (08) 9349 0362

E-mail: [cfl@perthcatholic.org.au](mailto:cfl@perthcatholic.org.au)

Website: [www.liturgy.perthcatholic.org.au](http://www.liturgy.perthcatholic.org.au)

Reprinted and revised January 2020, updated May - June 2021

Revised April 2022

© 2022, Centre for Liturgy, Archdiocese of Perth, Western Australia

The Archdiocese of Perth Centre for Liturgy owns the copyright in this book. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced by any process without written permission. Enquiries should be addressed to the publisher.

## CONTENTS

Introduction	7
1. What is copyright?	7
2. What can be protected by copyright?	7
3. How does a work gain copyright protection?	7
4. What does copyright prohibit?	7
5. Does copyright protection last forever?	8
6. How long does copyright last?	8
7. Can out-of-print items be copied?	8
8. How can permission to use a copyright work be obtained?	8
9. What copyright agencies operate in Australia?	8
10. Which licensing agencies can parishes use?	10
11. What information has to be shown when licensed songs are reproduced?	10
12. Are the prayers and readings used at Mass covered by copyright?	11
13. Is a licence needed to perform music in church?	11
14. Is a licence needed if hymnbooks are used?	11
15. Is a licence needed when booklets are printed for weddings or funerals?	11
16. Is a licence needed to copy recorded music from CDs?	11
17. Does a licence taken out by a parish cover the parish schools?	12
18. Are Christmas Carols covered by copyright?	12

19. Are images and audio-visual material covered by copyright?	12
20. How does copyright affect the streaming or podcasting of a service of worship?	12
21. What can parishes do to meet their obligations regarding copyright?	13
22. What provisions can be made for people with disabilities?	13
23. Where can I get more information?	14

## ***Introduction***

This resource is a guide to issues relating to copyright written for the benefit of people preparing liturgies in the Archdiocese of Perth. It is only a summary of complex legal issues and should not be regarded as a definitive statement of the legal position. The information is presented as a sequence of questions and answers.

### ***1. What is copyright?***

Copyright is a form of **intellectual property**. It is the legal right of the creators of literary works, musical works, works of art and websites to control the way in which their creations are used and to derive benefits, financial and other, from their work.

Works that are protected by copyright are the property of their owners and must be treated in the same way as any other property. Misappropriation of copyright works is both illegal and immoral, like any other form of theft.

### ***2. What can be protected by copyright?***

The law in Australia provides copyright protection for a number of different types of works: literary works such as books, magazines, scripts of plays and movies; musical works; recordings; computer programmes; and material that is published on the Internet. Other sorts of intellectual property are protected by patents, trademarks and registered designs. Music and dramatic works are also subject to laws governing **performing rights**.

### ***3. How does a work gain copyright protection?***

In Australia, a work is automatically protected by copyright from the time of its creation. It does not need to be registered in any way.

### ***4. What does copyright prohibit?***

A copyright work cannot be copied, reproduced in any way, or performed without the permission of the copyright owner. Permission is also required to translate, edit or change the words of a song or literary work, or to make new arrangements of musical works.

***5. Does copyright protection last forever?***

No, the law grants copyright protection for a fixed period. After this period expires, the protection is withdrawn. Works whose copyright has expired are in the **Public Domain** and may be copied and used freely.

***6. How long does copyright last?***

In Australia, the copyright in a book, a piece of music or a sound recording lasts for seventy years after the death of the author or composer. After this time the work becomes part of the **Public Domain**. The publisher of a book or piece of music also has copyright protection for the printed pages that lasts for twenty-five years from the date of publication.

***7. Can out-of-print items be copied?***

Out-of-print items that are in the public domain may be copied, otherwise the same prohibitions apply.

***8. How can permission to use a copyright work be obtained?***

A direct request can be made to the copyright owner, who is usually the composer of a piece of music or the writer of a book. As an alternative, there are licensing schemes that allow performances or copying of works for a fee. These schemes are usually operated by agencies on behalf of the copyright owners.

***9. What copyright agencies operate in Australia?***

**One License, LLC**

(Licences for the reproduction of melody lines and words.)

Web address: [www.onelicense.net](http://www.onelicense.net)

Postal Address: 7343 S. Mason Ave, Chicago, IL 60638 USA

Telephone: (0011) 708-458-5900

Fax: (0011) 708-458-4940

E-mail: [infoau@onelicense.net](mailto:infoau@onelicense.net)

## **CCLI**

(Licences for the reproduction of melody lines and words.)

Web address: [au.ccli.com](http://au.ccli.com)

Postal Address: PO Box 6644 Baulkham Hills BC, NSW 2153

Telephone: 1-300-225-400

## **Australasian Performing Right Association Limited (APRA)**

### **Australasian Mechanical Copyright Owners Society (AMCOS)**

(Licences for organizations to play, perform, copy or record music.)

Web address: [www.apraamcos.com.au](http://www.apraamcos.com.au)

WA State Office

Address: Suite 1, 12-20 Railway Road, Subiaco WA 6008

Telephone: (08) 9382 8299

E-mail: [wa@apra.com.au](mailto:wa@apra.com.au)

## **Australian Recording Industry Association (ARIA)**

(Licences for reproduction of music.)

Web address: [www.aria.com.au](http://www.aria.com.au)

PO Box Q20

Queen Victoria Building NSW 1230

Telephone: (02) 8569 1144

Fax: (02) 8569 1181

E-mail: [aria.mail@aria.com.au](mailto:aria.mail@aria.com.au)

## **Phonographic Performance Company of Australia (PPCA)**

(Licences for the broadcast or public playing of recorded music or music videos.)

Web address: [www.pcca.com.au](http://www.pcca.com.au)

Postal Address: PO Box Q20, Queen Victoria Building, Sydney NSW 1230

Telephone: (02) 8569 1100

E-mail: [pcca.mail@pcca.com.au](mailto:pcca.mail@pcca.com.au)

## **Australian Copyright Council**

(Provision of legal advice and education on copyright law.)

Web address: [www.copyright.org.au](http://www.copyright.org.au)

Postal Address: PO Box 1986, Strawberry Hills, NSW 2012

Telephone: (02) 9101 2377

E-mail: [info@copyright.org.au](mailto:info@copyright.org.au)

## **Copyright Agency Limited (CAL)**

(Licences the use of text and images and deals with copyright for people with special needs.)

Web address: [www.copyright.com.au](http://www.copyright.com.au)

Address: Level 12, 66 Goulburn Street, Sydney NSW 2000

Telephone: (02) 9394 7600, 1800 066 844

E-mail: [memberservices@copyright.com.au](mailto:memberservices@copyright.com.au)

### ***10. Which licensing agencies can parishes use?***

Two licensing agencies used by parishes are OneLicense and Christian Copyright Licensing International (CCLI). OneLicense covers the major publishers of Catholic liturgical music. CCLI covers worship music from other Christian traditions.

Both OneLicense and CCLI enable parishes to reproduce melody lines and lyrics in Mass booklets and on projection screens. OneLicense also allows the production of hymnals (melody line and text) by parishes for their own use. CCLI also offers a service called SongSelect from which keyboard, instrumental and choral parts can be reproduced.

Both agencies now offer podcast/streaming licenses which allow parishes to post or stream video content on the internet of live worship services that contain music and other content covered by their reproduction licenses. Not all publishers represented by the agencies will allow streaming of their material.

### ***11. What information has to be shown when licensed songs are reproduced?***

When the words and/or music of a licensed song are reproduced either on paper or electronically the following information needs to be shown:

- the name of the song,
- if music is reproduced the name of the composer,
- the name of the author of the text,
- details of who owns the copyright and
- the license number of the parish.

### ***12. Are the prayers and readings used at Mass covered by copyright?***



The copyright in the prayers used at Mass is held by the International Committee on English in the Liturgy (ICEL). The copyright in the readings in the Lectionary, the Gospel Acclamations and responses to the Responsorial Psalms are also held by the ICEL. The copyright in the verses of the Responsorial Psalms is held by The Grail (UK). The ICEL texts can be reproduced for use in worship, provided that due acknowledgment is given. Details are available from the ICEL website <http://icelweb.org/copyright.htm> or from the Australian Catholic Bishops Conference website <https://www.catholic.org.au/national-liturgical-council/liturgy-copyright-information>

***13. Is a licence needed to perform music in church?***

The licensing agencies have agreed to grant a blanket licence for the performance of live music and the playing of recorded music within an act of worship. No additional licensing arrangement is necessary for this purpose.

***14. Is a licence needed if hymnbooks are used?***

Hymnbooks published by and purchased from a commercial publisher may be used without a licence. A licence is needed if a hymnbook is compiled by the parish by copying words and/or music that is copyright. (See Question 10.)

***15. Is a licence needed when booklets are printed for weddings or funerals?***

If the wedding or funeral takes place in a church which has a reproduction licence, it is covered by the parish licence. The names of the pieces used should be recorded by the parish and included in its copyright reporting. Alternatively, the people organizing the wedding or funeral may take out a separate licence for the occasion.

***16. Is a licence needed to copy recorded music from CDs?***

Yes. Any copying of recorded music requires a licence, regardless of the purpose of the recording. This includes copying of tracks from a CD onto a computer or MP3 player. Licences may be needed from both AMCOS and ARIA (See Question 9.)

***17. Does a licence taken out by a parish cover the parish schools?***

No, there are separate licensing arrangements that relate to the use of copyright materials in schools and other educational institutions. Catholic schools in Western Australia should refer copyright enquiries to Catholic Education Western Australia.

***18. Are Christmas Carols covered by copyright?***

Older Christmas Carols are in the Public Domain, but more recent songs may not be in the Public Domain. The Centre for Liturgy has a list of Christmas Carols and songs which shows which Carols and songs are in the Public Domain and who the copyright owners of the others are. The list can be obtained on request.

***19. Are images and audio-visual material covered by copyright?***

Images and audio-visual material are covered by copyright. Some images may be reproduced without payment of a royalty, while others require such a payment. Material from YouTube may be covered by several copyright owners and should not be used unless appropriate steps have been taken to obtain the necessary permissions from all copyright holders.

***20. How does copyright affect the streaming or podcasting of a service of worship?***

Streaming and podcasting raise a number of additional issues regarding copyright and performance rights. The license that allows the use of live or recorded music during a worship service **does not apply** to streaming or podcasts. Different aspects of the event require different permissions.

All participants need to give their permission for them to be shown in the streamed event. Parents should give their permission for their children to appear. Readers and musicians also need to give their permission for their activities to be streamed.

Inclusion of the performance of live music may be covered by a streaming license. Inclusion of recorded music is usually not covered by a streaming license and requires permission from the holder/s of the copyright and the performance rights.

Displaying the words of the songs may be covered by a reprint license. Displaying the words of the ritual or the readings requires the permission of the copyright holders. Displaying other texts requires the permission of the copyright holder. Showing images or videos requires the permission of the copyright holder.

***21. What can parishes do to meet their obligations regarding copyright?***

The first decision with regard to music is whether to use hymnbooks or to reproduce words and/or music for the musicians and/or the congregation. The latter choice will require the appropriate licensing arrangements be entered into. In some cases, it may be necessary for a parish to obtain licences from more than one licensing agency.

If licensing is required, finding somebody to act as Copyright Coordinator for the parish can be a very effective starting point. The Copyright Coordinator would have to be familiar with the copyright requirements, both as a general issue and with respect to the particular licensing arrangements of the parish.

Once the licence is taken out, it is necessary to keep records of copying and use of copies in order to satisfy the reporting requirements of the licensing scheme. This is an important part of the role of the Copyright Coordinator. Having a form that is filled out for each liturgical celebration can help with the record keeping and can also have other benefits.

The parish should ensure that people who are organizing weddings and funerals in the parish are made aware of their obligations with regard to copyright. Information about appropriate licensing schemes should be made available to them.

***22. What provisions can be made for people with disabilities?***

The Copyright Act allows for exceptions to be made for the benefit of people with disabilities. Under certain circumstances, copies can be made or the material can be converted to a different format.

The most likely situation is for enlarged copies of words and music to be made for people with a visual disability.

The copy must be made from a legal original. Only one copy can be made for personal use.

### ***23. Where can I get more information?***

Questions about copyright can be directed to Chris deSilva (Music Consultant) or Alessio Loiacono (Music Field Officer) at the Centre for Liturgy either by phone: (08) 9207 3350 or

E-mail: Chris deSilva: [cjsdesilva@gmail.com](mailto:cjsdesilva@gmail.com)

Alessio Loiacono: [music.cfl@perthcatholic.org.au](mailto:music.cfl@perthcatholic.org.au)

The Australian Copyright Council has produced a document Religious Organizations & Copyright which is an authoritative guide to copyright for churches. It can be downloaded from

<https://www.copyright.org.au/browse/book/ACC-Religious-Organisations-&-Copyright-INFO018>

The Australian Catholic Bishops Conference has information about copyright on their website.

<https://www.catholic.org.au/national-liturgical-council/liturgy-copyright-information>

Liturgy Brisbane has a copyright portal with information regarding copyright relevant to Catholic churches.

<https://www.liturgybrisbane.net.au/learn/copyright-portal/>

