Copyright/Licensing Zoom Meeting  
June 22, 2021

Presenter. Devin McKnight, Esq.  Devin is an associate at Sheehy, Furlong & Behm in Burlington VT.  He is a graduate of George Washington University.  He was the executive articles editor for the American Intellectual Property Law Association Quarterly Journal.  Prior to law school, Devin worked in a small publishing house in New York City.

Please note:  This is not legal advice!!!!!

Copyright is a legal protection for anything that is fixed such as music, art, poems, novels.  It does not have to be restored or need a copyright to be fixed.

Non-copyright is not original work or something that is in public domain.

Public domain is generally anything before Jan 1, 1926

New arrangements of things that are in public domain could be copyrightable.

A license gives one the right to use the material.  There are many licenses to consider: copying, performing, recording, distributing.
To use recorded music, you need a specific license
Performance license includes any live performance of music including zoom works.
You Tube videos are not considered public domain even though they are available to the public.
FaceBook live is a recorded platform and there for needs both performance and recorded music licenses.

Repercussions of not having licenses.  Usually large groups are targeted first.
$750 per violation so if send to 100 people, $75,000 fine.
Clearing houses buy copyrights of the owners.  You could receive a letter from a clearing house saying you are in violation of copyright law.  It’s hard to know if this is a legitimate claim or not.
Some licensing companies offer broad licenses.  They might include licensing for recording, performing and copying of music.

Robert Baechtold, esq. brought up Title 17. Copyrights Section 110 (3) which states

(3) performance of a nondramatic 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;

This is an exemption to copyright licensing.  This is only for live, unrecorded services.  This also does not include using non-religious music in worship (ie. Broadway tunes do not qualify as an exemption)
Be cautious of saying a concert is a worship service. You should have proper licensing when doing any concerts.

If an outside group comes into your worship area, they are probably not covered under your licensing. However, they do need to be protected by someone under copyright law.

To photocopy hymns, you may if you have the physical hymnals and there is a 1-1 ratio of copies to hymnals available.

If you have a substitute organist, someone need to report the music as per copyright law and licensing.

If there is an ensemble playing, you only need to report the piece of music being performed, not each individual part.

Licensing fees are based on overall attendance of both online and in person. You would need to clarify what each licensing company considers as attendance.

There is no specific place to display your copyright license. Again, the licensing company can give you more specifics on this.

Two licensing companies are: Onenumber Christian Copyright Licensing International

As an aside: Bonnie Bates told pastors that in the old call agreement sermons were considered the property of the individual churches. Under the new call agreement, the sermons/blogs are the property of the pastor. If sermons are put on a website, there should be a disclaimer saying “to use this sermon please contact (pastor)”