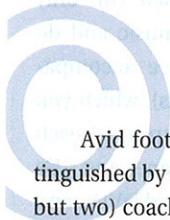


Make sure your church has a license to praise

Church leaders can benefit from blanket copyright licenses but need to know the limitations.



Avid football fans remember this year's Super Bowl was distinguished by several "firsts" — the first African American (not one, but two) coaches led their teams to the premier football event, QB Peyton Manning quieted critics with his first appearance and victory in the "big game," and The National Football League (NFL) shut down an Indiana congregation's plans to host a Super Bowl party.

The NFL's action caused many churches nationwide to abruptly drop their Super Bowl events and tackle the issue of potential copyright infringements. NFL officials spotted a promotion of "Super Bowl Bash" on the Web site of Fall Creek Baptist Church, Indianapolis, IN, and overnighted a letter to the pastor demanding the party be canceled. Pastor John D. Newland said his church would not break the law.

While other churches ignored and defied the threat of legal action and showed the game Sunday, the NFL's warning generated a stream of fiery cyber dialogue about churches and copyright issues. Many church leaders were left wondering what other activities and use of content may involve illegal use of copyrighted material.

More than 60 percent of churches host Web sites

With more than 60 percent of churches in America now hosting their own Web sites, three things are clear: 1) churches and ministries can reach more people, 2) churches and ministries are more visible and vulnerable 3) the complexities of copyright issues have proliferated and grown as much as the intricacies and variables of a QB referring to his manual of plays on his forearm.

Today's business news publications are filled with reports on copyright litigation and court rulings that are daily changing the interpretation of U.S. Copyright Law in the arena of new technology and digital online content — a Belgium publisher won a judgment against Google in February 2007 for copyright violation; ASCAP (The American Society of Composers, Authors, and Publishers) is asking a New York court to rule on public performance licensing rights for digital downloads, and the NMPA (National Music Publishers Association) is taking XM Radio to court for allowing XM subscribers with +MP3 to save and store songs on portable players.

COPYRIGHT COMPLIANCE FOR CHURCHES

Church Copyright Administration's mission is to help churches be fully copyright compliant, with such services as on-site consultation, per project administration and full-service administration.

Their exclusive CopyrightSolver online database (www.churchca.com) provides clients with quick access administration, consultation and education to help in the copyright clearance process. Clients include Saddleback Church, Willow Creek Church, Bellevue Baptist Church, Fellowship Church Grapevine and Christian ministries and businesses like International Mission Board, Worship Leader Song DIScovery and Sermonspice. For more information about these services E-mail info@churchca.com or call (251) 929-2411.

"CCA's expertise and copyright solutions have decreased our stress levels and increased efficiency in use of staff time," says Steve Colyer, Technical Arts Pastor at Woodside Bible Church in Tory, Michigan. "WorshipCast License allows us to confidently provide viewers to our Web site video of our entire service, music and message time and allow others to experience a complete worship service."

The scope of content on Web sites and worship activities have changed so much in recent years that copyright compliance is enigmatic and puzzling at best, and church executives today face a myriad of confusing questions. This means that church leaders must concern themselves with potential copyright infringement if they don't obtain clearances for reproducing song lyrics, recording their live worship, live streaming their church services on the Internet, showing video clips during a sermon, or using a photographer's picture in a multimedia presentation, to name a few. The more creative and innovative worship becomes the more complex copyright issues emerge.

The good news is there are several annual blanket licenses and services designed to help churches, so let's see if your church could benefit from these licenses and identify what they will allow and not allow you to do:

Internet song performances from WorshipCast License: One-stop license for ASCAP, BMI (Broadcast Music Inc.) and SESAC to webcast nearly 16 million songs in their repertoires >>

By Susan Fontaine Godwin

from your church's or ministry's worship service and events performed by your musicians and singers, or guest performers. You can feature "interactive" play lists of streamed songs. Downloading songs and use of third party sound recordings are not included. Visit www.churchca.com/wcl.htm for more information.

Webcasting of worship services is gaining rapidly in popularity. One of the problems churches face is the inclusion of the praise and worship music portions of their services as the licensing of songs can be complicated and confusing. To counteract that difficulty, Church Copyright Administration (CCA) in fall 2007 launched *WorshipCast License: Church Song Internet Performance License* (www.churchca.com), allowing churches to web-cast songs on their Web sites.

Performance License through Willow Creek Association Bundle: One-stop

license from ASCAP, BMI and SESAC for non-exempt (outside religious service) performances including: playing music before or after a church service; music-on-hold for phone system; music through a sound

songbooks for congregational singing; 3) to make overhead transparencies, slides or utilize electronic or digital storage for visual projection of songs; 4) print custom arrangements for songs used for congregational singing where no published version is available; and 5) make audio and audio visual recordings of your worship services (provided you only record live music and do not reproduce accompaniment tracks), which you can sell for up to \$4 each for cassette tapes and CDs

WHAT SHOULD GO INTO A COPYRIGHT POLICY MANUAL

Consider developing a copyright policy manual that includes:

- Details about annual blanket license coverage
- What common uses require prior permission and additional licensing
- Planning and scheduling requirements
- Budget items for royalty fees

There are also legal firms and administration/consulting licensing companies that specialize in the copyright clearance process, as well as Christian educational and reference materials available to help in navigating church copyright licensing.

system; music for an aerobics/exercise class; music at church functions such as a youth event, special dinner, concert, social events etc.

CCLI (Christian Copyright Licensing International) for church song activities: For congregational use of songs in the CCLI program, allows you to: 1) print songs, hymns, lyrics in bulletins for congregational singing; 2) print custom

and \$12 each for videotapes and DVDs, and produce no more units than 15 percent of the size of your congregation.

It does not allow reproduction of sound recordings, the making of rehearsal or practice tracks, downloading of audio files, photocopying, or the reproduction of any other type of copyright besides songs. Visit www.ccli.com for more information.

CVLI (Church Video Licensing International): Allows churches to show selected movies and videos during services in a variety of ways, such as illustrating sermon points. Sunday schools and youth groups may also view the latest videos, in whole or in part, and educational classes may use videos for teaching and training. It does not allow reproduction of any portion of films or videos. Visit www.cvli.org for more information.

To address some of the confusion about copyrights, leaders must understand that there are eight different "works of authorship" that can be copyrighted; a song (or music) is just one type of copyright. More and more churches are using many types of copyrights besides songs, including:

- Literary works, such as books, periodicals, essays, poems, manuscripts, phonorecords, film, tapes, disks, or cards
- Musical works, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works



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- Architecture

There are several different rights and copyright licenses or permissions that must be considered in order to play music, or use any other copyrighted material on your Web site, or in any other setting. This is certainly one of the most complex copyright issues churches face today.

Section 106 of the Copyright Act provides that a copyright owner has the exclusive right to do or authorize any of the following:

Reproduce work: "... to reproduce the copyrighted work in copies or phonorecords."

Derivative work: "... to prepare >>

TIPS TO HELP DETERMINE USE OF MATERIALS

The complexity of identifying and researching copyrighted works for inclusion on your Web site content can be confusing and overwhelming. Here are a few tips that can help you determine what materials are safe to use:

1. Make sure you understand and review the materials your Web site designer or webmaster will be posting on your site. Most professional Web site designers are very copyright aware, and they will either use original design material or royalty free graphic images. Ask your designer about the copyright status of material.
2. Implement a simple letter of agreement with your designer stating that you (as the client) own all original material used on the site as a work-made-for-hire. The agreement should also place responsibility for copyright payment or clearance on the designer for materials acquired by the designer.
3. Once your site is designed and live, make sure your webmaster or one individual acts as the "gate keeper" for the posting of any new content, which may be copyrightable, on your site.
4. Make sure permission or licensing is obtained for any new copyrighted material prior to posting it on your site.
5. If any photos, images, audio or audiovisual files of church members or non-members are posted, make sure a "consent and release" form is signed by the individuals.
6. If you find materials posted on another Web site that you would like to use, contact the site owner and ask for the source of the material or permission to use it.
7. If you want to stream or webcast your worship service, be sure you identify every piece of copyrighted material that may be included in the service; e.g., song, sound recording, visual image, audiovisual clip. You may have permission to use material in a religious service, but this usually does not include permission to reproduce and stream or webcast on your Web site.
8. Contact a copyright professional if you're still confused and uncertain about copyright law requirements or how to obtain permission for legal use of copyrighted material.

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derivative works based upon the copyrighted work (such as a translation or revised edition of a literary work or an arrangement of a musical work).”

Distribute copies: “... to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer or ownership, or by rental, lease, or lending.”

Performance: “... in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly.”

Public display: “... in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture and other audiovisual works, to display the copyrighted work publicly.”

As you can see, the scope of copyrighted works and the rights of the copyright owner are far reaching and deeply impact the worship expressions and online activities of most church activities. In addition to the blanket licenses listed above, there are some exemptions, which may favorably affect churches.

1. Religious Service Exemption. Exempts performance and display of copyrighted work of a religious nature during religious services.

2. Display Exemption. Exempts the “owner of a particular copy lawfully made” from having to get permission from the copyright owner to display the copy.

3. Non-profit Performance Exemption. Exempts performance and display of copyrighted works if proceeds are solely used

for educational, religious or charitable purposes. Section 110(4), sub-item 3 provides that under certain conditions, the copyright owner can object to the performance.

4. Face-to-Face Teaching Exemption. Applies to nonprofit educational institutions only (most church activities do not qualify for this exemption.)

5. Public Domain. Once a copyright term expires, the right to copy (display, etc.) the work, “falls into the public domain,” meaning that the public has the right to use and/or exploit the work.

If the blanket licenses or exemptions listed above do not cover various copyright uses, church leaders must obtain permission from the copyright owners prior to using the materials. Licenses and royalty fees may be required to legally use the copyrights.

Researching, negotiating and obtaining proper licensing can be confusing, time consuming and overwhelming, but it’s vital for church leaders to establish clear copyright use policies and procedures for staff members and departments. CE

Susan Fontaine Godwin is president of Righteous Oaks Music Inc. and Church Copyright Administration, Fairhope, AL, whose vision is to build bridges between copyright owners and Christian organizations. [www.churchca.com]



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