

## U.S. Copyright Issues Related to Live Streaming Music

The recent blossoming of live streamed Episcopal Church services has highlighted the need for some guidance regarding the copyright law implications of this increasingly used method of maintaining community and fellowship. The religious service exemption under U.S. copyright law allows for the performance and display of copyrighted work during on-site religious services but does not extend to live streaming or retransmission of the service over the Internet because live streaming is considered a broadcast performance. This means that congregations using any copyrighted musical content in a live streamed service must obtain either (a) specific written permission from the copyright holder(s) for each work used, or (b) a streaming license, which typically grants permission to use a list of specific copyrighted material. Because it can take a long time to obtain written permission from individual copyright holders, it is generally advisable to obtain a streaming license that covers the congregational music materials you want to use.

### Music Streaming License

Permission to use much of the music regularly included in Episcopal Church services, including many hymns in *Hymnal 82*, is available under a Podcast/Streaming License from OneLicense. A Podcast/Streaming license is only available with the prior purchase of an Annual Reprint License for congregational singing. **However, OneLicense is offering its basic Reprint License plus Podcast/Streaming License FREE to new subscribers for use through April 15, 2020.** If your church already has an Annual Reprint License, you can add a Podcast/Streaming License free of charge for use through April 15. Once you create an account, OneLicense will email you closer to April 15 to see if you wish to continue with the licenses after April 15 for a fee.

There are a number of things to note about the Podcast/Streaming License:

- The License covers only the songs in its own catalog.
  - There is some content covered by the Annual Reprint License that is not covered by the Podcast/Streaming License, so congregations must check that each song they wish to use is covered by the latter license. ○ Many hymns in *Hymnal 82* (but not all) are covered by the

Podcast/Streaming License. Congregations wishing to use a particular hymn will need to check for that hymn on OneLicense.net.

- The License grants permission for the posting of a typical worship aid PDF on a church website, dropbox, email, etc. as well as the posting of lyrics on the video (closed captioning style).
- The License does not cover:
  - embedding reprint boxes into videos in a "sing a long" style; or
  - streaming of pre-recorded copyrighted music or music videos.
- The size of the audience matters. The License limits the number of downloads or viewings permitted to no more than three times the average weekly congregational attendance as established in the Annual Reprint License.
- The License requires that congregations report all copyright content contained in the live streamed service through OneLicense's reporting system.
- When the License expires, all material licensed under it must be removed.

Other resources for music streaming licenses include:

- ASCAP: <https://www.ascap.com/music-users/types/church-or-ministry>
- Christian Copyright Licensing International: <https://us.ccli.com/copyright-license/>
- Christian Copyright Solutions:  
<https://christiancopyrightsolutions.com/services/worshipcast/>

## **Other Options**

A live streaming license is not needed where all the musical material in the service is in the public domain or is created solely by a congregation (and not adapted from some other copyrighted source).

- This link provides a listing of hymns that are in the public domain and can be live-streamed without seeking any permission:  
<http://www.hymnsuntogod.org/Hymns-PD/ZZ-CompletePDHymnList.html>.
- Generally, music published in the United States before 1922 is in the public

domain but a new arrangement of that music may be copyrighted.

- The 11 best royalty-free music sites for churches (according to Bradley Shearer) can be found here: <https://prochurchtools.com/royalty-free-music-for-churches/>.

### **Non-Music Materials Used During a Worship Service**

In addition to getting a license for live streaming music during a worship service, you need to check with the copyright holders of other liturgical material you may want to post online in a worship bulletin or other worship guide.

- For materials published by Church Publishing, check here for their reprint permissions and copyright brochure.
- For permission to reprint or use an excerpt from a Forward Movement publication in print or on electronic media, please send your request to Richelle Thompson at [rthompson@forwardmovement.org](mailto:rthompson@forwardmovement.org).
- The entirety of the *1979 Book of Common Prayer* is in the public domain and can be used or adapted at any time.