



DIOCESE OF ST. AUGUSTINE

OFFICE OF THE BISHOP

THE MOST REVEREND ERIK T. POHLMEIER

May 14, 2024

Dear Friends in Christ,

The growing use of technology in support of liturgy has been a benefit to many people, most especially those who are home bound and able to connect with the worship of their home parish. However, as good stewards we must also be attentive to the laws that govern copyright and licensing of protected materials.

This policy is intended to provide clarity and guidance when parishes and offices decide to use materials that are printed, projected, or streamed. The starting point is to make sure we take the time to check, and never presume, that music, text and images are used in the appropriate way. Proper citations and licenses ensure that credit for work is attributed to the correct people or companies.

I am grateful to Fr. Tom Willis and all those consulted to articulate this policy. It can be complicated, but the document presented here is thorough and provides the helpful guidance needed for our diocese.

As we tend to the practical considerations of copyright, we remember that all our efforts are meant to draw God's people more fully into worship and prayer. May God's grace be our strength and may our voices be united in joy and peace.

In Christ,

Most Reverend Erik T. Pohlmeier
Bishop of St. Augustine

Guidelines Concerning Copyright and Reprint Permissions



**PREPARED BY REV. THOMAS S. WILLIS,
DIRECTOR OF LITURGY**

In their 2007 document, *Sing to the Lord: Music in Divine Worship*, the Bishops of the United States of America emphasized the need for all Catholic entities to know and follow civil laws governing copyright:

Many published works are protected by national and international copyright laws, which are intended to ensure that composers, text writers, publishers, and their employees receive a fair return for their work. Churches and other institutions have a legal and moral obligation to seek proper permissions and to pay for reprinting published works when required, even if copies are intended only for the use of the congregation.¹

These copyright laws cover the printing, publication, recording, broadcasting, and/or transmission, including projection onto screens, of materials whose rights to use them are held by a “copyright administrator.” Such laws are a legal protection given to all creative works as well as to the person(s) who have created them or who publish and/or manage them. Those who use the material have a legal responsibility for obtaining any necessary permissions for their publication or transmission. Any and all usage of copyrighted material without permission is illegal and subject to adjudication.

In the Catholic Church, especially as it pertains to the celebration of the Sacred Liturgy, the following elements are copyrighted in some way:

- Musical compositions that are not in the public domain
- Scriptural texts from the *Lectionary for Mass*
- Texts and music settings as contained in *The Roman Missal* as well as all ritual books published for use in the Dioceses of the United States

In addition, especially as it pertains to music along with translations of Sacred Scripture and liturgical texts, international copyright laws are also involved with the use of translations that come from other episcopal conferences and/or publishers outside of the United States. They also cover all languages in which the Sacred Liturgy is celebrated.

The following guidelines have been developed so that all parishes, schools, institutions, offices, and ministries in the Diocese of St. Augustine will know what is expected of them to comply with copyright laws. While this guide does not presume to cover every aspect of copyright laws, its intention is to provide a basic understanding of the nature of these laws and guide users to best practices in observing and following the necessary laws as established. For any specific questions or issues regarding copyrights, streaming licenses, et.al. that are not covered in this document, users are encouraged to contact the copyright holder.

¹ *Sing to the Lord: Music in Divine Worship*, no. 105. © 2007, United States Conference of Catholic Bishops.

Copyright and Reprint Permission Concerning Sacred Hymns and Music

An initial principle for all to know is that no one should ever photocopy music resources in any way. This has been one of the most grievous acts to copyright infringement. The purchasing of sheet music and resources for instrumental accompaniment along with hymnals (including those that are specified for use by members of a choir) always keeps parishes, schools, and other entities on the proper side of the law. Therefore, sufficient financial resources are to be budgeted for these resources each year.

Along with the above-mentioned resources, parishes, schools, and other diocesan entities will need to purchase at least one reprint license from OneLicense and, depending on sources of music that are used, another reprint license from CCLI (Christian Copyright Licensing International).

P.N. – The reprint license purchased from OneLicense by the Diocese of St. Augustine to cover the printing of worship aids/programs for diocesan liturgies, DOES NOT cover the parishes, schools, and other entities of the Diocese.

The Diocese’s OneLicense subscription does cover the printing of worship aids/programs for the Diocese’s Offices and Ministries, i.e., what would be considered “diocesan level” or “diocesan sponsored” liturgies.

OneLicense and CCLI

For the most part, the purchase of a reprint license from OneLicense will cover most songs and hymns of the Roman Catholic Church’s repertoire in the United States of America. The various publishers of Catholic music resources have come together to make the purchasing of a reprint license and usage reporting as simple, easy, and straightforward as possible.

OneLicense covers GIA Publications, Oregon Catholic Press, Hope Publishing, Liturgical Press, Choristers Guild and many others. [A full list is available at onelicense.net.] This also gives the entity that purchases the reprint license the ability to download high resolution files for inclusion of music for assembly participation in worship aids/programs. Then, after the liturgical celebration has taken place, the required reporting of the usage of hymns and songs is also accomplished via this website. This ensures that the composers and owners of the copyrighted music are paid royalties for the music that is used.

Purchasing of a reprint license from OneLicense is based on average weekly attendance over a year for the parish or organization.² In the case of a school, it is based on total school enrollment.³

CCLI (Christian Copyright Licensing International) covers reprint licenses for companies such as Capital, Integrity, Hillsong, and many, many others. If your parish, school, or entity uses worship hymns from some non-Catholic publishers, especially so-called “praise and worship” songs that are based in Evangelical churches, then it may be necessary to purchase an annual license from CCLI. It is also based on weekly average attendance over a year.⁴ Downloading of high-resolution files for use in worship aids/programs as well as reporting is all available on the CCLI website.

Each company will issue a reprint license number which must be placed within the reprint notifications that are required as part of the agreement between the parties. (Further information is provided below.)

P.N. – No matter in what type of publication you may be printing hymns/songs, a reprint license is necessary. This includes weekly bulletins, regular programs, etc.

A General What-to-Know

If the copyright symbol -- © or (C) – appears beneath a hymn/song in a bound hymnal, on sheet music, or in the “Acknowledgements” section of a hymnal, then the work is copyrighted in some way.

A. TEXT and TUNE

In the case of liturgical hymns/songs, there are two parts: TEXT and TUNE. Both are part of what is copyrighted. However, in some instances the TUNE (the melody⁵) of the hymn is copyrighted while the TEXT (the words) is considered in Public Domain and vice versa.

An Example:

The hymn, “By All Your Saints Still Striving” is published in many Catholic hymnals and includes verses that can be used for the celebration of several saints throughout the year. It is set to the TUNE of “St. Theodulph” which is the melody for “All Glory, Laud, and Honor” used on Palm Sunday. This TUNE is in the Public Domain.

² By way of example, a parish that has an average weekly attendance of 1,100, the cost of the annual license is \$630.00 at the time of the publication of this document. If the parish also live-streams Masses and/or other liturgies or produces podcasts that include liturgical music covered by OneLicense, the cost of the annual license can be “bundled” with a streaming license for an additional \$185.00 per year.

As well, OneLicense also has available “Event” and “Single Use” licenses. Information on these can be obtained at their web site.

³ Note that OneLicense does offer a separate license for schools.

⁴ At the time of publication, a CCLI reprint license costs \$649.00 for a community that has an average attendance of 1,000 persons a week. This can be bundled with a streaming license for an additional \$227.00.

⁵ Note that only the melody line of any hymn or song is permitted to be reproduced. SATB choral notes are not included in the permission to reproduce for print, projection, etc.

However, the majority of the TEXT of “By All Your Saints Still Striving” and all but two of the alternate verses is copyrighted to The Church Pension Fund. The verses for St. Barnabas and St. Mary Magdalene are copyrighted to Augsburg Fortress.

B. Religious Exemption

A common misunderstanding when it comes to the copyright law and the need for reprint licenses is “religious exemption.”

The Copyright Law of the United States does have a “religious exemption” clause, but it is not a blanket exemption to use copyrighted material at will. The law permits:

“The 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....”

This covers two specific issues: performance and display. It does not cover reproducing, streaming, broadcasting, or use within social media and the like.

In other words, using a hymn within and as a part of a live worship service (liturgy) that is not being transmitted or broadcast in any way is permitted. Also, the law covers the display of a statue/image/piece of art in a church which is permitted, but any reproduction of a copy is not.

C. Purchase of Hymnals doesn’t give permission to reprint/reproduce

Another common misunderstanding is that when a parish or entity purchases hymnals, missalettes, etc., this gives the purchaser the ability to reproduce material from these books and resources at will. However, this is never the case. Reprint permission is still required when producing a worship aid/program that will use the hymns/songs in these books (or any other resources for that matter) as well as projection of hymns/songs onto screens in any way.

In the case of the purchase of some sheet music, the composer or publisher may grant specific permission to reprint a portion of the music for use by assemblies/congregations. This permission is almost always explicitly noted. If there is no permission, then none is given.

D. Public Domain

The term “public domain” or “in the public domain” means that copyright protection has expired. If the copyright symbol © is not present, it may be presumed that the entire hymn/song (or possibly only the TEXT or the TUNE) may be in the public domain.

E. Making Copies of Out-of-Print Music

No permission to make copies of music (or any printed material for that matter) that is “out-of-print” can be assumed. Contact the publisher of the work in question to ask if reproduction or copying is possible. Many copyright owners are agreeable to permit this, when necessary, but most will specify some terms before giving permission.

F. Information for the Reprint Permission

OneLicense and CCLI will provide instructions of what is necessary to be printed or displayed for publication, projection, transmission or streaming of copyrighted material. As a general rule, every re-production whether using TEXT or TUNE or both **MUST INCLUDE THE FOLLOWING:**

- (1) copyright symbol © and year of copyright;
- (2) name of copyright owner;
- (3) the words, “All rights reserved”;
- (4) concluding with “Used with permission” and the reprint license number.

Here is a sample:

© 2007, XYZ Music. All rights reserved.
Used with permission.
Reprinted under OneLicense, [License Number]

Scripture Readings in English from the *Lectionary for Mass* and The Liturgy of the Hours

The translations of the Scripture readings as well as a new translation of the Psalms and Canticles used in the Sacred Liturgy in the Dioceses of the United States are owned and administered by the United States Conference of Catholic Bishops. When preparing printed or digital worship programs as well as in the streaming, broadcasting, or transmitting of liturgies, please know the following:

Publication/Printing of Worship Aids/Programs

- No permission is needed for the inclusion of scripture readings in worship aids for one-time, special occasions, e.g., Weddings, Funerals, Ordinations, Baccalaureate Masses, etc.
- However, permission must be obtained when reproducing readings on a regular basis in a bulletin, worship aid, etc. A written agreement along with a license fee based on the number of copies made each week must be sought from the USCCB.
- When preparing such aids/programs, the texts must be shown *verbatim*, including capitalization and punctuation as given. Also, the poetic structure and “sense lines” of texts must be maintained.

- In all cases, the following copyright acknowledgment must be printed either beneath the reading(s), inside the front cover (usually on the title page), **OR** within an “Acknowledgements” section/page at the end of any worship aid:

Excerpts from the *Lectionary for Mass* for use in the Dioceses of the United States of America, second typical edition © 2001, 1998, 1997, 1986, 1970 Confraternity of Christian Doctrine, Inc., Washington, DC. Used with permission. All rights reserved. No portion of this text (or these texts⁶) may be reproduced by any means without permission in writing from the copyright holder.

- In the celebration of the Liturgy of the Hours, the present copyright holder for the English translation of the Psalms (except Psalm 95) is The Grail Society of England. When making any worship aids/programs which would use the Psalms from this publication, copyright permission must be obtained from this organization.⁷
- When printing Psalms and/or Canticles from *The Abbey Psalms and Canticles*,⁸ the following acknowledge must be printed either beneath the text **OR** with other “Acknowledgements” at the end of any worship aid:

The Abbey Psalms and Canticles prepared by the monks of Conception Abbey © 2010, 2018 United States Conference of Catholic Bishops, Washington, DC. Used with permission. All rights reserved. No portion of this text (or these texts⁹) may be reproduced by any means without permission in writing from the copyright holder.

Livestreaming of the Sacred Liturgy

As pertains to the proclamation and use of Sacred Scripture, the texts of the *Lectionary for Mass*, and *The Abbey Psalms and Canticles*, no permission is required for the livestreaming of Masses and the Divine Office via social media. However, relevant liturgical law is to be observed regarding the choice and use of texts.

Projection of Readings onto Screens in Churches or Other Facilities during the Celebration of the Sacred Liturgy

The current policy of the Bishops’ Committee on Divine Worship is that permission is not granted to project readings and liturgical texts on screens during the liturgy. This position has been taken because the bishops believe that screens are a distraction from what is actually taking place in the celebration of the liturgy.

⁶ Use the plural when multiple texts of the readings are being acknowledged.

⁷ The email is publications@grailsociety.org.uk.

⁸ This new English translation of the Psalms and Canticles is approved for use in the Dioceses of the United States and will be used when a revision of the *Lectionary for Mass* is published in the future. Since use of these texts has already been given, some music publishers and composers have already begun using this translation. Therefore, if the work being cited uses this resource, the acknowledgment shown is to be used.

⁹ See footnote 3 above when multiple psalms or canticles from this source are being acknowledged.

Creation of a Parish Resource for Planning of Weddings and/or Funerals

Should a parish wish to produce its own preparation materials for Weddings and/or Funerals and the Scripture readings from these editions will be included,¹⁰ then a written agreement and prior review are required. Permissions must also be requested for any use which exceeds 5,000 words¹¹ from the *Lectionary for Mass* or for any reprints using more than 40% of the readings for a rite of a season. Such publications must include all options provided in the liturgical books. The license fee varies.

Mass Texts from *The Roman Missal* as well as Liturgical Texts from all English translations of Ritual Books

For the most part, the English translations of liturgical texts found in *The Roman Missal* as well as the other ritual books published for use in the Dioceses of the United States is copyrighted by the International Commission on English in the Liturgy (ICEL). This group is composed of scholars, translators, theologians, and other experts whose work is to translate Latin liturgical texts into English for all dioceses of the English-speaking world. The work of ICEL is copyrighted and made available to 26 Bishops' Conferences who use their services.

In general, ICEL does not require reprint permissions for the publication of liturgical texts they have translated for specific, single-use celebrations, for example, Weddings, Funerals, Ordinations, and the like. However, the following conditions must be met:

- a) The worship aid/program is not produced by a publishing firm;
- b) The publication is not sold;
- c) An appropriate copyright notice appears on the cover, inside cover, or title page of the worship aid/program;
- d) The official editions of the text are followed exactly.

A copyright acknowledgement must include (1) the name of the ICEL ritual text [e.g., *The Roman Missal* or *The Order of Baptism for Children*], (2) the copyright symbol followed by the year of publication, (3) ICEL's corporate title, (4) along with the words, "All rights reserved." Some examples:

For any prayer texts reprinted from *The Roman Missal*

Excerpts from the English translation of *The Roman Missal* ©2010, International Commission on English in the Liturgy. All rights reserved.

¹⁰ Such resources include but are not limited to printed materials, cards, disc drives, inclusion on a web site, and all other electronic media.

¹¹ P.N. – This refers to the total number of words which are reprinted or published from the *Lectionary for Mass*, not the total number of publications/programs/worship aids.

For English prayer texts reprinted from *The Order of Confirmation*¹²
Excerpts from the English translation of *The Order of Confirmation* ©2016, International Commission on English in the Liturgy. All rights reserved.

From prayer texts reprinted from *The Order of Celebrating Matrimony*
Excerpts from *The Order for Celebrating Matrimony* ©2013, International Commission on English in the Liturgy. All rights reserved.

If more than one ICEL text needs to be acknowledged in a worship aid/program, it is permissible to cite all of them in one acknowledgement as long as individual copyrights dates are included for all texts. For example:

When citing prayers from both *The Roman Missal* and *The Order of Confirmation* (English translation)

Excerpts from the English translation of *The Roman Missal* ©2010; the English translation of *The Order of Confirmation* ©2016, International Commission on English in the Liturgy. All rights reserved.

Livestreaming of the Sacred Liturgy

No permission is required from ICEL for the livestreaming, broadcasting, or transmission of Masses, the Liturgy of the Hours, and all other celebrations of the Sacred Liturgy. However, the regulations of the liturgy as defined by the USCCB, and the local Diocese (or the Diocesan Bishop) are to be observed. A copyright acknowledgment (as shown above) should appear at the conclusion of the live-stream or broadcast to include any usage of ICEL texts.

Creation of a Parish Resource for Planning of Weddings and/or Funerals

Should a parish wish to produce its own preparation materials for Weddings and/or Funerals and the prayers from these editions will be included,¹³ then ICEL needs to be contacted for such permission. A royalty fee and duration of use will be set.

¹² I cite this example because in the present ritual editions approved for use in the Dioceses of the United States, a corresponding Spanish translation is also provided. The Spanish translation in this case is copyrighted to the Mexican Bishops Conference. As such, if the Spanish translation is used, a different acknowledgment would be necessary. This example shows how complicated and complex the issue of copyright law and permissions can be.

It should also be noted that the music chants in this ritual were copyrighted by ICEL in 2013. As well, this ritual uses prayers excerpted from the English translation of *The Roman Missal* which was copyrighted to ICEL in 2010. One must know which texts are from which ritual text.

¹³ Such resources include but are not limited to printed materials, cards, disc drives, inclusion on a web site, and all other electronic media.

Miscellaneous Items and Conclusion

It is good to remember that all creative works are subject to copyright. These include not only what has been spelled out above, but also pictures, photographs, clip art, etc. that can be readily found on the world wide web are also potential copyrighted works. Parishes, schools, offices, and individuals who use these resources must be careful not to use material which is copyrighted without permission and acknowledging the source.

A question often asked is, “How long does a copyright last?” There are two parts to the answer as well as an additional qualification:

- A. Anything composed in the USA prior to 1976 is covered by a law passed in 1909. That law protects the “intellectual property” for 56 years from the date of the copyright.
- B. Songs composed in the United States after to 1976 are protected under federal copyright law for the life of the author plus 70 years.

But this only covers music written and copyrighted in the USA. Some compositions and music were written in other countries where copyright laws are different. The classic example is the text of “Morning Has Broken” which was copyrighted in 1957. But because it was composed in England, copyright protection laws are different, and the text remains a copyrighted composition.

Parishes that have printed seasonal worship aids/programs in the past should know that any reprint permission was in all likelihood for a one-year (or seasonal) cycle unless otherwise provided by the copyright holder or manager.

The photocopying of sheet music, choral octavos, and the like is never to be done. When choir members “lose” purchased copies of these resources, making copies does not solve the problem, but opens the parish/entity to violations.

It is worth knowing that fines for copyright violations can be substantial. The U.S. Justice Department notes that first time offenders can be imprisoned for a period of up to 5 years and fined up to \$250,000, or both.¹⁴ There have been anecdotal references of fines that have ranged from \$1,000 to \$100,000 per occurrence.¹⁵

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¹⁴ Source www.justice.gov.

¹⁵ “Per occurrence” in some instances has meant each copy of a program that has been printed.