

Copyright information for branches holding online services

Last updated April 16, 2020

DETAILED GUIDELINES COMING SOON [HERE](#)

The Mother Church (“TMC”) will soon be posting detailed guidelines for sharing services using technology, including information about topics such as music and recording copyrights, Bibles, Bible Lessons, and much more. Not all issues are covered below, so please review the detailed guidelines when they are available.

Also, while this is not legal advice, the information in this response is based on U.S. law. Branches outside the U.S. may wish to consult an attorney regarding copyright and other applicable laws in their country.

If your branch wants to provide church services remotely to your congregation while minimizing concerns about copyright and other legal issues, TMC suggests doing so via a private real-time conference call or conference platform such as Zoom or Skype (“Private Conference Calling”), and not by recording or public streaming the church service on the internet, which could further implicate the copyright owner’s rights of reproduction and public performance. The forthcoming guidelines will discuss this in much more detail.

Copyright and privacy issues

There are several issues with recording services or streaming services on the open internet, but the primary concern is the possibility of infringing the copyrights of Bibles, or the words, music and sound recordings of hymns, solos and other music. In many cases, these copyrights are not owned by TMC, and TMC is not able to give branches permission to record or publicly perform them. Furthermore, Private Conference Calling is probably wisest in order to protect the holiness, sanctity, and tenderness of our Sunday and Wednesday services and Sunday School classes, as well as the privacy of participants.

Private vs. Public Performances

When we suggest using “Private” Conference Calling, we do not mean that your online church services have to be secret or closed to newcomers.

There is some ambiguity in the U.S. copyright law as to where the line between “private” and “public” may lie, and accordingly, there is some degree of risk when performing copyrighted musical compositions and sound recordings that are not owned by TMC. You may want to consider taking steps that could make your online services more private. This might include requiring attendees to take affirmative steps, as discussed below, to join the services, just as

they would need to make the choice and effort to walk through the door of your church building. It could also include refraining from sharing direct access information on social media, as discussed below.

The reason this matters is that under U.S. law, the owner of a copyright has the exclusive right to allow their work to be performed “publicly.” Such public performance of the work would require permission (a “license”) from the owner, unless specific exceptions are allowed under the law. In the absence of a license or a copyright exception, the performance could be found by a court to be an infringement.

Therefore, whether an online church service is “private” or “public” could be a significant consideration in determining whether a church needs to get licenses to perform copyrighted musical compositions and sound recordings in its online services. That said, the question of private versus public has been the subject of court decisions in the U.S. for years. As the distinction between private and public remains something of a gray area in the law, branches should be aware that there are differing opinions as to where the line between “private” and “public” lies.

A private performance, including music in a religious service, would not require licenses or permission from the copyright holder. But if a church service is determined to be a public performance by a court, the church could be liable for infringement. In some cases, it is easy to tell when a performance is public. A church service that is broadcast over radio or television to the general public is considered a “public” service. Streaming and/or posting recorded services online could also be seen by the courts as a public performance.

The more affirmative steps one needs to take to join an online service, the more likely it could be determined to be private. Dialing a phone number to join a service is an affirmative step. However, when it comes to online meetings (including videoconferencing), privacy and security could be enhanced by including more affirmative steps than simply requiring participants to click a link. For example, using a meeting ID, having a meeting password, requiring registration, or having an online usher admit participants, are steps that may help make a church service more “private.”

A branch posting a link or call-in number on its website is less public than posting an invitation on social media. Posting a direct link or phone number on social media increases the chance that an online service, even one held via Private Conference Calling, might be determined to be public. Some branches have been posting an email address or phone number to contact for the login information to access their services. This is a more effective way to protect the privacy and security of Private Conference Calling, while avoiding a broad, sweeping invitation to the general public.

Religious Service Exception

Regardless of whether an online service is deemed to be private or public, U.S. Copyright law also permits performances of musical compositions in **on-site** church services without requiring permission. While this religious service exception does not extend to performing sound recordings, current copyright law allows “private” performances of sound recordings as discussed above. Because this religious service exception pre-dates the internet, it also does not address online church services, so this is yet another gray area in the law. Please see the [music for branches page](#) for downloadable recordings owned and copyrighted by The Mother Church that branches can perform in online services without copyright risk.

In summary

The Mother Church cannot determine with certainty where the line is between public and private services, or that the religious service exception would extend to online services, because there isn't certainty in the law at this point. Following the suggestions above may help avoid a finding that services are public.

Although it may not be necessary, one additional step a branch may take is to obtain a performing rights license for public streaming called “WorshipCast,” offered by Christian Copyright Solutions, at <https://www.christiancopyrightsolutions.com/services/worshipcast/>. The WorshipCast license allows churches to publicly stream their performances of every song licensed by ASCAP, BMI, and SESAC, representing more than 16 million Christian and secular songs for approximately \$500 per year (reporting may be required).

Note also that the WorshipCast license does not cover every song in existence or permit use of any sound recordings, only musical compositions. Even with the WorshipCast license, recording services is not suggested, as discussed above.

Using TMC's copyrighted words, music, and recordings found at <http://christianscience.com/servicemusic>

Branch churches holding services via Private Conference Calling may use the sound recordings of hymns and other music, as well as the PDFs of hymn sheet music offered to branches at <http://christianscience.com/servicemusic> (the “Service Music page”), in accordance with the Terms posted on that page. **Please be sure to read those Terms.** Here are some of the ways branches can use these materials in accordance with those Terms:

- Display the Hymn PDFs found on the Service Music page on-screen during Private Conference Calling.
- Display the words (without music) to the hymns found on the Service Music page on-screen during Private Conference Calling. The display of words must always include credit to the author and any copyright notice for the words as can be found in the corresponding PDF.
- Post Hymn PDFs, as needed per service, on their websites, but not on social media. Please take down PDFs within one week after a service.
- Post a link to the Service Music page on branch websites.

- Instruct church attendees to get the PDFs of the hymns for the upcoming service from the Service Music page.
- Share the Hymn PDFs for upcoming services with church attendees via email.
- Inform church attendees that they can access a free trial of Concord to view hymn words and hear hymn melodies.
- Play any of the recorded hymns or other music offered on the Service Music page during Private Conference Calling.