

E6 COPYRIGHT AND PERFORMANCE PROTECTION

The law of copyright and performance protection is complex and may be far reaching. Copyright considerations arise on reproduction of a work by copying in any manner or by recording in any manner or by a public performance or broadcast of a work. Care must be taken to obtain the licence of the owner of the copyright. Almost all modern literary dramatic and musical works are copyright. Modern versions of old literature including the Bible and music are also protected by copyright.

In cases of doubt clergy especially incumbents and PCCs are strongly advised to seek legal advice.

Clergy and others who unwittingly allow an infringement of copyright by third parties are themselves at risk of being sued for the infringement if they have authorised it. Monetary sanctions imposed by the courts for infringement of copyright may be substantial. Thus photocopying sheet music or the words of modern hymns or songs constitute a serious infringement of both the originator's and the publisher's copyrights. Part II of the Copyrights Design and Patents Act 1988 confers rights on a performer. The performer's rights are infringed by a person who without his consent makes a recording of the whole or a substantial part of the performance. It is not an infringement however to make a recording for private or domestic use. Part II of the Act therefore applies to organists, other musicians, choristers, members of the church orchestra and other singers and performers in churches and church halls.

Copyright in the compilation of Common Worship, the ASB and in all the alternative services is held by the Central Board of Finance of the Church of England. Permission is not required for the reproduction of services providing an acknowledgement is made within the service sheet / booklet, *"Some material included in this service is copyright: © The Archbishops' Council 2000"*

No part of the BCP or the Authorised Version of the Bible may be reproduced without permission. Application may be made to: Copyright Administration, Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 2RU.

Most modern translations of the Bible are also subject to copyright

Application for permission to record any copyright literary or dramatic works should be made in the first instance to the publisher of the work.

The permission of the copyright owner of music and lyrics is required for the recording of music and lyrics. The Mechanical Copyright Protection Society Limited administers the right of its members in this area.

An organisation called Christian Copyright Licensing International has entered into copyright agreements with many publishers of contemporary music. If churches purchase a copyright licence they can then reproduce the songs in either songsheets, booklets or electronically for use in a service. The organisation also administers a licence for the reproduction of music. CCLI act as agents for other licensing agreements and there is a

wealth of useful information on their website relating to copyright and licences.

CCLI, PO Box 1339, Eastbourne, BN21 4YF.
Tel. 01323 436103.
www.ccli.co.uk

The incumbent has no authority to give a copyright licence for a recording to be made in a church. Nevertheless, copyright aside, no recording can be made in church without the permission of the incumbent. If he gives permission for recording equipment to be brought into church the incumbent is at liberty to impose conditions concerning the manner in which the recording is to be made.

Similarly, copyright aside, no recording may be made in a church hall without the permission of the PCC. The PCC is also at risk of being held to have authorised an infringement of copyright and accordingly ought to make it abundantly clear in allowing any recording to be made that it has no authority to permit the recording of any copyright work or of the public performance.

Reproduced in the annex is a Model Notice to Permit Use in Church of Video Recording Equipment for Marriage and Baptism Services.

Wedding video recording

Where a church holds a licence from CCL then it may be possible to offer the right to the couple to cover music recorded during the service. However, to offer this facility the PCC must ensure that;

- All music content of the audio and video recording is reported back to the church for inclusion within the Copy Report
- The church remains responsible for any recordings made on its premises
- No further rights may be assigned to the wedding couple for editing or dubbing (post production) of the recording showing the service
- The CCL provides no cover for recordings made outside of the church ceremony such as the wedding reception or other such gatherings.

Alternatively, the couple may obtain a Wedding Recording Licence from www.videollicence.co.uk . Tel. 01323 436111

Performances of plays and music outside of normal worship

If music and plays are performed outside of normal worship services or a church uses music in a church hall as background music or for entertainment then the PCC must hold either a Performing Right Society Church Licence or a Mechanical copyright Protection Society Licence. Details of these licences are available on the CCLI website.

2008

**Model Notice to Permit Use in Church of Video Recording Equipment
for Marriage and Baptism Services**

FOR USE WITH SERVICES OF MARRIAGE AND BAPTISM ONLY

Parish of¹

Video Recording of²

on³

of⁴

¹Insert name of parish

²Insert name of service (see paragraph 2)

³Insert date

⁴Insert name of couple or child

This notice is issued by the incumbent to give permission for recording equipment to be brought into and used inside the church for the purpose of recording the above service subject to the following conditions:

[insert local conditions: see paragraph 10 above]

The attention of the recordist is drawn to the following matters:

- 1 The law of copyright is complex. It is most important that it is recognised that neither the incumbent nor the parochial church council has any authority to give copyright permission for the lawful reproduction or recording of any work - literary or musical - which is protected by copyright, or to give consent on behalf of any performer or person having an exclusive recording right.
- 2 Certain "blanket" arrangements have been made to facilitate the recording in church of the texts of the marriage and baptism services. Without prior application having to be made to the copyright owners, copyright permission (subject to the conditions in paragraph 3 below) has been given for the recording on either videotape or audiotape of the following material:

Solemnization of Matrimony from The Book of Common Prayer

Solemnization of Matrimony First Series

The Marriage Service in common Worship

Baptism of Infants from The Book of Common Prayer

Baptism Second Series

The Baptism of Children in Common Worship

The Psalter in The Book of Common Prayer

The Revised Psalter

The Liturgical Psalter

- 3 The conditions on which a tape of the material specified in paragraph 2 may be made without prior application are as follows:

(a) No rights in the recording and no copies of it may be transferred or assigned in consideration of money or money's worth, i.e. the rights in the recording and

copies may not be sold commercially except that the original recording and copies may be sold to the couple or parents who commissioned the recording.

- (b) No more than three copies of the recording may be made.
- (c) Neither the recording nor any extract from it may be exhibited in public.

- 4 The copyright owners of the material listed in paragraph 2 charge no fee for this permission.
- 5 These “blanket” arrangements and the permissions relating to the material specified in paragraph 2 do not extend to any part of the service other than the text of the authorised service and psalms from the three Psalters. Thus hymns, anthems, additional prayers etc are not covered by these permissions and it is your responsibility to obtain permission for any such other copyright material which is included in the service. Copyright subsists in a work at least until the end of the period of 50 years from the end of the calendar year in which the originator (author, composer, etc) died. Where there is doubt whether material is copyright the publisher will usually be able to assist. So far as copyright music and lyrics are concerned detailed advice on aspects of copyright is available from the Mechanical Copyright Protection Society Ltd, Elgar House, 41 Streatham High Road, London SW16 IER
- *6 The fee of £ is payable to the Parochial Church Council for the incumbent’s permission to bring recording equipment inside the church and use it there. Cheques should be drawn in favour of

I have read the whole of this notice. I accept that the incumbent has given me permission only to bring video recording equipment inside the church and use it there, subject to the conditions specified above. I acknowledge that the incumbent has not given copyright permission or authorised the recording of any material or performance which may be protected by law.

Dated..... Signed..... (Recordist)

* To be deleted or completed