

U.S. Copyright Issues Related to Live Streaming Music

As more and more Moravian congregations consider taking their worship services online, many churches are asking questions about the copyright law implications of this method of maintaining community and fellowship. Our full communion partners in the Episcopal Church prepared a brief document that outlines considerations churches should undertake when preparing online services. With their permission, we have adapted it for use with Moravian congregations.



The religious service exemption under U.S. copyright law allows for the performance 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

While much of the material in the 1995 *Moravian Book of Worship* is in the public domain and Moravian congregations have permission to use and share that public domain content, the *Book of Worship* also contains many hymns whose copyright is owned by others. Permission to use many of those copyrighted hymns is available under a Podcast/Streaming License from either Christian Copyright Licensing International (CCLI) or OneLicense. While both offer similar options, we will discuss OneLicense here.

With 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 *the Moravian Book of Worship* (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. As a starting point, the IBOC has also prepared a chart outlining which Book of Worship Hymns are covered under OneLicense or CCLI; the chart is available at Moravian.org
- 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-along" 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.

We recommend that you read the terms of your licensing agreement(s) carefully to be sure you are adhering to the contract terms. Remember, you are responsible for your church's copyright compliance.

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). The liturgies and music we are posting to Moravian.org this spring are either in the public domain or have the permission of the IBOC, the Moravian Music Foundation and the performances' creators for use by Moravian Church in America congregations and agencies.
- Generally, music published in the United States before 1922 is in the public domain but a new arrangement of that music may be copyrighted. Be sure to check!
- [HymnsUntoGod.org](http://www.hymnsuntogod.org/Hymns-PD/ZZ-CompletePDHymnList.html) 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>
- To learn more about royalty-free music sites for churches, visit: <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 (liturgies, prayers, Bible translations, etc.) you may want to post online in a worship bulletin or other worship guide.

For materials copyrighted by the Interprovincial Board of Communication or the Moravian Music and provided on Moravian.org, Moravian congregations may reproduce these materials for worship or educational purposes, including in-church projection, online streaming, and printed worship, devotional and educational materials with the following attribution:

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Similar copyright notices can be found in other Moravian Church music worship materials including *Singing From the Heart: A Shorter Moravian Hymnal and Liturgies* and *Sing to the Lord a New Song A New Moravian Songbook*.

For other materials, including those by outside publishers, be sure to obtain permission or proper licensing before using.

This document was adapted by the Interprovincial Board of Communication, with permission, from the Episcopal Church's "U.S. Copyright Issues Related to Live Streaming Music" guidelines. For their original document, visit <https://episcopalchurch.org/files/us-copyright-issues-related-to-live-streaming-music.pdf>

For more on the Moravian Church's guidelines for use of copyright materials, visit <https://www.moravian.org/2019/05/guidelines-for-use-of-copyrighted-materials/>