

Service Streaming Guide: Copyright

In my hastily written streaming primer, I neglected to cover a very important topic that affects any recording and distribution of services online or by other electronic means: copyright. Here's an addendum to cover what you will need to do to make sure your church is legally protected while getting services out to your congregation. Please keep in mind that I'm not an attorney, I'm not offering any type of legal advice, and my knowledge of the law and case law is shaky at best. If you have actual legal questions, please ask a legal expert. I'm simply going to do my best here to lay out the pitfalls and solutions to streaming copyrighted materials online.

First, why does copyright matter? Copyright law protects the intellectual property rights of musicians, artists, songwriters, etc. from having the things that they have created stolen and used without their permission or without financial remuneration. As simple as this seems, our legal landscape never leaves anything simple for long. Years of law, case law, amendments, and abuse by the recording industry have turned copyright law into a legal minefield that is potentially more complex to navigate than our tax code.

When you open the *Lutheran Service Book* (LSB), you will find several lines of copyright information under each hymn. The tune, text, arrangement, and even translation may be copyrighted. You can potentially have four copyright holders for one hymn, all of whose permission you will need to reprint or perform the hymn online. See how messy this can get? It's even worse if you use materials outside of the LSB, such as contemporary songs.

In our copyright code, there is a [Religious Service Exemption \(RSE\)](#) which states:

“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” shall not constitute infringement of copyright.

Unfortunately, the RSE only covers public performance of creative works within the context of the worship service, and only in-person use. It does not cover broadcast, streaming, or recording and delivering your service online. While there is an exemption to record and deliver to shut-ins in the Copyright Act of 1976, to my knowledge, expanding this exemption to cover broadcast has not been tried under case law. While I think most courts would be quite lenient during this time of crisis that has rendered almost all of us as shut-ins, I would think most of us would prefer to stay out of court and in the pulpit.

So with all of that law, let me deliver a little “gospel.” Concordia Publishing House (CPH) and a couple of other companies have made this relatively simple. For those of us who build our services directly from the LSB, I presume that you have purchased the Lutheran Service Book Hymn License that allows you to print and use portions of the LSB in your bulletins. CPH offers an online tool known as the Lutheran Service Builder that helps put together services from the LSB, format them, print bulletins, playlists, and presentations, and auto-report your hymn license usage. Most importantly, the expanded license under the Lutheran Service Builder includes the following:

License Grant- Except as otherwise stated below under “Excluded Resources,” Concordia Publishing House (“CPH”) grants Licensee the nonexclusive right to reproduce the text and tune of the hymns included in *Lutheran Service Book* as found on Lutheran Service Builder (“Hymn Resources”) for use in worship services. Reproduction may be in the form of printing or projecting Hymn Resources. In addition Licensee is permitted to record worship services

containing Hymn Resources by either audio or audio-visual means to distribute for one-time use to members of the Licensee's church who are sick, elderly, or shut-in, or stream/podcast their service on their own church media sites.

The full terms and exceptions of the license can be found at <https://music.cph.org/lutheran-service-builder/hymn-license-agreement>. In a nutshell: as long as you only use materials from the LSB, your Lutheran Service Builder subscription (when paired with your Lutheran Service Book Hymn License), covers your copyright usage for streaming or recording and electronically delivering your services during this time.

So what do you do if you use other resources and arrangements? Assuming that you are still using hymns and non-contemporary music arrangement, you can license with OneLicense at <https://onelicense.net>. The banner on their site says that they are offering free licensing through April 15 to help with the current crisis. CPH is a member publisher, so a OneLicense membership will cover you for CPH as well as a list of other publishers. The basic license covers all of the standard reprint and usage rights that the Lutheran Service Book Hymn License does.

For streaming, you will need to make sure that you purchase the podcasting/streaming addendum to the basic license. Licensing is reasonable and based on weekly attendance (<https://onelicense.net/options-and-prices>). While the Lutheran Service Builder License is adequate for most of our congregations, if you use a broader selection of sacred music in your weekly services, you may want to consider the OneLicense service.

Finally, if you have a service that incorporates contemporary worship music, there is a licensing entity for you as well. Christian Copyright Solutions (CCS) is a one-stop licensing entity that specifically handles licensing for churches with BMI, ASCAP, and SESAC (the licensing entities for pretty much all music, Christian and non-Christian, that is available). Go to <https://christiancopyrightsolutions.com>.

Of note here is that the CCS license is specifically for public performance rights of the music *outside* of the church service, as the earlier mentioned Religious Service Exemption covers any performance *within* the church service. Reprinting rights are covered under your CCLI license. So why do we need CCS? Because they offer a podcast/streaming license that covers your performance of contemporary music online. You can find information on it at <https://christiancopyrightsolutions.com/services/worshipcast/>.

I know that was a lot of information in a short space. Again, I am not a lawyer or legal expert, so you will need to do your due diligence to confirm that the legal information is correct. If you have questions, contact CPH, OneLicense.net, or ChristianCopyrightSolutions. What you can trust me on: you can't appropriate and stream copyrighted materials online without opening yourself up for legal trouble. It is critical that you obtain rights to use the materials. I have hopefully given you a clear path on how to proceed. I know it's one more hurdle, but it's an important one.