

MISCELLANEOUS MATTERS

II. Copyright Law

A. Why have a Copyright Law?

1. United States copyright laws stem from Article 1, Section 8 of the Constitution. It was determined that it was in the public interest that the creation of a person's mind and spirit, should, under law, belong for a limited time to that person and or, if deceased, to the family of that person.
2. The law is designed to encourage the development of the arts and sciences by protecting the work of the creative individual in our society.

B. What is a Copyright?

A copyright is a statutory grant of certain rights for limited times.

C. What may be Copyrighted?

1. Original works of authorship which are fixed in a copy or a phonorecord may be copyrighted.
2. The law provides seven classes:
 - a. literary works;
 - b. musical works, including any accompanying words;
 - c. dramatic works, including any accompanying music;
 - d. pantomimes and choreographic works;
 - e. pictorial, graphic, and sculptural works;
 - f. motion pictures and other audiovisual works;
 - g. sound recordings.

D. When is a work copyrighted?

A work is protected from the moment of creation, fixed in a copy or phonorecord. Copyright Registration is another step in the process and while it is not mandatory for protection to register a copyright, it is advisable to do so for additional protection in cases of infringement.

E. Who owns a Copyright?

The composer and lyricist or the duly authorized agent

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(Publisher) to whom they have transferred ownership.

F. How can one tell if a piece of music is copyrighted?

By law, to be protected, a published piece of copyrighted music or literary work must carry a notice near the beginning that includes: 1) the word "Copyright," or the symbol "c" ; 2) the year the copyright was registered with the Library of Congress; 3) the name of the proprietor of the copyright.

G. How long does the copyright term run?

To be on the safe side, do not copy any piece of music that carries a copyright year of 1906 or thereafter without checking with the publisher first. Any piece of music with a copyright date of 1905 or earlier is now in the Public Domain, and it belongs to everyone.

H. What about the words only of a copyrighted song?

If they are original lyrics, they are protected by the copyright, and they may not be copied without permission. This includes "song sheets." Texts from the Bible, Shakespeare, or dated pre-1906 are, of course, in the Public Domain and may be used.

I. How does one go about obtaining a copyright permission?

The standard method of obtaining a copyright reprint permission is to write a letter of request to the music publisher. This request must have: 1) the exact title you wish to reprint (including the composer's and author's names when known); 2) a statement of purpose for your desire to make copies (parish hymnal, songsheet, bulletin, collection for school liturgies, etc.); 3) state the quantity to be printed; 4) and state how long the copies are expected to be used.

J. What is an "Annual Restricted Copy License?"

Most large music publishing houses, e.g., GIA, NALR, WLSM and OCP have an annual license (\$100-\$125) which will enable parishes to make copies of their music. This license is renewable each year and is restricted to melody line and/or words to congregational music.

K. What is the Policy of the Diocese of Crookston?

Permission must be sought in writing from the copyright holders before any copyrighted material may be used in the parish. Failure to comply may result in expensive litigation.

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L. Is there a diocesan reprint license?

1. There is NO general diocesan reprint license which would enable a particular parish to reproduce copyrighted materials.
2. The Pastoral Office of Worship has annual licenses from NALR and GIA which permit the use of music for all official diocesan liturgical celebrations, e.g., Chrism Mass, Ordinations, Dedication of Churches and special diocesan gatherings.