

COPYRIGHT AND MUSIC LICENSING: A GOOD PRACTICE GUIDE FOR PARISHES

This note provides guidance as to the licences available to your parish when carrying out its usual activities such as regular church services, musical performances within the church, streaming services via websites or third-party streaming platforms and the printing of hymns / music to aid congregation in singing during church services.

These are all subject to copyrights laws and therefore require permissions as set out within this document.

This note reflects the position as at November 2023. It is possible that your proposed activities may be impacted by future technologies, availability and scope of licences or changes to the law. If in doubt, please contact your diocese.

This guidance is based on advice received from Browne Jacobson solicitors in December 2023.

What is copyright?

Under UK law, the lyrics to a hymn or song, or a piece of music, may be protected by copyright if they are original creations. Copyright protects original works from being copied without the permission of the copyright owner (usually the person who created the work). It arises automatically upon creation and typically lasts the lifetime of the creator plus 70 years. Generally, using any copyright protected content, whether that be performing live music, playing recorded songs in church, producing printouts of lyrics or projecting them in the church, sharing content or streaming a service via a website, requires the permission of the creator/author. Doing so without permission could in some circumstances lead to a legal claim, requirement to pay damages and legal costs, and other consequences.

Permission is generally obtainable for a fee via the various licences set out below, depending on the activities carried out by your parish.

Exceptions – when copyright licences will NOT be required

As it stands, a licence is not required:

- for music played during “Acts of Worship”, i.e. ordinary church services whereby an entry fee is not charged. PPL and PRS (at their discretion) do not issue licences for this (NB a licence may still be required if you print/copy music/hymns – see below);
- if a copyright no longer subsists in the musical works (i.e. 70 years have expired after the creator’s death);
- for anonymous or pseudonymous works (i.e. orphan works) – this is where it is not possible to identify the author following a reasonable enquiry and it is reasonable to assume that the copyright has expired or that the author passed away over 70 years ago; and
- ‘home groups’, rehearsals and private functions such as funerals / weddings / christenings / birthday parties etc. These are not considered public events, provided no entry charge is made. However, if music is being played and the function is being filmed, then the person filming it should ensure they have the relevant licences.

Where can a licence be obtained from?

Essentially, there are 3 main routes your parish can take when acquiring copyright licences in relation to church activities.

Depending on the type of music it wants to use and the activities it requires to be covered for, your parish can pursue licences from One License, the CCLI or PRS and PPL directly. Each of these licences and what they offer are detailed further below.

1. One License

Parishes may appreciate the wide range of traditional Catholic hymns, songs and service music offered by ‘One License’. The “**One License**” can cover your parish for the printing of hymns / song lyrics and streaming its services via the **Reprint Licence and Podcast / Streaming Licence** bundle. The One License can be obtained from their website at <https://onelicense.net>.

2. Christian Copyright Licensing (Europe) Ltd (the “CCLI”)

The CCLI act as agent for various copyright related bodies (such as PRS for Music and PPL (see below))

providing licences specifically related to church activities and can act as a 'one-stop shop' for your parish when it comes to ensuring it is protected and can reduce the burden of having to seek multiple licences from separate parties.

Each of the CCLI's licences are subject to Terms of Agreement. The CCLI licences can be obtained from their website at <https://uk.ccli.com>

Where PRS and PPL licences via CCLI may not be appropriate:

- Cathedrals, Abbeys and large ministries are typically licensed directly by PRS for Music;
- Dramatic performances such as musicals, operas and ballets are not covered by PRS for Music. The parish will need to contact the rights holder directly for permission to perform them publicly; and
- These licences do not cover music use on website / social media pages (i.e. background music played on the page, rather than a livestreamed/recorded church service embedded on the website).

For this, a Limited Online Music Licence ("LOML") may be required directly from PRS for Music. Live-streaming would also need to be covered by a separate licence – see pages 4 and 5 of this guide in relation to the One Licence Podcast / Streaming Licence and the CCLI Streaming Licence.

3. Direct PRS for Music and PPL Licences

Licences are available from a number of bodies who specialise in licensing copyright works having been authorised to do so by the rights holders. The relevant bodies for the purposes of this note are the PRS and the PPL, which offer access to secular and contemporary worship music:

(1) Performing Rights Society Ltd ("PRS for Music") – who administer licences authorising the performance of music in public on behalf of the composers and publishers of musical and literary copyright held in the music and lyrics;

(2) Phonographic Performance Ltd ("PPL") – who administer licences in sound recordings on behalf of the

owners of such recordings (i.e. the record companies) and dealing with payment of equitable remuneration to the performers in respect of such sound recordings; and

(3) PPL PRS Ltd joint licence (known as "TheMusicLicence") - both licences may be required by your parish in order to protect it against both performing live music and playing music and sound recordings in church; if so, a joint licence can be issued on behalf of both collecting societies via its joint venture entity PPL PRS Ltd. Although TheMusicLicence doesn't cover all songs/musical works, it does cover the vast majority. On the rare occasion a parish is contacted in relation to a piece of music not covered by the licence, a separate licence may need to be put in place directly with the relevant rights holder.

There are various tariffs available which can be seen in the tariffs section of the PPL PRS website at <https://pplprs.co.uk/business/other>. The one applicable for parishes is the Churches Tariff, PPIPP115 ([PPLPP115-Churches-Tariff-Jan-2023.pdf](https://pplprs.co.uk/PPLPP115-Churches-Tariff-Jan-2023.pdf) (pplprs.co.uk)).

Activities that require a licence

Performing live music at church premises

There is a tailored church specific licence package available for this activity via CCLI known as the **PRS Music Church Licence** from PRS for Music. This licence enables your parish to:

- perform live music on church premises (a licence is not required for live music played during Acts of Worship);
- hold up to six concerts / recitals per year* (*if your parish wishes to hold more than six, then PRS will deem the premises to be a concert venue which must be licenced directly with them via Limited Manufacture Licence); and
- hold music tuition for individuals and groups.

Terms and conditions for the PRS Church Licence can be found at <https://uk.ccli.com/wp-content/uploads/prs-terms-uk.pdf>. Whilst a licence is not required for music played during Acts of Worship, it does cover other musical performances outside of this (during social and outreach events). It can also be combined

with the PPL licence which then also covers churches to legally play music recordings as set out in the PPL section below.

The PRS Church Licence covers the venue itself and not the congregation. Therefore, if the activities are run in a hall which is detached from the main church itself (with no internal access), it may not be covered under the licence and so a further PRS licence will be required to licence the hall separately. If the church hall is an integral part of your church and the activities are run predominantly by and for the church congregation or church groups, then it is likely to be deemed to be covered by the PRS Church Licence, but this is something that will need to be checked with CCLI.

This licence can be acquired at <https://uk.ccli.com/playing-music-licence-manual>.

Playing music at church premises

There is a tailored church specific licence package available for this activity via CCLI known as the **PPL Church Licence**. This licence enables your parish to:

- play music (on formats such as CDs, MP3s, Music DVDs etc.) during activities on church premises. For example these activities may include parent and toddler groups, youth clubs, events, socials, coffee mornings, fetes and bazaars;
- hold discos, dances, karaoke and keep-fit classes; and
- play music to callers on its telephone system whilst they are on hold.

This licence can be acquired at <https://uk.ccli.com/playing-music-licence-manual>.

Making audio or video recordings of your services

Generally, your parish will need to obtain permission from singers, musicians, preachers, readers etc. if it wishes to make audio or video recordings in church of any live music or worship and make such recordings available for sale or free distribution on physical recorded media formats (such as CDs, DVDs etc). These rights can be obtained via the **CCLI Copyright Licence**. With this licence, the church is covered for recording services on behalf of those unable to attend in person. This licence can be purchased at <https://uk.ccli.com/copyright-licence-terms-of-agreement>.

This licence includes Mechanical-Copyright Protection Society (“MCPS”) rights which permit a church to record its services (including live music) for limited distribution. The MCPS is part of PRS for Music and acts on behalf of composers and publishers. It negotiates agreements with those who wish to record music, ensuring that copyright owners are rewarded for the use of their music. It collects and distributes the ‘mechanical’ royalties which are generated from the recording of music on to many different formats (such as CDs, DVDs etc).

Alternatively, making recordings of services (including of choirs) can be licenced directly with PRS for Music via **PRS Limited Manufacture Licence**. It should be noted that if your parish records a service and music is being played from a sound recording (e.g. from a CD, DVD etc.), then your parish is in effect ‘dubbing’ the original source onto its recording. ‘Dubbing’ is not covered by the CCLI Copyright Licence. However, the Limited Manufacture Licence directly from PRS will cover this. This licence can be acquired at <https://www.prsformusic.com/licences/releasing-music-products/limited-manufacture>

If the parish is recording/streaming a service where ‘dubbing’ occurs, it is the parish’s responsibility to obtain this licence. However, if a private individual is recording/streaming the service (e.g., from their mobile phone via their own streaming account), then it is the individual’s responsibility to obtain the licence, not the parish’s.

Playing films or television shows at church premises

If your parish wishes to play films or television shows to its congregation on the premises, it will require a **CCLI Church Video Licence**. This can be acquired at <https://uk.ccli.com/what-we-provide/church-video-licence-screenvue>.

On its own, the CCLI Church Video Licence enables churches to show film scenes during their services (via lawfully manufactured videodiscs, videocassettes etc acquired from a legitimate source). Such clips may not be duplicated, amended or edited. The licence restricts the audience capacity this may be shown to and specific titles cannot be advertised or publicised to the general public. Furthermore, the church cannot charge an admission fee or other fee to the audience.

This licence should be combined with the PRS Church Licence to show films or television shows outside of Acts of Worship (e.g. for socials and events held at the church). It covers music played in the film and enables it to play commercial music recordings on

formats such as CD and MP3. This combination should protect your parish against any separate fees due to music publishers / collection societies for performing motion pictures in the church premises.

Your parish may only wish to show a film or television show for a single event as opposed to events all year round. In this instance, it will be more cost effective to for your parish to obtain either:

- an event licence (a 14-day licence to show films during an event for non-commercial use); or
- a single title licence from MPLC (permits your parish to show a film on a one-off basis for commercial and non-commercial use); or
- a title screening licence from Filmbank (permits your parish to show a film on a one-off basis for both commercial and non-commercial use).

These should be combined with the PRS Church Licence as referred to above.

Terms and conditions for the Church Video Licence can be seen at <https://uk.ccli.com/wp-content/uploads/cvl-terms-uk.pdf>.

Creating CDs or MP3s for choir members

If your parish wishes to create CDs or MP3s for their choir or ensemble members, it can do so via the **One License Practice-Track Licence** . It should be noted that such CDs / MP3s are for practice and rehearsal purposes only and do not cover commercial master recording for use within a live worship service.

For live performances, the PRS (and possibly the PPL) licences can be used and purchased either directly or from CCLI.

The Practice-Track Licence provides the ability to:

- copy demonstration recordings provided by a Member Publisher;
- copy commercial CDs or mp3s purchased from a Member Publisher or member record company;
- record its own versions of covered songs for its ensemble (a specific vocal part, for example, or an accompaniment track);
- burn CDs or email MP3s; and
- provide a link to a Dropbox or Google Drive file that can only be accessed by the intended musicians.

There are reporting and acknowledgment requirements under the above licences. Some songs / hymns may not be available via One License – your parish can check which ones are available via the One License website. This licence can be purchased at <https://onelicense.net/how-it-works#practice>.

Live streaming or recording parish services

Streaming services via the internet (live or pre-recorded)

If your parish streams a video of its worship services live from the church or makes a video downloadable from its website, it will open the door to a number of copyright issues related to live and recorded music, the liturgy, the sermon, any readings or dramatic performances etc. Consequently, a parish should ensure it has permission for distribution by the relevant copyright owner and performer (i.e. musicians, readers, prayers or preachers, etc.) either directly or via the appropriate licence prior to such streaming or recording being made available.

Your parish can acquire the **One License Podcast / Streaming Licence** at <https://onelicense.net/how-it-works#podcast>.

This licence enables a church to share its worship services via a live stream or to upload a pre-recorded video – this includes displaying song lyrics and melody lines in the stream, sharing handouts online (such as leaflet style handouts) and downloading songs or texts from One License's database.

A **One License Limited Podcast / Streaming Licence** could be obtained

for a reduced fee if your parish simply wishes to stream its worship services online, but not display or post lyrics, melody lines or other aids on such streams. The One License can be restricted to podcast / streaming only or reprint only for a reduced fee.

One License licences can be issued for annual / event / single-use, with different cost implications. The cost in relation to the Reprint Licence depends on the extent of your parish's average weekly attendance. The cost in relation to the Podcast / Streaming Licence also depends on your parish's average weekly attendance and views; views are limited to three times the size of your parish's average weekly attendance category.

As another option, your parish could acquire the CCLI Streaming Licence should it wish to stream content of its worship services (including live music performances) either live or via downloadable pre-recorded video / audio on its website, a hosted website or via other streaming platforms (such as YouTube or Facebook). This licence will likely need to be acquired alongside

the CCLI Church Copyright Licence (noted above) which relates to the actual recording of such services.

This licence covers your parish for small scale online services such as:

- a limited download video service;
- a limited on-demand streaming service;
- pure webcasting services (i.e. broadcasting its services over the internet);
- interactive webcasting services (i.e. broadcasting with the ability for public interaction); and
- music podcasting.

The **CCLI Streaming Plus Licence** service is needed to cover the playing of worship recordings (e.g. artist tracks, backing tracks) during a stream.

The fees charged under these licences are based on a number of factors including the number of streams and downloads per year. The licence can be acquired at <https://uk.ccli.com/streaming>.

These CCLI licences do NOT permit:

- a fee to be charged for any activities listed above or the music in any video / recordings to be monetised (as this is reserved for the copyright owner);
- streaming such services held in the church whereby in person attendees are charged for attendance (including mandatory donations to enable access to the stream; this does not apply to a 'donate now' button inviting voluntary donations); and
- streaming of music in non-church services such as any teaching videos / televised events / special productions.

Alternatively, a **PRS Limited Online Music Licence (LOML)** can be acquired directly from PRS for Music at <https://www.prsformusic.com/licences/using-music-online/limited-online-music-licence>. This is non-church specific.

It should be noted that these licences do not cover live music performances or the playing of music in church itself. For this, the CCLI PRS and PPL Church Licences or licences from PRS and PPL directly (as referred to earlier in this note) can be used.

Terms of streaming platforms, such as Facebook

Whilst appropriate licences can be obtained from CCLI, One License or PRS in relation to streaming, where your parish is streaming content via a third-party hosting platform, such as Facebook, it must also abide by that platform's terms and conditions. Some dioceses have found that including a notice on streamed content clearly displaying the licensing information helps to ensure that hosting platforms do not stop live streams due to concerns about possible breaches of their terms and conditions.

Meta (Facebook) - terms of services

As at writing, Meta's (i.e. Facebook) terms of service in relation to its products, which includes Instagram, expressly prohibits (as you might expect) any infringement of someone else's rights including their intellectual property rights.

Meta can suspend or permanently disable the parish's account if it breaches Meta's Terms or Policies or repeatedly infringes other people's intellectual property rights;

In relation to Meta's commercial terms (for business or commercial purposes)

and music guidelines:

- your parish is responsible for the content it posts. Use of music for commercial or non-personal purposes is prohibited unless it has obtained the appropriate licences;
- your parish cannot use Meta Products to create a music listening experience for itself or others (including live videos); and
- if your parish posts content that contains music owned by someone else, its content may be reviewed by the applicable rights owner and the content may be blocked, muted or removed if the use of that music is not properly authorised.

Meta uses automated detection measures to detect IP violations. It also provides channels (dedicated for copyright, trademark and counterfeit) for rights holders to report content they believe infringes their rights. If the report made is sufficient, the content will be removed within a day or less. Options permit rights holders the option of having the content removed, or claim available ad earnings, monitoring the video, or reporting the video as an IP violation.

Meta - Facebook live policies

Facebook Live must not be used to mislead users to think that specific footage is occurring in real time when it is not or in a location where it is not.

All pre-recorded content contained in a broadcast streamed to Facebook Live must be clearly marked as pre-recorded.

Zoom - terms of service

As at the time of writing, by reference to Zoom's use of services notes, your parish:

- is responsible for all content it displays or uploads on Zoom and ensuring compliance with all laws pertaining to the content (this includes third party consents and notices);
- is responsible for compliance with all recording laws; it can choose to record Zoom Meetings and Zoom Webinars. By using these services, the parish is giving Zoom consent to store recordings for any or all Zoom meetings or webinars that the parish joins, if such recordings are stored in their systems. The parish will receive a notification (visual or otherwise) when

recording is enabled;

- by use of the platform, your parish agrees not to and will not permit end users to:
 - engage in activity that is illegal under applicable law, fraudulent, false, or misleading;
 - transmit through the Services any material that may infringe the intellectual property or other rights of third parties; or
 - use the Services in violation of any Zoom policy or in a manner that violates applicable law, including but not limited to laws requiring the consent of subjects of audio and video recordings; and
- is responsible for the activities of all end users who access or use the Services through its account and it agrees to ensure that any such end user will comply with the terms of this Agreement and any Zoom policies.

YouTube

YouTube's guidance states:

Creators should only upload videos on YouTube that they have made or that they're authorised to use. That

means that they should not upload videos that they didn't make, or use content in their videos that someone else owns the copyright to, such as music tracks, snippets of copyrighted programmes or videos made by other users, without necessary authorisations.

Copyright exceptions are laws that allow you to reuse someone else's copyright-protected material without getting their permission, but only under certain circumstances. Under fair dealing, reuses must fall within specific categories. These categories include quotation (general quotation, and quotation for the purposes of criticism, review or news reporting), caricature, parody and pastiche.

If the copyright owner submits a complaint to YouTube, it will take down that video and apply a copyright strike. If a user gets three copyright strikes in 90 days, their account, along with any associated channels, will be terminated. We also have tools to help creators resolve their copyright strikes - including waiting for it to expire after 90 days, requesting a retraction or submitting a counter notification.

Printing or copying music / hymn lyrics

If your parish wishes to print or copy hymn or music lyrics onto materials (e.g., to aid the congregation in singing along), then in addition to enabling your parish to make video / audio recordings (via the Podcast / Streaming Licence), your parish can purchase the One Licence Reprint Licence. The Reprint and Podcast / Streaming Licence bundle provides your parish with the ability to reprint permissions from multiple publishers, such as producing hymn books or song sheets to distribute to the congregation at the church during a service to aid singing. This can be purchased at <https://onelicense.net/how-it-works#reprint>.

Licences can be issued for annual/event/single-use, with different cost implications. The cost in relation to the Reprint Licence depends on the extent of your parish's average weekly attendance. The cost in relation to the Podcast/Streaming Licence also depends on your parish's average weekly attendance and views; views are limited to three times the size of your parish's average weekly attendance category.

The Reprint Licence does not cover music performances or the playing

of music in church itself. For this, the CCLI PRS and PPL Church Licences or licences from PRS and PPL directly can be used.

Alternatively, the **CCLI Church Copyright Licence** also enables your parish to:

- print song lyrics on bulletins/liturgies/programmes/song sheets/songbooks/projectors and slides for church services; and
- store such lyrics files electronically to enable the visual projection of the hymns/songs to the congregation

Under this licence, your parish cannot:

- charge a fee for the above (however, if such printing is being carried out in relation to a private booked service (such as a wedding or a christening), then there is nothing stopping your parish from incorporating the cost of such printing into the fee charged for providing such service – this falls outside the scope of the licences);
- distribute copies of prints outside of its licence's jurisdiction and that specific church;
- copy/duplicate choral sheet music/

cantatas/musicals/handbell music/keyboard arrangements/vocal solos/instrumental works/music education publications;

- photocopy or duplicate typeset sheet music (for which a CCLI Music Reproduction Licence will be required (see below)); or
- alter/change the lyrics, melody or fundamental character of the music

As an optional add-on to the CCLI Church Copyright Licence, the CCLI Music Reproduction Licence permits your parish to photocopy or scan pages from hymnals, songbooks and sheet music (including typeset sheet music) downloaded from the internet, provided it has purchased an original copy or the publication is permanently out of print. It may also electronically duplicate and share sheet music files with members of its organisation (e.g. email a PDF to another person or share via networked screens). The copies however cannot be used outside that specific parish. This add on licence can be purchased at <https://uk.ccli.com/music-reproduction-licence-terms-of-agreement>.

Orders of service at weddings/funerals/ other private events

In relation to orders of service (i.e. the preparation of hymns and music handouts, scripture text and liturgy printed on paper for the service), it is up to your parish to ensure it has obtained the relevant copyright permissions (either directly or via licencing bodies) and given the appropriate acknowledgements (e.g. author name, publisher) on the material, even if the sheets have been arranged by the family hosting the event. The **CCLI Church Copyright Licence** or the **One License Reprint Licence** provides the appropriate permissions to reproduce hymns or music on paper. Permission can also be obtained directly from the owner (although no permission is needed for hymns in the public domain).

In relation to scripture text and liturgy, most publishers allow for a certain amount of scripture/liturgy to be reproduced for non-commercial purposes if an appropriate acknowledgment is included. Always check the publication (or the website's terms of use if using text from a website) for details and the correct acknowledgment to use. Parishes can contact the Bishops' Conference of England and Wales Liturgy Office about copyright information for reproducing liturgical and scripture texts: www.liturgyoffice.org.uk/Resources/Copyright/index.shtml

Pilgrimages

With regards to pilgrimages, if you are taking hymn books with you or using hymn books provided by the pilgrimage site, you do not need a separate music licence. However, if your parish may wish to print orders of service or produce its own hymn books for distribution to pilgrims, then it is the parish's responsibility to ensure it has the relevant printing licences in place (see the 'Printing or copying music/hymn lyrics' section above for the licences that need to be obtained for printing materials and orders of service).

If your parish wishes to play recorded music to its congregation during a pilgrimage, a separate licence may be required. The licences required for playing music listed above relate to playing music at the venue (e.g., a church or church hall). None of the main licences appear to expressly address pilgrimages. The type of licence required is dictated by where the service (at which music is to be played) takes place and CCLI have confirmed that it only sells licences for the playing of music to a church congregation which covers a building specifically. For the playing of music at any other building, CCLI recommend that the parish speak to whoever owns the building being used during a pilgrimage to confirm if they hold the relevant Licences for playing music (e.g. PRS, PPL etc as discussed in this note above). With regards to Lourdes and other large organised (and paid for) pilgrimages, we therefore recommend asking the pilgrimage organisers.

We anticipate that participants in large organised pilgrimages will not be required to obtain their own bespoke licences either because (a) copyright licensing has been arranged at a centralised level, or (b) there is an established position vis-à-vis the licensing agencies under which no additional licences are sought for activities during the pilgrimage, but it is worth checking with the organisers to confirm. Ultimately, it is the parish's responsibility to ensure it has the correct licences for an activity it is undertaking and so we recommend contacting One License/CCLI specifically to check whether a specific licence is required.