

It's Not Yours Just Because You Can Download It

Carina Franca posted on May 09, 2013 11:30



THAT FAMILIAR FEELING

I took a seat in the front row of the auditorium. Anticipation gripped my colleagues and I as we waited for the premier of the new video. We were all anxious to see the product that would be widely distributed on DVD to churches throughout the region and worldwide through the Internet.

The excited murmur quickly died down as darkness enveloped the room. A raucous cheer pierced the silence when the company logo lit up the dark screen. The excitement built as amazing images of children from around the world filled the screen. A beautiful melancholy musical track drew everyone emotionally into the video. I was moved, like everyone else, by the haunting orchestral melody that accompanied the images.

Then, an image caught my eye. There was something very familiar about the close-up shot of a young African child. I knew right away I had seen that child before. But where?

As I was racking my brain trying to figure it out, I saw a second image caught my eye. Another familiar person was on the screen. This time it was a mother walking with a small child along a muddy path somewhere in Latin America. Did I meet them on one of my trips abroad? Was this my photo?

The eerie feeling of familiarity continued to build as the music crescendoed to an emotional climax. I'd heard this music too! As a video producer, I wondered where they found such amazing music?

Had I seen this video clip before? I couldn't have, it was brand new....

Suddenly, the dizzying puzzle pieces that were swimming around in my head started to come together:

The African boy, the mother and child walking on the road—I had seen them before. And I knew exactly where. In a magazine. National Geographic to be precise. They were award-winning photos from the iconic magazine.

And the spellbinding music, which captivated the audience, should have sounded familiar. It was from the soundtrack of a movie that had won more Academy Awards® than any other. It was the soundtrack from *The Titanic*. Mystery solved.

DO I NEED PERMISSION

The Internet has brought so many wonderful resources within our reach with only the click of mouse—movies, music, poems, photos, sermons, essays, illustrations, quotes, graphics. Nearly anything one needs is available on the Web through our computers. Does that mean it's available for our use, just because we can easily find it? Can we download a song to play at our worship service? Can we copy the words of a poem and paste them in a church bulletin? Can we copy songbooks for our church camping trip?

The answer, for the most part, is no. Most, if not all, creative works are copyright-protected and it would be against the law to use them without proper permission.

Copyright law was created to protect original creative work from unlawful display, broadcast, or duplication. It was put in place to protect the livelihood of the creator. When people use protected material without permission it is the equivalent of the creator going to work, doing his/her work, and not getting paid.

But don't churches have the right to display movies, perform music, and quote passages or copy music from books as long as it's just for use in worship?

Well, perhaps, but there is not definitive 'yes' or 'no' when it comes to copyright law. Copyright law is, some would say purposely, written in broad, vague strokes, full of 'gray' areas.

Some areas are clear. Such as this common example:

Q. Can you copy the lyrics of a song in a church bulletin for the congregation to sing?

No, not without permission from the publisher.

Q. But what if I acknowledged the source and gave credit?

No. Listing the source of the material is not a substitute for getting permission.

There are so many possible uses for copyright protected material that we don't realize how pervasive this issue is in our churches. For example, the following, without proper permission, are ALL unlawful uses of protected material:

- Projecting song lyrics on a screen
- Copying a photo from the Internet and using it in a PowerPoint or on your website
- Performing a copyright protected song at a large church fundraiser
- Showing a DVD movie on a Saturday night to your youth group
- A CD recording of your church choir that contains protected music
- Buying one copy of Microsoft Word and making copies for the other computers in your church office
- Webcasting or recording your church service, using copyrighted music or images.

WHAT CAN WE USE?

There are exceptions to the Copyright Act, especially for churches and nonprofits. But even those can be confusing and difficult to interpret.

For example:

Q. Can I use a short clip from a TV show or movie as a sermon illustration?

Yes! But it depends on 1) What is the purpose? 2) What is the nature of the work? 3) How long the clip is in comparison to the original work? 4) Are you impacting the creator's future earning? Also, Is the material you are using the "heart" or main part of the work...

On and on it can go. Not easy or clear is it?

While there are few clear-cut answers in terms of Do's and Don'ts of the use of copyrighted material, we can give you six simple recommendations to be compliant with the law:

- 1) **Do NOT use copyright protected material** - This is the most obvious, but it is also the easiest way to ensure you are on the right side of the law.
- 2) **Use public domain works** - These are materials that are not copyright protected or for which the copyright protection has expired.
- 3) **Use royalty-free works** - Some artists make their works available for a one-time fee, after which their works may be used for free, in much the same way clip art works.
- 4) **Buy a blanket license** - There are many blanket licenses that can be purchased for music, photos, and movies. (Some resources for churches: www.ccli.com, www.copyrightsolver.com, www.cvli.com)
- 5) **Appoint a copyright officer** - Appoint someone in your church that has an understanding of the copyright issue and make them responsible to research uses of copyright protected material by your church and educate church leaders.
- 6) **Consult a copyright attorney when in doubt** - this is the easiest and best way to ensure you are following the law.

Why do we need to care about copyright law since many of us have been utilizing protected material and no one says anything? No one seems to care. Everyone does it? And copyright law is so complicated I really don't understand it.

The reality is that just as the Internet and modern technology allows us to easily obtain a plethora of resources online, so has tracking down unlawful uses of media. The Adventist Risk Management Claims Team is in the process of settling two claims against the Adventist Church.

First, a member of a local Adventist church found a poem and published it without permission in the church newsletter which was posted on their website. A scan of the Internet by the publisher found the poem on the church's website.

The second, an international Adventist ministry had some promotional media produced overseas. The ministry used that media, however, the background music was copyright protected and no permission was obtained.

Settling these claims requires use of the church's resources--resources that God has entrusted in our care as stewards of His Church.

In Romans, the Apostle Paul advises the followers of Christ to "Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God." Romans 13:1 (NIV)

So why do we need to care about copyright law? Two reasons. It's the right thing to do and we are stewards of the church's precious resources. And if everybody is doing it, well, as Christians we have a responsibility to be examples to our communities.



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