

## **Copyright Basics for Parish Leaders**

*Disclaimer: Copyright law is complex, filled with grey areas making it confusing and unclear what is permitted. The information contained in this guide is for informational purposes only. It does not constitute legal advice. This guide may provide assistance but it is not a substitute for legal advice by an attorney with knowledge of copyright law or specific written permission of the copyright holder.*

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### **The Basics**

#### What is Copyright?

Copyright is a form of legal protection granted by law by governing bodies that protect authorship of both published and unpublished works.<sup>1</sup> The “law, protects original works of authorship including literary, dramatic, musical, and artistic works such as poetry, novels, movies, songs, computer software, and architecture.” (Copyright.gov, n.d.)

#### Who is the Copyright Holder?

In general, the creator or creators of a work are the copyright holder unless created in a work for hire situation (ie. An employee creating work for an employer is a work for hire situation most of the time) or the ownership has been transferred to another entity or person.<sup>2</sup>

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### **Definitions**

#### What is Plagiarism

Plagiarism is the act of stealing or passing off the ideas, words, or creations of another as one’s own. Plagiarism is an act of fraud that “involves both stealing someone else’s work and lying about it afterward.”<sup>3</sup> For a more in depth look at plagiarism visit plagiarism.org.

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<sup>1</sup> Copyright.gov. (n.d.). Copyright in General (FAQ). [online] Available at: <https://www.copyright.gov/help/faq/faq-general.html> [Accessed 26 Mar. 2019].

<sup>2</sup> (c i r c u l a r 9 2 Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code, 2016)

<sup>3</sup> "What Is Plagiarism? - Plagiarism.Org". 2017. *Plagiarism.Org*. <https://www.plagiarism.org/article/what-is-plagiarism>.

*(Just because you have access to something for free doesn't mean you are free to use it. You must obtain the proper licenses and permissions to use it.)*

## What is Public Domain

As stated by Rich Stim on the Stanford University Libraries website, “The term “public domain” refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. The public owns these works, not an individual author or artist. Anyone can use a public domain work without obtaining permission, but no one can ever own it.” However, collections of this material may be protected even though the individual works are not. (Stim 2013) Stim covers the topic in greater detail and is a good reference for more details on the subject.<sup>4</sup>

## What is a Derivative Work

“A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a “derivative work”.” (Copyright.gov, n.d.)

## What is Fair Use

The University of Chicago’s Copyright Information Center explains Fair Use as “the reproduction of copyright works for certain limited, educational purposes... The Copyright Act establishes a four factor test, the “fair use test,” to use to determine whether a use of a copyrighted work is fair use that does not require the permission of the copyright owner.”<sup>5</sup> Fair use is limited by the purpose of the use, the nature of the work, the amount of work, and the effect of the use on the market of the original.(Lib.uchicago.edu, n.d.) In short, you can’t hide behind fair use solely on the distinction that it is for educational purposes. It must meet the narrow criteria. The University of Chicago has a fair use checklist tool to help determine if your intended use qualifies. This resource is noted in the resources section of this document.

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<sup>4</sup> Stim, Rich. 2013. “Welcome To The Public Domain”. Stanford Copyright And Fair Use Center. <https://fairuse.stanford.edu/overview/public-domain/welcome/>.

<sup>5</sup> Lib.uchicago.edu. (n.d.). *Fair Use and Other Educational Uses*. [online] Available at: <https://www.lib.uchicago.edu/copyrightinfo/fairuse.html> [Accessed 23 May 2019].

## **Best Practices**

Copyright law protects creators. Professional creators especially are dependent upon their ability to control the distribution and reproduction of the works they create because it can significantly impact their ability to generate an income and provide for their families.

*(Let's keep in mind the Lord's commandment, "Thou shall not steal," because plagiarism really does hurt other people.)*

As a general rule, when using any work that is not yours, you must obtain the proper licenses and permissions to use it. Most people are familiar with plagiarism in terms of literary plagiarism. However, other forms of copyright-protected works, such as images, video, or audio also carry copyright protections. Knowing when you can or cannot use them is generally not as simple and we will discuss some recommendations for using these mediums.

### **Literary**

The most well-known form of plagiarism is the theft of written words and ideas being passed off as someone else's words or ideas. This can usually be avoided simply by citing the source of the words or ideas being used in a new original work. In other words, give credit where credit is due.

### **Images**

Images include creative works such as photos, graphics, or clip art to name a few.

Generally speaking, if you snap the photo you hold the copyright to that photo. With that in mind there are still potential issues regarding what or who is in the photo.

*Some questions you should ask before snapping a photo:*

Did I obtain an image release from the individuals appearing in the photo? Is this a famous building\* and are there restrictions or limits to using a photo with it in it?

*\*The lights on the Eiffel Tower in Paris, France added in 1985 are considered an artistic display and therefore photographs of the Eiffel Tower at night without the permission of the artist who created the light display are a violation of copyright laws. This is an example of architectural structure having restrictions.*

## Video

Like with images, you must be sure you have the proper licenses and permissions to use it in the context you intend to use it. This is where the distinction between private and public use comes into play.

### For Example:

When you purchased a movie from the store you have purchased the license to view the movie in the context of your home with family and friends. However, if you wish to show it in the context of a classroom or a parish function you must check if that publishing house is covered under the video license the parish or school has at the time. If it is not covered, a license for public viewing must be obtained from the publishing house that holds the copyright for that content.

Another example would be Youtube videos. Without to permission of the content creator, you cannot use it and just because it is posted doesn't mean it isn't stolen content. To the point without permission, you cannot use and you must seek the permission from the true copyright holder.

Regarding video content, you create there are still concerns of potential copyright violation if you don't have the proper permissions prior to filming.

### Some questions you should ask before filming:

Did I obtain an image release from the individuals appearing in the film? Does any audio such as music appear in the video and did I obtain the proper licensing to use it in the context of this video? What about images and trademarks\*?

*\*Trademark owners can demand licensing fees to display their logo. This is why television shows and movies often cover up product logos.*

## Audio Recordings & Music

### *Music:*

Music whether recorded or performed requires a license to use it. St. Margaret of York carries a Christian Copyright Licensing International (CCLI) License. The license covers our collection of hymns for printing lyrics and performance of them by our organization. (Not someone else performance of the piece only performances done by St. Margaret of York such as the parish choir.) Music not covered by the license must obtain one in order to use for their particular purposes.

### Some questions you should ask using music:

Does my license cover this music? If not did I obtain the appropriate license to use it for my intended purposes? If I am using a third party, such as a DJ or a cover band do they have the license to perform or use that composition?

*Audio Recording:*

There are also concerns when recording audio of a speech or talk. Basically, it comes down to a matter of having the proper permissions.

*Some questions you should ask before recording:*

Did I obtain written permission from the individuals speaking to record? Do I have the permission to post it, if so what are the terms?

## Typefaces (Fonts):

Typefaces that come pre-installed and bundled with software such as your operating system or Microsoft Office for example are usually licensed for you use with that software. Meaning you are probably safe to use it in the context of using that particular program. Like other things, to use a typeface you must be certain you have the license to use it for your intended purpose. The safest way to use typefaces that do not come pre-installed with your software is to simply purchase them with the appropriate license pertaining to your intended use of it from a type foundry or marketplace.

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## **Resources**

### Archdiocese of Cincinnati Informational Documents on Copyright

*Copyright of Biblical and Liturgical Texts*

<https://resources.catholicaoc.org/download/83/policies-guidelines-norms/34100/copyright-of-biblical-and-liturgical-texts-usccb-2021-fall.pdf>

*Copyright and Churches | Office of Divine Worship & Sacraments | March 2017*

<https://resources.catholicaoc.org/download/308/music/10148/copyright-aoc-statement-2017-march.pdf>

## CCLI

Please contact the parish office to verify the hymn you wish to use during a gathering or in a program is covered. Any worship aid, program etc. printed with lyrics must note the licensing information which the office will give you once the hymn has been verified.

## Citation Tool

This citation tool offers citations for several different styles. For content used in the parish Chicago style is preferred.

<http://www.citethisforme.com/us/citation-generator>

## Creative Market

Creative market is known as a good site to purchase quality typefaces that are relatively inexpensive. <https://creativemarket.com>

## Fair Use Checklist

<https://www.lib.uchicago.edu/copyrightinfo/fairusechecklist.html>

## Formed

Formed is a subscription-based digital-based platform that grants access to video-based study programs, feature films, audio presentations, and ebooks of Catholic content. Materials found in the Audio and Books (Former Listen and Read) sections may be used publicly without restrictions. Regarding video content, only videos in the Programs (Formerly Study) section carry the proper license agreement to be shown to religious education classes and groups due to the distinction of license agreements between public and private viewing. Videos contained in the Movies (Formerly Watch) section require additional licensing to be shown in the context of any SMOY programming. Most of the movies on Formed are produced by Ignatius Press, offers a Night at the Movies deal to obtain the necessary licenses to their movies. “The rights to movies produced by other organizations can be obtained by approaching the individual movie provider.” (“Parish Movie Nights & The Licenses Involved | FORMED” 2019)<sup>6</sup>

## Pexels

According to Pexel’s license page “All photos and videos on Pexels can be downloaded and used for free.”<sup>7</sup> Pexel’s further clarifies that “all photos and videos on Pexels are free for commercial use. You can use them on your commercial website, blog, product, or anywhere else.”<sup>8</sup> *License Info Page:* <https://www.pexels.com/license/>

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<sup>6</sup> “Parish Movie Nights & The Licenses Involved | FORMED”. 2019. *Leaders.Formed.Org*. [https://leaders.formed.org/2019/03/26/parish-movie-nights/?fbclid=IwAR3tr4jzGyXhrSqRaENE7KPPeITQ-vT\\_HNouYIijh9Jdwz\\_pWj2o9p12eLA](https://leaders.formed.org/2019/03/26/parish-movie-nights/?fbclid=IwAR3tr4jzGyXhrSqRaENE7KPPeITQ-vT_HNouYIijh9Jdwz_pWj2o9p12eLA).

<sup>7</sup> “Free Stock Photo & Video License - Pexels.” Legal Simplicity. Accessed March 28, 2024. <https://www.pexels.com/license/>.

<sup>8</sup> Can I use the photos and videos for a commercial project? Pexels Help Center. Accessed March 28, 2024.

## Pixabay

According to Pixabay’s License page “All content (e.g. images, videos, music) on Pixabay can be used for free for commercial and noncommercial use across print and digital, except in the cases mentioned in "What is not allowed". Attribution is not required. Giving credit to the artist or Pixabay is not necessary but is always appreciated by our community. You can make modifications to content from Pixabay.”<sup>9</sup> *License Info Page:*

<https://pixabay.com/service/license/>

Additionally, according to the terms of service, “Content on Pixabay is made available to you on the following terms ("Pixabay License"). Under the Pixabay License you are granted an irrevocable, worldwide, non-exclusive and royalty free right to use, download, copy, modify or adapt the Content for commercial or non-commercial purposes. Attribution of the photographer, videographer, musician or Pixabay is not required but is always appreciated. The Pixabay License does not allow: Sale or distribution of Content as digital Content or as digital wallpapers (such as on stock media websites or as NFTs); Sale or distribution of Content e.g. as a posters, digital prints, music files or physical products, without adding any additional elements or otherwise adding value Depiction of identifiable persons in an offensive, pornographic, obscene, immoral, defamatory or libelous way; or Any suggestion that there is an endorsement of products and services by depicted persons, brands, vocalists and organisations, unless permission was granted. Please be aware that while all Content on Pixabay is free to use for commercial and non-commercial purposes, items in the Content, such as identifiable people, logos, brands, audio samples etc. may be subject to additional copyrights, property rights, privacy rights, trademarks etc. and may require the consent of a third party or the license of these rights - particularly for commercial applications. Pixabay does not represent or warrant that such consents or licenses have been obtained, and expressly disclaims any liability in this respect.”<sup>10</sup>

<https://pixabay.com/>

## Unsplash

According to the Unsplash License agreement page “Unsplash photos are made to be used freely. Our license reflects that. All photos can be downloaded and used for free

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<https://help.pexels.com/hc/en-us/articles/360042295214-Can-I-use-the-photos-and-videos-for-a-commercial-project>.

<sup>9</sup> “Pixabay License.” Pixabay. Accessed December 16, 2022. <https://pixabay.com/service/license/>.

<sup>10</sup> “Terms of Service - Pixabay.” Pixabay. Accessed December 16, 2022.

<https://pixabay.com/service/terms/#license>.

Commercial and non-commercial purposes. No permission needed (though attribution is appreciated!)”<sup>11</sup> *License Info Page*: <https://unsplash.com/license>

In 2022, Unsplash added Unsplash+ subscription. Photos in the Unsplash+ program are identified with the Unsplash+ watermark and require membership in the program to be used. <https://unsplash.com/>

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<sup>11</sup> Unsplash. “License.” Unsplash. Accessed December 16, 2022. <https://unsplash.com/license>.