

Right or Wrong? Sheet music copyright

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Our church is compiling a songbook composed of our members' favorite hymns. We only plan to use the book for our own congregation's worship, but one member warned we should be careful about copyright laws. What does "be careful" mean?

The use of others' musical compositions in public may be subject to the terms imposed by copyright laws, which limit use of artistic creations.

Copyright protects the author

The purpose of copyright law is twofold. It protects the artist from someone else taking credit for her work, and it makes sure the artist is able to be compensated for the value of the work.

Someone who creates a work of art, whether a painting or beautiful music, is entitled to know the creation will be his or hers to value, choose to sell, and determine when and on what terms it may be played for the enjoyment of others. That is why we have laws allowing musical compositions to be copyrighted. As Christians, we know not to steal, and when we use an artist's creation without permission, that is an issue to consider. We want to be careful to be ethical in the use of a composer's music and also to stay out of legal trouble that can be embarrassing and expensive.

That being said, the U.S. copyright law provides an exemption for performances in the course of religious services at a place of worship or other assembly. Courts have ruled limiting use of songs in worship can violate the religious freedom clauses of the Constitution. The issue may become whether the purpose is "worship." Broadcasting to the public at

large, as well as activities at a church for social, entertainment or fund raising, may not be exempt. If the purpose of the church's use is in doubt, you can request permission to use songs or find out the fee for doing so by contacting the composer or publisher of the music.

As you compile a list of hymns, you also can check to see if they currently are copyrighted. Copyright laws vary by country. In the United States, copyrights do not last forever. The general length of time is the life of the artist plus 70 years for works copyrighted or created after 1978. For earlier works, check the term lengths with the [U.S. Copyright Office](#).

Public domain

If your congregation's favorites are recent praise songs, they likely are under copyright protection. When copyright protection has expired, the work is said to be in the public domain. Depending on the age of your congregation, many "favorite" hymns may be in the public domain. "Amazing Grace," "Blessed Assurance," "Higher Ground," "It is Well With My Soul," "Joyful Joyful," "Just As I Am," "Nearer My God To Thee," "Rock of Ages" and "Tenderly Calling" are beloved hymns in the public domain. A recent list is [available here](#).

Of course, in the case of doubt, it always is wise to check with a knowledgeable attorney.

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If you have a comment about this column or wish to ask a question for a future column, contact Bill Tillman, consulting ethicist for "Right or Wrong?" at btillman150@gmail.com.