# Liturgical Music and Copyright: Challenges and Opportunities for The Catholic Church in Ireland

## Music that Is Reproduced for Congregational Music: What are the Copyright Obligations?

* When music (eg., hymnal, sheet music etc.) is bought for use by church musicians, copyright has already been paid to the publisher and the music may be performed without any further permission or expense.
* Further copyright permission (with related costs) is however required if the music is **reproduced** **for the congregation/public** in any of the following forms:
  + Reprinting words or music in leaflets or parish hymn books
  + Projecting words or music onto a large screen for public viewing
  + Broadcasting music by radio, TV or (N.B.!) on the internet, for example by webcam.
* Congregational music that is in the public domain has no copyright obligations attached to it and may be reproduced without permission and free of charge. If the composer is more than 50 years deceased, the music in question is deemed to be the public domain.
* If the parish or community uses congregational hymnals from recognised publishers for the assembly, no further copyright obligations arise in relation to that music as the publishers will already satisfied the relevant requirements.
* If the use is made of missalettes with music that is already pre-selected by the publisher, then the copyright obligation for reprinting lies with the publisher, not the local organisers.

## How is Permission Obtained for the Reproduction of Congregational Music?

* The copyright of any piece of music normally belongs to the composer or, more usually to the publisher. Most publications indicate fairly clearly who owns the copyright.
* Since going to each publisher or composer individually for each piece used can be a cumbersome task, it is possible to do all of this in a much simpler way though a licensing agency.
* OneLicense is a company based in the USA which offers a licensing service to parishes and similar organisations. An annual fee is worked out based on the number of services per week and the average congregation attendance. In return for this fee, OneLicense arranges the necessary permissions with each publisher and makes the appropriate payments. An online account is set up for the user, who is required to report online within a certain number of weeks the titles for which permission is required. OneLicense covers nearly all the main publishers of liturgical music. There is a further charge for broadcasting music on the internet.
* It appears that OneLicense is the only such licensing body available to us in Ireland at the moment and this is not likely to change in the near future.
* Registering with OneiIcense is typically done on a parish-by-parish basis. As an example of cost, a parish where average weekly attendance at Masses where music is reproduced is 500 would result in an annual fee of €325. An additional fee of €100 would be due if the music is broadcast via webcam. A 30% discount is however offered if it is done on a diocesan basis. It appears that the majority of parishes in Ireland do not regularly reproduce music for congregational use, so some 'number-crunching' would need to be done at a diocesan level to see if a diocesan approach would be more appropriate.

## Getting the Liturgical Priorities Right Could Save Time and Money

* When the Advisory Committee for Church Music published *Sing the Mass* in 2011 it was implementing a basic principle that the main responses and acclamations of the Mass are the musical items for congregational singing that should be promoted as a priority. It happens that these texts are already known and need not be further reproduced. If choir and accompaniment books for *Sing the Mass* have been bought for those who lead the singing, then no further reproduction is needed for the congregation.
* Pastoral experience has shown that congregational singing is most easily encouraged when the congregation are invited to repeat a simple refrain already sung by cantor or choir. In this instance no further music need be reproduced for their use.
* Putting the foregoing two points together means that the most significant and most important music for Mass can be performed without any reproduction of music or text for the congregation. Let's also face the facts and admit that these basic principles are still not operational in most Irish parishes fifty years after the new missal of Pope Paul VI.
* Many parishes use pre-printed missalettes, but they do present some disadvantages:
  + While missalettes which give just the readings may be useful for those who are hard of hearing, they tend to bypass the more important work of good proclamation and active listening. Provision of resources for the hard of hearing, coupled with good proclamation does away with the need for these printed texts, and helps to unite the whole assembly in one act of listening.
  + Missalettes that give, in addition, various prayers, and even music, end up dictating pastoral choices that are better left to the parish.
* In view of the foregoing disadvantages of missalettes, consideration might be given to discontinuing their use and diverting the money saved towards a more flexible, copyright compliant system, eg. Parish registration with OneLicense, use of pre-existing hymnals, production of diocesan or parish hymnals with the appropriate permissions. But these extra provisions need not come into play before the music for the basic responses and acclamations is well established.

## Photocopying Music for Choirs and other Music Groups Without Permission is Illegal

It is illegal to photocopy music for choirs or other performing groups without the permission of the copyright holder (usually the publisher). The OneLicense contract **does not** cover this kind of reprinting. There are significant legal and moral issues here and this practice needs to be addressed. A realistic beginning would be for music groups to buy in copies of those pieces which they use regularly, recently, or plan to use in the near future. An increasing amount of individual pieces is available from the main publishers either as single printed items or as downloads.

## Could A Parish be Taken to Court?

The answer is 'yes'. In a recent visit of a representative of OneLicense to Ireland, the question of the level of copyright compliance in Irish Church music was raised. If a legal case were ever to be taken it would not be done by OneLicense but by the publishers whose copyright has been infringed. Since the question of compliance in Ireland has been raised by OneLicense it is likely that the main publishers, who have close links with OneLicense, would be watching carefully to see if there is a significant change here. In the absence of such a change, it is quite probably that before long parishes will be challenged by publishers, either through the taking of legal proceedings or, as a minimum, the insistence that music which has been illegally reproduced be destroyed. An end to illegal photocopying and a gradual replacement with music that has been properly paid for would be likely to encourage publishers to adopt a view that parishes and other church-based groups are beginning to adopt a different culture around the reproduction of music, thus reducing the risk of litigation.