

COPYRIGHT FACT FILE:

Writing Songs for your church

This FACT FILE has been created by Christian Copyright Licensing International as a guide to the copyright implications for anyone writing songs for use in their church. If you do not find all the information you need in this FACT FILE, please visit our website www.ccli.co.za or contact CCLI on 021 914 8908.

COPYRIGHT AND THE LAW

Copyright is an intellectual property right given to the creators of original musical, literary and dramatic works. The Copyright, Designs and Patents Act no 98 of 1976 is the legislation that currently operates in SA and provides the creator with two main rights:

- **Economic** – this allows the creator to charge anyone who wishes to copy, perform or record their work for any commercial or non-commercial use.
- **Moral** – this allows the creator to protect their work from any change which might be considered offensive or not in keeping with their wishes.

PROTECTING YOUR WORK

In SA, a newly written song is protected from the moment it is written down or recorded in some physical or tangible format. Since copyright is automatic you do not need to register your work, however, songwriters are generally advised to appropriate provisions in case it ever becomes necessary to prove ownership of a song.

Most commonly, this is done by sending a copy of the song to yourself by registered post, enabling you to prove that you had the song on a particular date; of course, the envelope must remain sealed until such time as proof of ownership is demanded. Alternatively, you could keep a copy with your bank or solicitor, or there are companies who will register your songs, however, you may incur additional costs with these options.

PROPRIETARY DATA

Proprietary data is the information which identifies the author and owner of a song. Always ensure the correct copyright information appears on your music, demos, lyric sheets, CD's, etc.

The usual format is: Copyright symbol & Date Author/Composer Publisher/Catalogue

For example: © 2009 Jenny White, Good Morning Music

HOW LONG DOES COPYRIGHT PROTECTION LAST?

Copyright in a song consists of two elements: there is a literary work (words) and a musical work (melody). These copyrights expire after 50 years from the end of the calendar year in which the author/composer dies. After the 50 years have expired the songs becomes Public Domain (PD). Once a song is PD you can freely reproduce the words and music without further permission being required. However, always check that the entire song is PD if there is a separate author and composer.

YOUR RIGHTS IN YOUR SONG

As the author/composer and copyright owner of a new song, you have the freedom to copy, perform, distribute, broadcast, adapt or arrange your own work. This means you can use it in your church without reference to anyone else. However, if you decide to sign any of your rights over to a Publisher, then the above is not applicable. If your songs are used by another person without your permission then it is possible that they have infringed your copyright and as owner you may make a claim against the user of your work.

This FACT FILE has been produced to offer guidance and advice to those who might write songs for worship services and associated church activities. It does not claim to be a full description of copyright law, and CCLI cannot accept any responsibility for any errors or omissions in the information provided.