

# Risk Reporter

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## Protect your congregation against copyright violations

Congregations use more original work than many other organizations — they celebrate and worship together through song, learn from watching videos and perform together to bring a message to the community.

“Congregations are very creative places,” said David Middlebrook, founding shareholder at the Church Law Group in Grapevine, Texas. “Every congregation is surrounded by many talented people. A lot of intellectual property is used and created.”

What most congregations don’t realize is that the songs they play and the videos they show are copyrighted by the original artist and using them could be against the law.

### Consequences of copyright violations

Congregations need to be vigilant about avoiding the use of copyrighted materials without permission.

“Following copyright guidelines demonstrates a heart of integrity. Copying or distributing works without rightfully remunerating the authors is no different than stealing goods from a store,” said Howard Rachinski, CEO of Christian Copyright Licensing International (CCLI). The organization provides congregations with simple solutions to copyright issues. “It’s a matter of conscience and character. Congregations should be a glowing example in society of doing that which is right.”

Penalties for using copyrighted materials without permission aren’t just marks on moral character. Very few congregations could afford to pay for the liabilities caused by copyright violation. Penalties could include paying actual damages, statutory damages per violation and attorney’s fees. Organizations could even be subjected to impounding and destruction of copies or equipment.

“Infringement is a violation of the exclusive rights of a copyright holder,” Middlebrook said. “Unfortunately, infringement is a strict liability. There is no innocent infringement clause.”

### Common questions about copyright

Congregations must take responsibility for learning copyright information and holding themselves accountable for obtaining the correct permissions. Sifting through information on copyright violations can seem daunting. Luckily, there are many helpful guides available to provide congregations with necessary information about common usage questions.

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## ( Copyright violations )

### What materials might be copyrighted that my congregation is using?

Any material that was created by another person or group, and exists in tangible form, is copyrighted. This includes books, publications, songs, productions, photography, movies, videos, podcasts, recordings and digital files.

Furthermore, the owner of the copyrighted materials holds exclusive rights to his/her materials. This means that only the owner of the copyright can make copies, alter the original work, distribute the material and perform or display the work.

### Our congregation worships together by singing songs. Are we not allowed to do this?

Worshipping through song is one way that congregations grow together and celebrate their faith. Singing together is not something that most organizations need to worry about.

"Congregations have some limited exemptions from some of the exclusive rights of copyright owners," Rachinski said. "For example, the copyright law provides a religious service exemption, which basically states that the singing of religious songs at a religious gathering is not a violation of the performance right of a copyright owner."

### We print lyrics to songs in our service bulletins. Is this a violation of copyright?

Making copies of music for use in bulletins and other promotional materials is the most common way congregations violate copyright regulations. Other copy activity of concern can include recording songs performed in congregation services and photocopying printed music books or materials.

"Congregations can avoid copyright violations by simply not doing any of those activities," Rachinski said. "However, that is not practical with the activities of a congregation. Consequently, congregations need to get permission from the copyright owner to do the above activities."

### Sometimes I reference certain materials in my sermons that might be copyrighted. How does that work? Am I in violation?

In general, sermons are protected against copyright issues as long as you are performing in your worship space for the benefit of your congregation. Reading an excerpt from a written piece or playing a song during a worship service is protected against copyright violations. The one exception to this protection is video. No video can be shown without written permission from the owner of the copyright.

"Keep in mind that sermons with copyrighted material cannot be repurposed or published in any way outside of the original performance, such as in a podcast or video," Middlebrook said.

### I have permission to play a video during our service. Do I also have the right to broadcast my service on our website or stream the audio?

Broadcasting any portion of your sermon that was copyrighted requires a separate set of permissions. If you plan to broadcast your services over your website, you must secure separate broadcast rights.

### I only used a very small portion of the copyrighted material. Is that really a big deal?

It can seem like playing or printing only a short excerpt is not a major infringement on copyright laws. However, even using a small portion of a copyrighted material is a violation.

"There are no legal rules permitting use of a small segment of a copyrighted material," Middlebrook said. "There are no legal allowances that permit a certain number of musical notes or a specific number of words. You need to have permission to use any portion of a copyrighted material."

### Isn't providing acknowledgment of the source enough to protect us from violation?

Providing acknowledgment is not the same as obtaining permission to use material that is copyrighted. Permission must be obtained in order to use the work.

## Avoiding copyright violations

The best way to avoid a copyright violation is to obtain permission for every piece of material that your congregation uses. When using intellectual property, look for information about who holds the copyright to the material. You must secure written permission in order to use work that is copyrighted.

"Congregations should adopt an intellectual property policy," Middlebrook said. "A comprehensive intellectual property policy should clarify the respective rights of all parties, thereby protecting the congregation."

Middlebrook suggests designating one point of contact at the congregation to handle copyright issues. This person should be trained in copyright law and be able to manage obtaining and renewing proper licenses and permissions before materials are used or published. Services, such as CCLI, can be used to purchase rights to songs and other materials as well as broadcast rights.

Copyright regulations can seem daunting when congregations aren't used to obtaining permissions for certain materials; however, it is of utmost importance that any infringements are corrected.

"Following copyright guidelines honors the rights of those who provide works to congregations," Rachinski said. "It is the right thing to do to recognize and appreciate their efforts."

- **For more information** about copyright infringement, visit [www.churchmutual.com](http://www.churchmutual.com), click on "Safety Resources" and select "General Risks."



## Managing Your Risks

### New video – Five Affordable Risk Management Tips

To help our customers focus more attention on controlling potential loss exposures at their worship centers, Church Mutual recently added a new video — *Five Affordable Risk Management Tips* — to our *Safety Series* video collection.

This four-minute video reviews inexpensive and easy-to-implement risk management tips you can take to help improve the safety and security for employees and volunteers working at your facilities and members and guests visiting your worship center. Tips reviewed in the video include:

- Ensure adequate lighting by keeping light fixtures clean and operational, and use energy efficient bulbs
- Automate outdoor lights to illuminate walkways and parking lots
- Clean boiler and furnace rooms to remove clutter and reduce the potential for fires
- Repair potholes in parking lots and fix sidewalks that are cracked or have raised surfaces
- Trim overgrown shrubs and tree limbs away from buildings

You can find this new video on our YouTube channel at [www.youtube.com/churchmutual](http://www.youtube.com/churchmutual) or visit the Safety Resources section of [www.churchmutual.com](http://www.churchmutual.com) and click "Videos."

Also, take some time to check out our six other videos in the *Safety Series* that address slips and falls, playground safety, pre-trip vehicle inspections, preventing copper theft, safety during services and swimmer safety.

Edward A. Steele  
Risk Control Manager

# Seasonal Spotlight

## Three steps for selecting a contractor

Whether you are looking for someone to assist with simple repairs or building a new addition, finding a qualified contractor who is a good fit for your organization will help ensure the construction process runs smoothly and the results meet your expectations.

### Prequalification check

Start by collecting recommendations for contractors from trusted resources, such as the National Association of the Remodeling Industry or a local building inspector. Once a small pool of candidates is established, it's important to review both their business practices and work history. Key areas of consideration should include:

#### Experience

"Look at how long the contractor has been in business," said Fred Malik, FORTIFIED programs director at the Insurance Institute for Business and Home Safety. "You want to work with someone who has an established work history with plenty of references and completed projects of similar size or scope."

#### References

"In addition, ask the contractor for a list of clients and be sure to follow up with several for references," Malik said. "Discuss their overall satisfaction with the project, including aspects, such as work quality, timeliness and ability to stay within budget."

Ask for financial references from a bank or supplier and check with your local Better Business Bureau to assure the contractor does not have any complaints.

#### Insurance

Require each candidate to provide a current certificate of insurance that covers both liability and workers' compensation insurance. Once you select a contractor to work with, you'll want to keep a copy of the certificate on file.

### Communication evaluation

Based on the results of your prequalification criteria, select at least three contractors to provide a bid and meet in person to discuss the project details and expectations.

"This step is crucial," Malik said. "You not only want to be comfortable with the details of the bid, but you also want to get a sense of the contractor's communication style."

### Contract finalization and review

Once you've selected a contractor, preparing the contract is the final step. The contract should clearly identify details of the job and specific criteria that need to be met. This includes making sure your contractor understands you expect all contractors working for your facility to follow all applicable state and national safety codes.

"The contract functions as a reference point for both parties throughout the construction project," Malik said. "Every detail needs to be identified — from the payment schedule and start date to specific materials and products to be used. Never assume something is going to be associated with a job unless it is written down and agreed upon before the project starts."

- For more information about selecting a contractor, visit [www.churchmutual.com](http://www.churchmutual.com).

# Q | A

## A Perspective

Many congregations choose to extend their ministry efforts outside of their organization through the distribution of promotional materials and literature. This type of activity requires careful planning

and coordination to ensure compliance and safety for everyone involved. Risk Reporter spoke with David Robinson, director of



Ministry at the Philadelphia Bible Society.

The organization donates scripture portions, Bibles and testaments to hospitals, nursing homes and detention centers. Robinson shared his advice for creating a safe and responsible distribution strategy.

### **Risk Reporter: What is the most important aspect for congregations to consider regarding material distribution?**

**Robinson:** Any congregation that engages in the distribution of materials or literature outside of their organization should have a policy in place that provides guidelines and best practices for this type of activity. The policy will help ensure the congregation has put careful thought into how and where materials are distributed.

### **Risk Reporter: What should organizations be aware of when selecting a location for distribution?**

**Robinson:** There are many different types of distribution to consider, ranging from door-to-door distribution in neighborhoods to a planned visit at a specific location.

First and foremost, it is important to have permission to distribute, regardless of the location. You should always ask a facility representative before beginning to hand out any type of material and be aware of and abide by any rules specific to the location. For example, if you are only granted permission to distribute materials on a portion of the property, make sure you comply with the rule. In addition, keep any written documentation that grants you permission to be on the premises.

If you are distributing door-to-door, make sure the neighborhood does not have a “no solicitation” or “no loitering” policy and be sensitive to the fact that some people might identify the offering of free materials as solicitation.

You also need to be aware of federal laws that might prevent you from distributing in specific places. For example, it is illegal to deposit any matter not bearing postage into a mail receptacle. Some state laws also might prevent you from distributing at locations, such as state parks, malls or parking lots.

### **Risk Reporter: When distributing materials, what tips can you offer in terms of professionally representing your organization?**

**Robinson:** Be aware of your actions and how they are being perceived. It is important to employ sensitivity, approach people respectfully and understand when your offer is not welcomed.

If a situation arises where you are approached by an authority, respond courteously and receptively to what they are saying. You might be accidentally breaking a rule, and it is important to obey them and not lose your distribution privileges.

### **Risk Reporter: What advice can you share that will help improve the safety of the individuals distributing materials?**

**Robinson:** Always make sure that distribution is handled by teams of at least two — not by an individual. Teams should be briefed on the guidelines covered in the organization’s distribution policy and always exercise awareness and caution.