

Copyright Considerations

From Parish and School Movie Nights
to Use of Printed Materials and Photographs

Presenter



Ella Aiken
Partner

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Gallagher_{LLP}

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Agenda

- What is a Copyright?
- Why this matters
- What rights does copyright confer?
- Copyright Enforcement
- Common Misunderstandings
- Best Practices

What is a Copyright?

- Copyright is a form of protection provided by the laws of the United States to the authors of “**original works of authorship**” that are “**fixed in a tangible medium of expression.**”
- Copyright is available for works such as:
 - Literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works. (Copyright Act)
 - *books, music, plays, choreography, artwork, graphics, films, videos, sound recordings, and architectural designs (plain language)*



Why this matters

- Risk Mitigation
- Legal Compliance
- Religious law & Christian principles
- Respect for intellectual property

The Catholic Church and its representative should follow copyright laws because doing so upholds both secular and religious laws, respects intellectual property its creators, and avoids legal penalties and fines. Following copyright laws aligns with Christian principles of respecting authorities and refraining from theft, while also ensuring that creators are compensated for their work, enabling them to continue creating new works that enrich our community. Ultimately, respect of intellectual property is an issue of human dignity for those involved in the creation of the original materials.

What Rights Does a Copyright Confer?

- Copyright confers a “bundle of rights”
 - **Reproduction** (making copies of a work, including through recording)
 - **Distribution** (transferring ownership or custody of a tangible copy, including by email)
 - **Public performance or public display** (reciting, rendering, playing, dancing, acting, or showing a work in a place open to the public, including on social media)
 - **Derivative works** (making adaptations of a work, such as translations, art reproductions, or a film based on a book)
 - **Digital performance right (sound recordings only)** (public performance of a sound recording by digital audio transmission, such as internet radio or satellite radio))
- License required for each right within the bundle.

Copyright Enforcement

- **Demand Letter** - Enforcement often begins with a demand letter or email that may look like a hoax or spam.
- **Statutory Damages** up to \$150,000 *per an infringement*
- **The internet is forever.** AI is increasing enforcement capabilities.
- **Controlling who publishes.** Common risk in education, religious, and non-profit orgs is who makes content control decisions – students, volunteers, etc.

Common Misunderstandings

1. Lack of symbol © does not mean no copyright exists

A copyright owner does not have to use the © copyright symbol to obtain the benefits of copyright protection.

2. Not all use for educational purposes qualifies as Fair Use

“Fair Use” is not an absolute defense to copyright infringement for all education purposes.

3. Attribution does not absolve

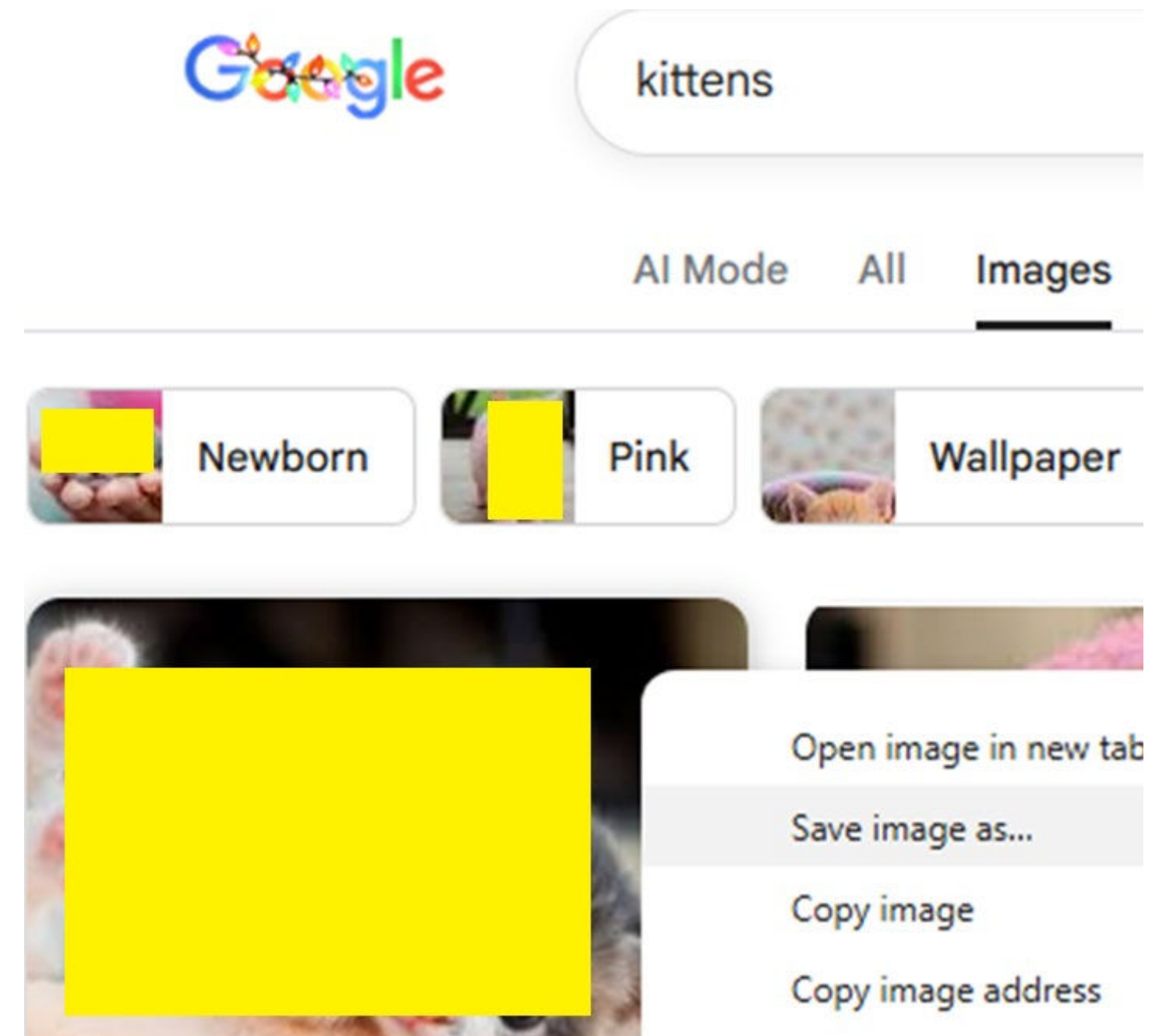
Attribution does not excuse copyright infringement.

4. Non-commercial use is still infringing

Non-profit and non-commercial use (community news letter, club activity, etc.) does not excuse copyright infringement.

Best Practices

- **Web images.** Images located on internet sources are likely owned by someone and are generally not available for free use by the public.
 - Avoid copy-and-pasting images when creating parish bulletins, school newsletters, email blasts, Christmas cards, content for school and parish websites, or any other materials.
 - Use images that your parish or school has created or licensed (e.g., Canva)
- **Control who posts. Share policy routinely.**



Best Practices

- **Movie Nights and Live Television Broadcasts**
 - A movie subject to copyright protection may be publicly screened if a proper license is obtained in advance. Organizations like the Motion Picture Licensing Corporation, Criterion Pictures USA, and Swank Motion Pictures distribute licenses for popular films.
 - There are specific restrictions on when and how church-related entities can host “viewing parties” for live television broadcasts (including sports events). Check with the Office of Risk Management before organizing such an event.



Best Practices

- **Recording and sharing non-original music.** Musical works of others generally cannot be re-recorded and shared with a wider audience.
 - Right to publicly perform not included in purchase of sheet music,
 - Musical works created by others generally may not be re-recorded, uploaded, or shared with a wider audience without proper licensing.
 - Avoid uploading, sharing, or recording songs stored on your local computer or phone when creating parish or school social media posts (e.g., Facebook, Instagram, TikTok). This restriction applies even when music is used only as background audio.
 - Whenever possible, use audio made available directly within the social media platform you are using. Platforms such as YouTube, Instagram, and TikTok maintain audio libraries of tracks already licensed for use on their services. Use only those tracks unless you have obtained permission or a license from the rights holder.
 - Resource: OneLicense

Best Practices

- **Link when possible.** Do not screen-share copyrighted content.
- **Use licensed sources.** All Archdiocesan schools have a license with Discovery Education Experience. Canva, Getty Images provide options to license works images.
- **Use public domain works.** Works published on or before December 31, 1929 are not subject to copyright protection (*e.g.*, Charles Dickens, Jane Austen, Shakespeare, Homer's Iliad).
- **Do not stream or screen share copyrighted material . . .** unless you have a license or express permission of the owner (or Fair Use applies).
- **Do not email copyrighted content.** Instead, provide a link for students to access the material on their own internet browser.
- **Seek advice** if unsure!

Thank you!

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