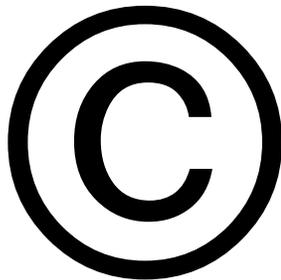


Thou Shalt Not Steal... Intellectual Property (And How to Make Sure You're Not)

The Basics of Copyright and Intellectual Property

1. In the United States and in countries adhering to the Berne Convention (1989), all original work obtains copyright automatically when they enter a "fixed tangible form of expression." No registration or mark is required, though they can be useful in establishing copyright later.
2. Written material, musical compositions, images, choreographed routines, video and audio recordings can be copyrighted. Phrases, ideas, and things that have not been given a fixed form can not, nor can items in "common property" such as weights and measures tables, calendars, and rulers.
3. In most cases, the author/creator owns the copyright, the ability to determine who can or can not reproduce the work. A "work for hire," such as those produced by employees or under commission, belongs to the employer.



4. In the United States, copyright endures for seventy years after the author/creator's death. After that, the work enters the public domain.
5. In the United States, material produced by a federal employee in his or her official capacity is in the public domain. Note that this does not always apply to state or municipal employees.

Phrases and images that are not protected by copyright may be registered trademarks. For instance, "Safe Church" is a registered trademark of the GuideOne Mutual Assurance Company of Iowa.

A large, bold, black trademark symbol consisting of the letters 'TM' in a sans-serif font.

www.copyright.gov

www.uspto.gov/trademarks

Who Owns Your Sermons?

Your church does. They are considered "Works for Hire."

Here is some covenant language that allows a pastor to retain rights to authored material:

XIV. RIGHTS OF PASTOR IN AUTHORED WORKS

Church and Pastor acknowledge that sermons and other original written and spoken theological reflections authored by

Pastor (collectively, "the works") are ecclesiastical events and moments which are the product of deeply personal spiritual reflection, prayer and discernment by Pastor. Church and Pastor agree that regardless of when and where such reflection, prayer, discernment and preparation of the works occurs, whether or not on Church premises or using Church facilities and whether or not during regular Church hours of operation, the content of such works remain personal to Pastor, with Pastor retaining all ownership, copyright, and other legal interests in such works and having unfettered discretion to reprise or republish such works for other purposes and at other times, and to alone have claim to any financial benefits that may attend thereto. Church and Pastor do not intend for this acknowledgment and agreement to constitute the conveyance by Church to Pastor of either a taxable or tax-free excess benefit, but rather to reflect the ecclesiastical reality of the formation and ownership of these works. As long as the Pastor and Church are engaged in ministry together, Pastor grants to Church a non-exclusive and royalty-free license to use, reproduce, distribute, create derivative works of, publicly perform and publicly display such works (whether solely or jointly with others) in any media. Such license shall continue in effect (i) while this call is in effect and (ii) thereafter, with the consent of Pastor. In no event shall use of such works by Church be for purposes of its commercial gain; provided, that any such use in the ordinary course of Church's stewardship or capital improvement campaigns shall not be considered a prohibited use for commercial gain. Church and Pastor agree at this time to amend the terms of this agreement regarding such works at any time and in any manner as Pastor in her sole discretion deems

advisable to better and more fully reflect the intent of the parties expressed herein.

Fair Use

The four factors of Fair Use:

1. **The purpose and character** of the use, including whether such use is of commercial nature or is for nonprofit educational purposes,
 1. Is it commercially motivated?
 2. Is it productive or transformative?
 3. Was the use done in good faith?
2. **The nature of the copyrighted work**,
 1. Copying factual information is more fair use than copying fiction.
3. **The amount and substantiality of the portion used** in relation to the copyrighted work as a whole, and
 1. The more of a copyrighted work that is used, the more likely it will be ruled infringement.
 2. The following have been ruled examples of fair use:
 1. quotations or excerpts in a review,
 2. quotations in a scholarly or technical work for illustration or parody,
 3. Summary of an address or article, with brief quotations, in a news report,
 4. Reproduction by a library to replace part of a damaged copy,
 5. Reproduction by a teacher or student of a small part of a work to illustrate a lesson,

6. Reproduction of a work in legislative or judicial proceedings,
7. Incidental reproduction, such as in the background of a video broadcast.

4. **The effect of the use upon the potential market** for, or value of, the copyrighted work.

1. If it appears likely to reduce the market for the original work, it is less likely to be deemed fair use.

fairuse.stanford.edu

Public Domain

Eventually, copyright expires, and the work enters the public domain. In the United States, published works created before 1923 are in the public domain.

Works published before 1964 *may* be in the public domain, as the law required copyright renewal to extend it before that year. Maps, music, and movies generally had their copyright extended, where other kinds of works did not.

Getting Permission

Licensing Programs

www.licensingonline.org

www.ccli.com

www.christiancopyrightsolutions.com

www.onelicense.net

istockphoto.com



Creative Commons

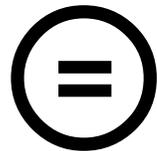
Creative Commons allows copyright holders to retain copyright yet make their work available to others without fee under a set of conditions they determine.

The Four Options:

1. Attribution: All CC licenses require attribution of the original content creator.



2. No Derivative Works: When this option is selected, the licensee has to use the work unchanged and whole.



3. NonCommercial: When this option is selected, the licensee cannot sell a work containing the licensed work.



4. ShareAlike: A new work that derives from the licensed work must also be shared with an identical Creative Commons license.



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search.creativecommons.org

Creative Commons licenses can be used to allow you to make your or your church's work available, and it can also be used to find resources that you can use.

search.creativecommons.org

Resources

Hammar, Richard, R., *Essential Guide to Copyright Law for Churches* (Carol Stream, IL, Christianity Today International), 2010.

Stanford Copyright and Fair Use Center:
fairuse.stanford.edu

US Copyright Office: *www.copyright.gov*

US Patent and Trademark Office:
www.uspto.gov/trademarks

Acknowledgements

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Thanks to the Rev. Alison Buttrick-Patton and to Don Clark for the covenant language "Rights of Pastor in Authored Works."