

The Copyright Game

Copyright 101

Infringement

Music

Public Domain

Bonus
(Trademark)

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Copyright 101 questions follow

A copyright is a set of rights granted to creators of original works of authorship that are fixed in a tangible form of expression.

Which of the following cannot be copyrighted?

- a) A musical composition
- b) A book
- c) An architectural drawing
- d) A list of ingredients for a recipe
- e) Computer Software

Answer- D

“A mere listing of ingredients is not protected under copyright law. However, where a recipe or formula is accompanied by substantial literary expression in the form of an explanation or directions, or when there is a collection of recipes as in a cookbook, there may be a basis for copyright protection.”

<https://www.copyright.gov/help/faq/faq-protect.html>

What rights does a copyright holder have regarding their copyrighted material?

- a) Copy
- b) Distribute
- c) Publicly Perform
- d) Display
- e) Make Derivatives
- f) All of the above

Answer- F

The copyright owner has the exclusive rights to copy, distribute, publicly perform, display, and make derivatives of their copyrighted work.



How do you obtain a copyright?

- a) By registering it with the United States Copyright Office
- b) By placing a © on your work
- c) By fixing the work in a tangible form of expression
- d) By registering it with the United States Patent and Trademark Office
- e) All of the above

Answer

Answer- C

While registration and using the © are not required, there are some benefits.

John Doe works at the Conference in the treasury department and has created a resource book for treasures as part of his job.

Who owns the copyright to the book?

- a) John Doe
- b) The Conference
- c) Both
- d) Neither

Answer

Answer- B

This is considered a Work for Hire and belongs to the employer

A work for hire is a work prepared by an employee within the scope of his/her employment; or in some instances work created by a 3rd party when the certain conditions are met

How long does a copyright last?

- a) Forever
- b) 70 years after the death of the author
- c) 95 years from the first publication of the work
- d) 120 years from the creation of the work
- e) It depends

Answer- E

A copyright lasts for a fixed period of time. While the length of a work's copyright will depend, among other things, on when the work was created and/or published, all copyrights eventually expire.

Once a copyright lapses or expires, the work falls into the public domain and can be used without permission of the owner.

Depending on the circumstances of a work's creation, the copyright in works created on or after January 1, 1978 generally lasts until one of the following:

- 70 years from the end of the calendar year in which the author of the work dies.
- 95 years from the first publication of the work.
- 120 years from creation of the work, if the work is unpublished.
- Different duration provisions apply to works created before 1978

Infringement questions follow

Which of the following is not copyright infringement?

- a) Copying and distributing a book or pamphlet without permission
- b) Using a well known song and creating an arrangement to sing
- c) Putting music from a CD that you bought onto your website
- d) Putting a photo that you found on google into a PowerPoint presentation
- e) None of the above

Answer- E

Copyright infringement is use of whole or part of copyrighted material without permission



True or False

Pastor Jones wants to use a video that he found online as an illustration in his upcoming sermon. This is fine since the church is a non-profit and the material is available online.



Answer

Answer- False



Which of the following are penalties for copyright infringement?

- a) Statutory fines of up to \$150,000
- b) Jail time
- c) Neither
- d) Both



Answer

Answer- D



Is the following ok-

Anychurch Seventh-day Adventist Church is wanting to create a daily devotional by sending a Chapter of the book of Psalms in the NKJV every day to each of it's members

Yes

No

Yes, with permission



Answer

Answer- Yes, with permission

HarperCollins Permission Page



Which of the following is not a way to avoid copyright infringement?

- a) Use material that is in the public domain
- b) Use material that you have received permission from the copyright holder to use
- c) Use material that you find available on Google
- d) Use material that you are the copyright owner of
- e) Use material that qualifies as Fair Use

Answer

Answer- C



Music questions follow

True or False

Churches are fine playing and performing music during their religious services without getting permission



Answer- True

Music performed in church has a copyright exception under law
US Copyright law states that the “...performance of a non-dramatic literary or musical work or of a dramatico-musical work of a religious nature or display of a work, in the course of services at a place of worship or other religious assembly””shall not constitute infringement of copyright”. 17 USC 110

This applies to:

- Performances during religious service

True or False

The praise team at Anychurch Seventh-day Adventist Church wants to sing a new song they heard on their local gospel station and share the lyrics on the screen with the church members to teach them the words. This is fine since US Copyright law provides an exception for Churches to perform music without a license.

Answer- False

The copyright exception for churches does not apply to:

- Streaming
- Copying the lyrics to display
- Performances outside of religious services



Anychurch Seventh-day Adventist Church wants to be able to stream a concert that they will be having. Which of the following organizations might Anychurch need to get a license from to do this?

- a) CCLI
- b) NAACP
- c) A PRO (BMI, ASCAP, SESAC)
- d) CCS
- e) a, c, or d

Answer- E

Performance Rights Organizations allow-
Performance or transmission of the work in public.
Performance License through a PRO (BMI, ASCAP, SESAC) or Churches can use services such as CCLI and CCS



Anychurch Seventh-day Adventist Church wants to add some background music to its website. What type of license will it need?

- a) A Performance License
- b) A Mechanical License
- c) A Master Use License
- d) A Synchronization License
- e) All of the above

Answer- D

Master Use (Dubbing) License

Cover the Actual recorded version of a song (rights usually held by the record label or artist)

Performance Rights

Performance or transmission of the work in public.

Performance License through a PRO (BMI, ASCAP, SESAC)

Mechanical License

Reproduction rights needed to reproduce and distribute a specific composition (such as making a dvd)

Work with a rights society or publisher on behalf of the record company(Harry Fox Agency)

Synchronization License

the licensing of musical works to be synchronized with moving pictures as background in a motion picture, television program, video, DVD, etc

Cover the Composition and lyrics of a song (rights usually held by the music publisher representing the composer/writer)

Yes, No or Maybe?

Anychurch Seventh-day Adventist Church has a license agreement with CCLI and/or CCS to stream the musical portions of its service so it is fine to stream an arrangement of a song that one of its musical leaders created



Answer- It Depends

Is the song protected by copyright?



Public Domain questions follow

True or False

Jane Doe can make an arrangement of the Hymn, "Shall We Gather At the River" without having to get permission first

Answer- True

The hymn “Shall We Gather At the River” was composed in 1864 and is now in the public domain



True or False

Jane Doe can make an arrangement of the Hymn, "We Have This Hope" without having to get permission first



Answer- False

“We Have this Hope” is still protected by copyright.



True or False

Photos that are available via a Google search are in the public domain and free to use.



Answer- False

However; if you find photos, videos or other material that is covered under a creative commons license then you would be free to use the material under the terms of the license without having to contact the content owner

True or False

YouTube videos are in the public domain and free to use



Answer- False

YouTube Terms of Service



True or False

Pastor Jones went online and found a sermon that he was extremely moved by on another church's website. He decided his church could really benefit from hearing the sermon and decides to copy the sermon verbatim. This is fine since he found the sermon online.

Answer

Answer- False



Trademark questions follow

A trademark is a distinctive word, phrase, logo or sign that identifies certain goods or services produced or provided by an individual or a company.

Which of the follow is no longer a registered trademark?

- a) Nike
- b) Thermos
- c) Adventist
- d) Xerox
- e) Super Bowl

Answer- B

Trademark rights can be lost through genericity. Sometimes, trademarks that are originally distinctive can become generic over time. A word will be considered generic when, in the minds of a substantial majority of the public, the word denotes a broad genus or type of product and not a specific source or manufacturer.

So, for example, the term "thermos" has become a generic term and is no longer entitled to trademark protection. Although it once denoted a specific manufacturer, the term now stands for the general type of product.

Which of the following are registered trademarks of the General Conference Corporation of Seventh-day Adventists?

- a) Seventh-day Adventist
- b) Adventist
- c) The church logo
- d) Pathfinder
- e) All of the above



Answer- E

Trademarks owned by the Church may be used by others as outlined in General Conference Working Policy



True or False

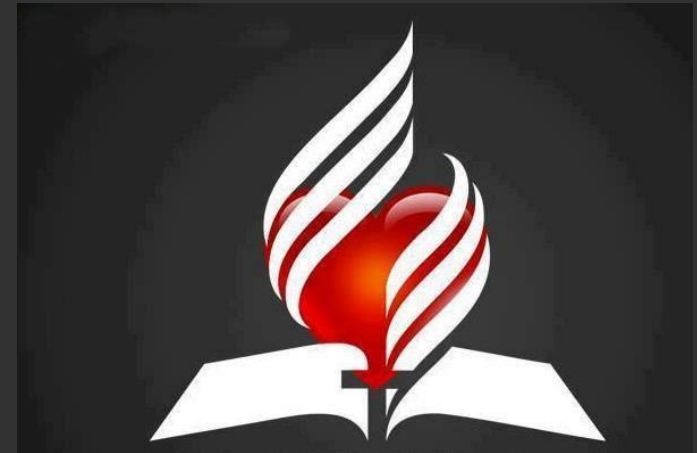
Under the new Adventist identity guidelines churches are free to modify the logo, as they see fit, to meet the needs of the church.



Answer

Answer- False

- found at: www.identity.adventist.org
- In order to maintain the integrity of the trademarks, it is important to avoid any treatment that would tend to weaken or distort the visual strength of our identifiers.
- The basic form of the symbol must not be modified or distorted.
- Elements must not be added to, or subtracted from, the symbol
- The symbol must not be altered in any way that would alter the symbolism of the design.



Question

Anychurch Seventh-day Adventist Church wants to start a new ministry (with a magazine, podcast, and webpage) and call it "Alive". What should Anychurch do before using the name?



Answer- check to make sure that they are not infringing on someone else's trademark for the name.



If you see an individual or organization using one of the Church's trademarks and you don't think they have permission what should you do?

- a) Do nothing, Its okay to share.
- b) Contact the Patent and Trademark office to report the infringement.
- c) Physically attack the individual in defense of the church's trademark.
- d) Contact the GC Office of General Counsel.

Answer d- Contact woodsje@gc.adventist.org

