

Returning to Choir post COVID-19 Stage 4 Restrictions – Things to Keep in Mind

You would recall Fr Peter, embracing cost-reduction strategy, gave instructions to choirs to use only songs listed under Public Domain. It is self-evident, that although this is aligned with reducing parish costs, this can be very limiting a resource given the readings of the Sunday varies and/or the choir performing may not be familiar with some of the traditional songs.

And just as we thought we could be saving the parish from paying for license if we use songs under Public Domain, we cannot avoid using *Mass of St Francis (MOSF)* because this is the Mass Setting most commonly known and used in most Catholic churches in Australia. Problem is, MOSF is protected by copyright.

Choir before COVID-19, we perform MOSF liberally and other songs without having to worry much about copyright license, so long as we do not reproduce the song in any matter, shape, or form, because according to APRA AMCOS Music Copyright Guide for Churches:

You can play copyright music within a service of worship without being required to get license from *Australia Performing Right Association (APRA)*. This is because although you are playing music (either live or a recording) APRA considers the use of music in this context exempt from public performance licensing requirements. This includes services that are held outside the church e.g., outdoors or in a separate hall.

Other conditions which allows us to perform/play copyright music:

1. It is performed during the service (not church events like parish concerts, opera, musicals, revues, etc)
2. It is not reproduced in digital or print form (no photocopying of music/text, no slides, PowerPoint, Mass music booklets, etc.)
3. It is not recorded to produce a CD to make a profit
4. It is not performed in concerts, operas, fund-raisers, etc. to make profit
5. Music arrangements are not modified (you need license to modify music and/or text)
6. It is not sent around through email and not posted or uploaded on the internet, streamed / podcasted

Choir during COVID-19, we video record, stream / podcast Masses and we post the recorded Masses on our parish YouTube channel. This is what led us to getting *One License* Limited Podcast / Streaming License.

One License Limited Podcast / Streaming License.

This license allows us to

- perform songs listed under One License
- podcast / live stream the worship
- upload pre-recorded video
- post as many services containing covered songs for one year

but nothing more (not allowed to reproduce the original music in any shape, matter, or form & does not permit to share words or music notations in any type of capacity)

- no song lyrics
- no melody lines in the stream
- not allowed to share handouts
- not allowed to download songs or texts from OL database
- no emailing of the music
- no PowerPoint or worship aid (text you would see on projection/digital screen)
- no reprint box at the back of octavo
- You are not allowed to take someone else's recordings and use them in your livestream or pre-recorded Mass without permission. You need to request permission from original copyright of the sound recording and permission from underlying copyright (no one else can provide this permission).
- you are not allowed to include or share commercial track and/or mp3 (songs recorded in a studio, downloadable on Amazon, found on a CD) during the service – you will need Mechanical License
- You are not allowed to use recordings in a way not to give musicians job. You cannot just furlough your organist/instrumentalists and play a CD/recording for the Mass. There's a justice element in this.

YouTube or Facebook or any other site have all kinds of bat scanner app that are constantly scanning videos. They will immediately strike our video if it includes any type of commercial recordings. If caught, it is going to be a full stop for us.

What about contemporary worship songs or songs from CCLI? Some of the songs found in CCLI are also listed under OL e.g., *Open My Eyes*, *A New Commandment*, etc. So if there are songs you would like to perform listed in CCLI, I suggest that you check it with OL because you might be in luck and find that the song is listed in OL, too.

Why can't I use the song? We often get these questions from music ministers –

'We or I know a choir who played/have sung this song in another parish and it was alright to use how come you're telling us we cannot use this?'

We do not know what license other parishes have. Blanket license does not exist in the Diocese of Broken Bay. Every parish get may opt to choose their own license.

or

'I heard someone play/sing this in the Cathedral few weeks ago, how come you're telling us not to use this now?'

If the song was played/sung before in the Cathedral when they are not supposed to – the reason could either be: a) probably the music minister may not be aware because they did not bother checking if it is under One License or b) music minister have “forgotten”, even after they were advised not to use the song.

We're not the cops – Copyright Compliance The idea of compliance is closely tied to the idea of risk reduction.

We at the parish office are here to help you to make sure you do not run the risk of violating any applicable rules which is why we inform/educate you about the copyright law and what you can and cannot do using our current license. Be that as it may, we can only make recommendations for you to adhere to the laws, but we have no control over anyone if on the day you decide to perform a song without license.

Having said that, keep in mind that the basic principle of liability is that the independent actor is responsible for their independent actions. Therefore, onus is on you when you infringe the copyright law and potentially the organisation.

Which songs can I use for the Mass: Preparing your run sheet

You may use any songs which are listed under

- **Public Domain** – these are works of author who died **on/before 31 Dec 1954** (if author died on/after 1 Jan 1955, the work is under copyright).

In the US, works enter Public Domain 95 years after publication (up to 1924 and then at the end of this year up to 1925). Keep in mind that **Australian law applies to copying within Australia no matter where the work was originally written or published**. Australia is a party to a number of international treaties that protect copyright material.

However, there are a lot of arrangements of Public Domain songs that are under copyright so then it would require licenses to be able to perform them. Check this in One License.

- **Songs listed under Hornsby Cathedral Parish website Copyright Permissions**
Here's the link <https://www.bbcatholic.org.au/hornsby/groups-and-ministries/liturgical/music-ministry>
- One License

Before anything else, especially if the Mass is going to be podcasted / streamed, go to www.onelicense.com

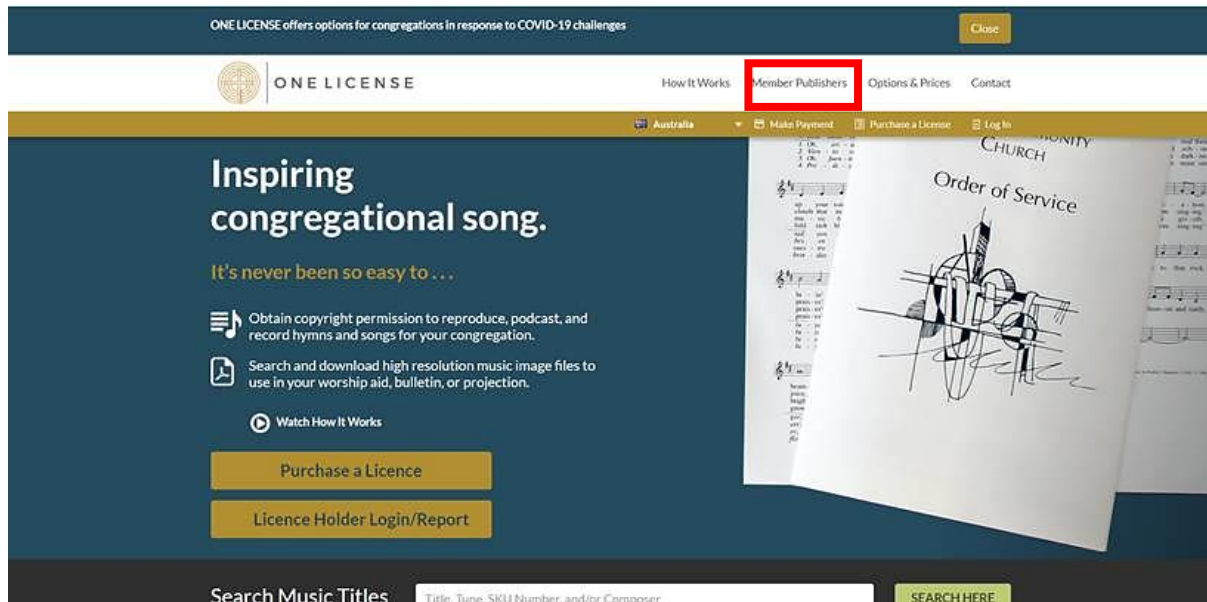
1. **CHECK** if the publisher allows for it to be podcasted/streamed
2. **SEARCH** the title if the song is listed under One License

If you cannot find the song under One License after filtering your search in this order, Search by Title, Composer, Publisher - **do not use the song**.

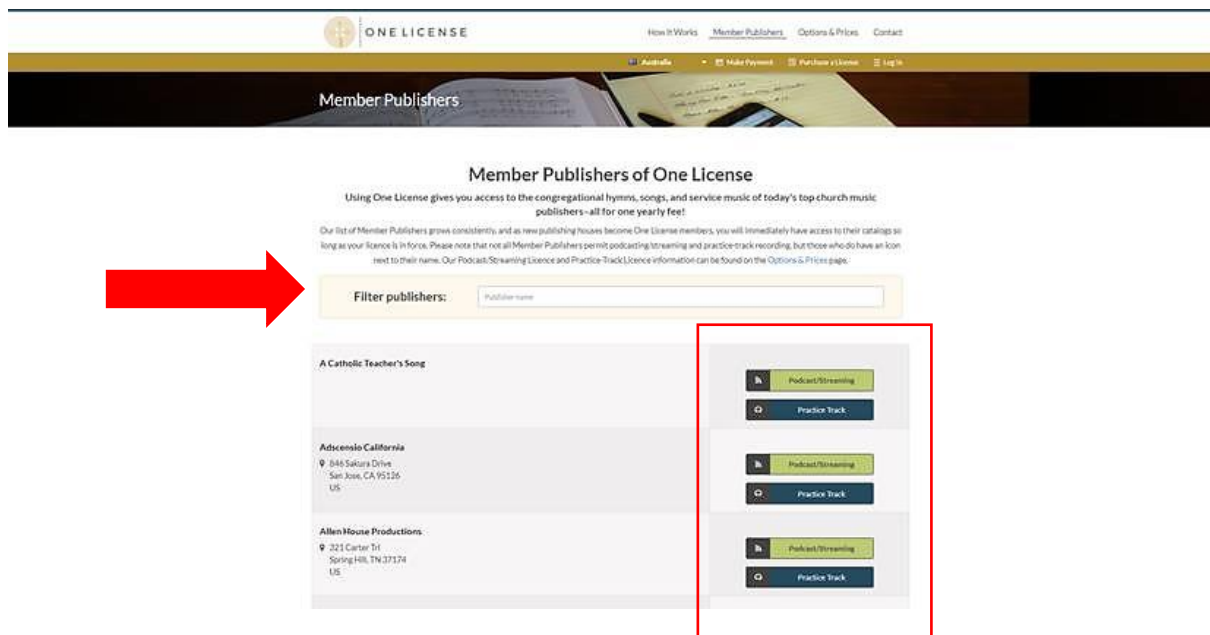
3. **REPORT** by submitting the run sheet to the parish office before you perform.
Having license is not enough, it needs to be reported. To save you time from writing all the details about the song (author, composer, year published, and publisher) you can just write **Title + SKU number**
4. **Email** the final list of hymns selected to bella.jakubek@bbcatholic.org.au at least 5 working days prior to performance.

Where can I find the Member Publisher?

Here's where you can find the Member Publisher (see image below, it's marked with red box). Click **Member Publishers**.



After clicking **Member Publishers** you will see this page



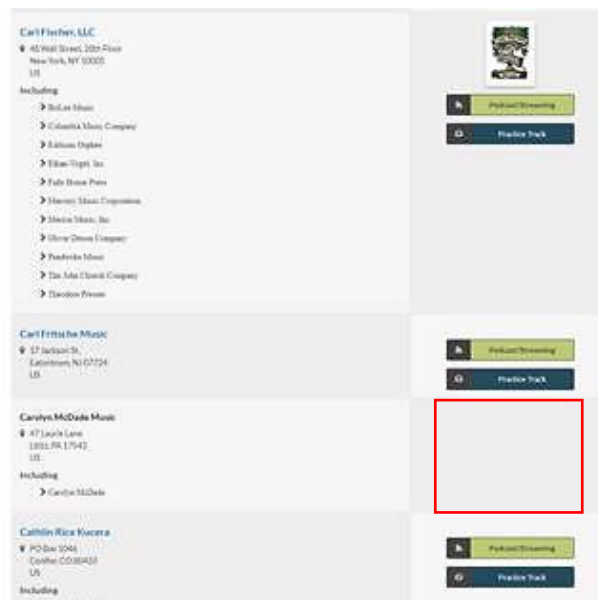
To check if publisher allows podcasting/streaming, write the name of publisher on the **Filter publishers** (red arrow above pointing to where you will type the name of the Publisher)

If you are using PC you will see opposite the name of the publisher is a green button which says **Podcast/Streaming** (see image above, boxed in red)

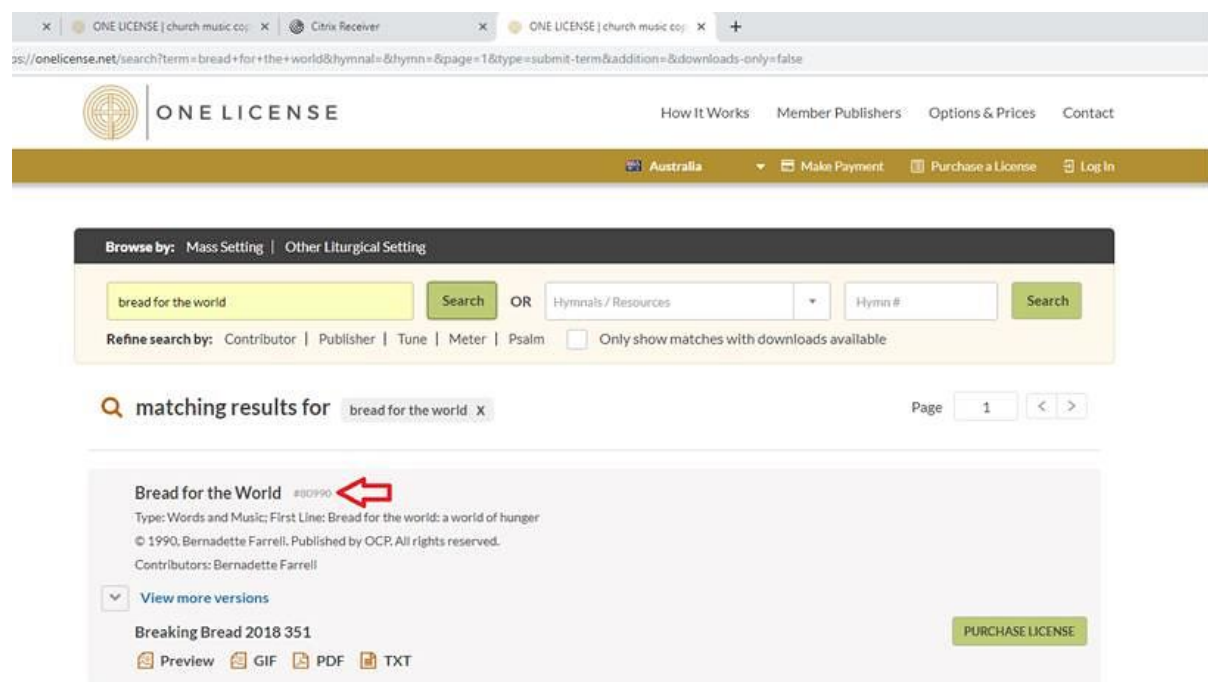
If you are using mobile phone you will see the green button below the name of the publisher which says **Podcast/Streaming**

If you scroll further down to *Carolyn McDade Music*, notice that it does not show the green button **Podcast/Streaming**. (see image below)

This means, any songs published by *Carolyn McDade Music* should not be podcasted/streamed.



Where can I find the SKU number in One License? See image below, red arrow pointing to SKU.



Additional Notes

1. **Slides** – not required (as congregational singing is discouraged)
2. **Part of Mass** – can be sung (Mass of St Francis) or chanted (ICEL Chant), check with presider
3. **Do we need to list our podcast license number in the description?** Yes
4. **Do we need to include our titles and composers in the description?** Yes
From integrity and justice perspective and to make sure bats ignore striking our videos, we need to include our license number on each video, the song titles and the composers. The social media side will catch us a lot faster and can put some claims on our account if caught infringing copyright laws.

5. **Communicate** with presider re:

5.1 'What follows after *The Introductory Rites*'?

Fr Biju, just like Bishop Anthony, he follows the Traditional Order of Mass i.e.,

BM : I confess to Almighty God

BM : May almighty God have mercy on us, forgive us our sins, and bring us to everlasting life. Amen

then Choir sings Kyrie and straight into Gloria

whereas

Fr Peter follows the New Order so he would say,

PD : Brothers and sisters, let us acknowledge our sins, and so prepare ourselves to celebrate the sacred mysteries

(pause 3 sec)

Choir sings Kyrie or Lord have mercy

PD : May almighty God have mercy on us.... Amen

Choir sings Gloria

5.2 "What Memorial Acclamation to use (1, 2, or 3)? "

5.3 "Gospel Acclamation is going to be sung or not? If yes, will choir sing the verse too?"

6. The Order of Mass

6.1 Entrance – 1 Refrain + 1 verse only

6.2 Kyrie – sing the cantor part only, do not wait for congregation to respond (if unsure watch HCP Mass on YouTube on 4-Oct-20)

6.3 Psalm – Read only

6.4 Gospel Acclamation – If you wish to sing the verse, make sure that the Gospel Acclamation verse is the same as the music. If you wish to modify the verse to match the week's Gospel Acclamation, you will need to seek permission from the author of the text, the composer of the music, and the publisher. If you don't get a permission on time, sing the refrain only

6.5 Offertory – Begin immediately after Prayers of the Faithful. End after presider has washed hands.

6.6 Agnus Dei (Lamb of God) – played immediately after Priests says "**Sign of Peace**" if it's **PD**, but if it's **BM** wait 2-3 seconds (because he allows people to say "Peace be with you") before playing Lamb of God.

6.7 Communion – Begin when presider receives the sacrament. If you are using short Communion Hymn, try to insert instrumental part at the beginning/middle. End after the last member of the choir has taken Communion. The idea is to have 1 Communion Hymn as we are one Body of Christ.

6.8 Spiritual Communion – While the Spiritual Communion is read, the Instrumentalist or singer who has not received Communion may take this opportunity to do so.

6.9 Thanksgiving – Begin immediately after Spiritual Communion

*** Bishop's Mass / Diocesan Mass** – you will need to work closely with the Emcee and Chancery (check preferred Mass Setting, incensing, Sprinkling of Water Rite if any, Kyrie, Memorial Acclamation #, Our Father sung/chanted with or without accompaniment,

Liturgy of the Eucharist *'For the Kingdom the power and the glory are Yours' sung or chanted, announcements if there's any, etc)*

7. **Amplification** – Go to AV Room and switch on **#2** (on the wall) to power **ON** the hanging overhead choir condenser. No need to use individual mics for a group of 5 vocalists (instrumentalist included) as you will easily be heard in small gathering in the church. Individual amplification is only necessary for when the Mass is streamed as the camera audio does not really pick-up the choir well. Individual amplification may also be used if there's only 1-2 singers (assuming one is the main singer and the other is accompanying and helping out with the singing).

8. To limit risk of COVID transmission

8.1 No sharing of music - Avoid sharing music/hymn book or passing them around

8.2 Mask – your choice if you're comfortable to wear during choir

8.3 Sanitise – practice safe hygiene by sanitising hand before receiving communion

8.4 Music equipment – sanitise before and after using music equipment (this includes music stand) with disposable wipes or cloth with soap **Do not wipe the Piano and Organ.**

8.5 Do not congregate – at the conclusion of the Mass, please do not congregate