

Copyrights... What's a Parish to Do?

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Since the copyright lawsuit has been filed against the Archdiocese of Chicago, there has been much concern about the issue locally. What's happening? What are the issues at stake? How do we solve the problem where it exists?

Basically, what is happening is that F.E.L. Publications, Ltd. is seeking restitution for damages incurred because parishes allegedly have "pirated" copyrighted music. Such activity is in violation of federal copyright laws, which protect the creative genius of writers, artists and composers, and forbid the reproduction of their works without the permission of the owners.

This raises several key issues. The right of composers and publishers to make a living from their work is above question. A person's dignity derives in many ways from his/her work. Thus, the right to earn a living must be fostered, protected and upheld, especially by the Church. This makes the observance of the federal copyright law a moral obligation.

However, parishes have rights, too. They should have good liturgical music available to them, both at a morally justifiable cost (this may not mean "cheap") and through a simple, understandable process. The latter is where we run into trouble since the policies for obtaining copyright permission from publishers are widely diverse and incredibly complex. The necessity of applying for copyrights arises because there is no single hymnal,

especially in the folk style, that has an adequate selection of good music. Such a hymnal does not appear to be forthcoming since publishers have refused to share copyrights among themselves of works they own. So, a parish must put together its own hymnal if it seeks an adequate book to aid its worship.

How can a parish go about addressing the situation of obtaining copyright permission? Let me suggest three "easy" steps.

1. Do not copy anything from this time on without getting permission from the copyright owner to do so. Rely instead on those musical resources you already have available to you, until you can prepare a hymnal more suitable to your particular worship needs.

2. Review your present materials. A first important step in this process is to check to see if copyrights had been obtained when a hymnal was first produced. In the past, most publishing companies required a copyright fee only for initial reprinting of music selections; so, in the case of music you are presently using, these permissions may already have been obtained.

If not, the opportunity is now presented to you to assess the music you are using, to weed out some selections and to add others. Ask yourselves: is this selection really suitable for worship? Is it liturgically appropriate? Is it expressive of the worship of the gathered congregation? Is it singable by a congregation or is it primarily a work for a soloist? What new resources can we draw from?

Once this sifting process is completed, make a list of the selections you want and try to identify the owners of these works. If some cannot be found, or you don't even know where to look drop the listing in the mail to the Office of Liturgy, 1150 Buffalo Road, Rochester, N.Y. 14624. We have developed fairly extensive resources and should be able to locate the appropriate information for you. Then you can move on to the next step.

3. Obtain copyright permissions. Since many parishes and the Liturgy Office have compiled much of the information on policies for obtaining copyright permission, there is no need for every parish to do its own research. Write the Office of Liturgy and we will provide you with the policies for each company you wish to deal with, a cost estimate for the listing of songs you want to reprint, and a form letter for use in writing for permission.

We have discovered in past projects that there is no advantage in the diocese obtaining copyrights or publishing a hymnal. At the moment, the burden of

writing the publishers for permission to reprint songs falls to each parish. It has the advantage of producing a songbook suitable for the worship of that particular community.

The initial expense of this project will not be cheap, no matter what selection of songs is made. In addition, some companies require an annual renewal fee for the reprint license. While this may be a burden on parishes that are already financially strapped, it will be cheaper than a lawsuit.

Another alternative is to select a hymnal or two from those on the market and use only those selections of

songs. Several fine hymnals in the more classical and traditional style have been published in the past year or so. Music in the folk style presents more of a problem, however, since popular selections in this style come from a variety of sources. Nevertheless, the possibility of selecting two "folk hymnals" should not be overlooked.

There seems to be no need to panic over this situation of copyright permissions, but neither should we ignore it. With good sense and the goal of good music for our liturgies in mind, let us together seek to resolve the problem where it may exist.

Ray Repp

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Although it's nice to say I'll just live in my Greenwich Village apartment and I don't care if anybody likes it or not, I think that's a little naive. People need to have some kind of response to their material, and people also need to live. The result is that a lot of artists are not creating because they can't afford to do it full time. So they try to squeeze it in other times. And I know that if I had a little bit of financial support from time to time, I would probably have created a lot more material. When I go home at night, I'm tired. So you try to squeeze something in from time to time. Finally when something has gotten to the point where you just have to get it out, you take a sick day or you do something. But that's not really what's considered an atmosphere of receptivity or encouragement.

"It's nice to hear music performed, it's a type of affirmation, but most composers, particularly liturgical music composers that I know of, cannot support themselves on their music. The type of music that I have written and the amount that has been used over the years, one would assume that I would have accumulated a little bit of financial resources as a result of it. It's been almost minimal. People just assume that I must be wealthy because my music is used extensively, and it's not true," Repp said.

"Something I found interesting and flab-

bergasting," Repp said, is an estimate by his publisher that "in the last three years alone, I've lost an estimated \$800,000 in royalties. That's a lot of money. Though I'm reluctant to talk about actual figures, probably realistically what I've made in the past couple of years is more like two or three thousand dollars. It's good to have that, but it is certainly not sufficient to be able to take off work.

"I don't know why the Church does not feel that it's important to encourage the arts. I'm not assuming that something I've created is something of good taste and something of value that should be supported, but the fact that the Church has been using this music significantly for the past number of years, indicates that somebody feels it must be of value. If they would have preferred to encourage or support a better form of music, I wouldn't feel so bad, but I don't feel that the Church is supporting other forms of music or arts either. They're getting what they can as cheap as they can get it. I wish the Church would say that liturgy is not important because by observation, I would say it's not. Don't play games with it. Say it's not, and move on to something else," Repp said.

"When I was in Chicago," in early December, Repp said, "there was supposed to be a settlement discussion. People in the Church decided they wanted to sit down and talk about

possible settlement." But "it was basically we won't do it again and we'll pay you in the future. They were not willing to settle for any monetary amount, which is not acceptable," he said.

FEL "has already sent notices to every other bishop in the United States," Repp said, notifying them that lawsuits could be brought against them.

Other publishers have not filed suits, Repp said, probably because "nobody wants to stick their neck out at this particular point. It is a difficult thing, because along with other things that have happened, the diocese of Chicago sort of banned any of FEL's music, which, particularly at this time of year, makes it a burden on the publishers. So, even though nobody is gaining too much because of the violations, to have that financial possibility terminated further, makes it rather difficult for everyone."

Repp noted that some people feel that the churches shouldn't be sued for the money, and he reports that he has heard from many, "not only in personal letters to me but an awful lot of letters to the publishing company, plus a lot have been printed in newspapers. But you have to balance that off with the other side. There have been a large number of people, both lay and clergy, who have voiced their feelings that it is about time that someone brings this to the attention of a community that has, at least in word, indicated that they are concerned about justice and morality and things like that. A lot of people, in fact even a lot of the clergy in Chicago, are voicing their affirmation for this action."

"Some people may feel that I might be bitter," Repp said. "In fact, I've gotten that indication from people who have written. I'm not bitter at all, I'm just very disappointed. Not only because I have not received the royalties, I'm disappointed that the Church that I grew up in does not seem to think that it's important to establish priorities."

NEXT WEEK: Repp discusses his music.



Photo by Martin Toombs

Forensics

Aquinas speech winners: Thomas Leasure, Joseph LaVilla and Philip Schultz. Boys won scholarships of \$400, \$300, and \$100 respectively.

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