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## Copyright Compliance Checklist

The Diocesan Chancery and General Counsel offices have developed this brief checklist to familiarize clergy and staff with the proper handling of copyrighted works. Following these guidelines will help reduce compliance issues and litigation relating to the misuse of copyrighted information.

1. Determine whether the work you want to use is generally available in the public domain or if it is protected by copyright. Works that can be covered by copyright laws are any kind of written or electronic works, including but not limited to: literary, dramatic, musical, and artistic works, such as songs, music including instrumental music, computer software, architecture, movies, TV and video programming, written materials, photographs, images, etc.
2. It is best to assume that a work is copyrighted and then work from that assumption. To determine the copyright status of a work, check the following:
  - a. Check for a copyright notice and date.
  - b. Copyright notices are often, but not always, accompanied by this symbol: ©
  - c. If you believe a work is within the public domain, look for a definitive statement in the work that it is public domain and available for any kind of usage. If so, summarize this and retain it in your permanent records.
  - d. If there is the least doubt about whether a work is public domain, do not use the work.
3. Copyrights do expire after certain lengths of time under national and international law, i.e. the music of Mozart or Bach, and those works enter the public domain. However, newly published arrangements of such works may be copyrighted. Double check these and do not assume the arrangement is free.
4. If a work is copyrighted, determine if that work is available for use under a license entered into by a parish, school, or office within the Diocese of Columbus. If it is covered by a such a license, determine whether your proposed use is permitted by the terms of the license. For assistance verifying and interpreting licenses held by a parish, school, or office within the Diocese, contact Diocesan General Counsel (614-241-2525). If your intended use is permitted by the terms of those licenses, you are free to proceed with using the work as permitted.
5. **Just because you are not charging for the use of something does not give you permission to use it.** For example, you cannot show a movie in a parish even if you own a DVD of that movie. When persons buy a disc or a digital copy of a movie, those are licensed for private, in home viewing. Showing it outside the home is illegal. If you want to publicly show any kind of work, movie or otherwise, you must obtain written permission to do so, pay any applicable license fees, and abide by the terms of any license granted (i.e. you may have received a one-time usage permission). This also applies to any music being used for livestreamed events or other videos prepared by offices.

6. Fair use: **Fair use** is a legal **doctrine incorporated into the copyright laws** in the United States that permits limited **use** of copyrighted material without having to first acquire permission from the copyright holder. Section 107 of the Copyright Act provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use. The “fair use doctrine” can be confusing in its application, and consequently if you have any questions regarding whether you can use certain copyrighted material under the fair use doctrine, reach out to Diocesan General Counsel before using the material.
7. Some works automatically enter the public domain upon creation because they are not copyrightable. These include:
  - a. Titles, names, short phrases, slogans, familiar symbols, and numbers.
  - b. Ideas, concepts and facts (i.e. the date of the Gettysburg Address)
  - c. Works and documents created by the U.S. government; however, some works the U.S. government publishes are works created by others for which there may be a valid and enforceable copyright.
8. For help with any of this, consult the Diocesan General Counsel Office (Thomas Prunte).