

***Advice regarding using Youtube in church by  
Australian Copyright Council Legal Team. 28.8.17***

***Broadcasting and Public Performance***

In order to broadcast something, you must come under the definition of a broadcaster as found in the *Broadcasting Act 1992* (Cth). **Churches are not defined to be broadcasters.**

Showing a YouTube clip in the church service is not a broadcast, but rather a public performance of copyright material (ie., the film, and any underlying material such as music). For copyright purposes, screening a video outside the home to an audience is generally regarded as “in public”.

***Licences***

To screen the YouTube clips in public, you will generally need to obtain permission from the owners of the copyright in:

- the film or clip and its underlying works;
- the music included in the soundtrack; and
- the sound recordings of music included in the soundtrack.

The first step will therefore be to check the video itself and see if the uploader has licensed the video in a way that allows public screening without permission (for example, it may be a Creative Commons licensed video). If no direct permission has been given, then you may need permission from the copyright owner of the film which may involve a licence with a fee. Even if you are only screening part of the video, it will generally require permission. You can find more information on our information sheet [Films, DVDs, Videos & TV – Screening in Public](#).

The next step will be to obtain licences for the music that may be used in the video clips. Music is broken down into three elements in copyright law. That is, the lyrics are protected as literary works, the music itself is protected as a musical work and the recording of the song is protected as a sound recording. Generally, you’ll need to get two types of licences. APRA AMCOS is the collecting society that will assist you in obtaining a licence for the song and the lyrics. PPCA is the collecting society that will assist you in obtaining a licence for a sound recording. You can find more information on our information sheet [Music – Playing Music: APRA & PPCA](#).

## ***Creative Commons***

There are a number of creators and organisations which offer music, video footage and images that have been pre-cleared for use on YouTube such as Creative Commons. These provide a way of using third party material in your content without having to directly approach rights holders.

You should note that although a film clip on YouTube may be licensed under a Creative Commons licence that allows you to show it in public, there will still be separate copyright issues in any underlying copyright material captured in the video (eg., music). You will need to investigate each video you wish to use to ascertain the which type of Creative Commons licence applies, and whether that licence also covers the music, or whether you still need a separate licence (eg., from APRA|AMCOS).

## ***Terms and Conditions***

If you have signed up as a member of the YouTube community, you will have agreed to YouTube's terms and conditions. These terms and conditions will ultimately determine how you are able to use video from the site. In a general sense, personal viewing of authorised content on YouTube use is not likely to raise any copyright issues. However, as you are providing these clips in a public setting, you will need to check the terms and conditions of YouTube and seek the necessary permissions from the copyright owners as discussed above. You can find more on our information sheet [Video Uploads & Copyright](#).

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