

**1. Must works be of a religious nature to fall into the in-person use exemption under 17 U.S.C. Section 110(3)?**

For dramatico-musical works, yes. For nondramatic literary or nondramatic musical works, no. But keep in mind these are the only kinds of works covered by this specific exemption (e.g., motion pictures aren't covered). Also note the use has to be "in the course of services." 17 U.S.C. Section 110(3) states, "Notwithstanding the provisions of section 106, the following are not infringements of copyright: . . . (3) performance of a nondramatic 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."

There is a separate, relevant exemption under 17 U.S.C. Section 110(4) for nonprofit uses, including religious uses, and it is very complicated. You can read more about both exemptions in the highlighted portions of the attached. There's a lot to parse here but I stopped myself from going down a rabbit hole!

**2. What issues do parking lot worship by radio present?**

Broadcasts aren't covered by the exemption (neither 110(3) nor 110(4)), so if you're using AM or FM radio to broadcast copyrighted material, that is a problem from a copyright perspective. To remedy the problem, I would recommend making sure you have the appropriate public performance license.

I'm just looking at this from a copyright perspective. You may have FCC issues but that goes beyond my expertise. In that regard, I found this article interesting: <https://thepublicsradio.org/episode/theec-radio-for-churches-during-coronavirus>

**3. What risks are there in "sharing" a video on social media?**

It depends what you mean by "sharing." Posting something copyrighted that you do not own on social media carries significant risk.

I'm unfamiliar with any *copyright* lawsuits involving someone being sued for "retweeting" or some other function allowed within a site to amplify something that someone has already posted. I do know some companies have risked getting into trouble by interacting with celebrities on social media just to try and get some publicity, but that's a right of publicity/false endorsement type of issue.

There have been some recent lawsuits involving use of "embedded" video or images, i.e., putting video or images on your website that are viewable on your website in a little window provided by the hosting site like YouTube or Instagram. Some courts it is infringement, some say it is fair use. Most recently a court says it is fair use if you are embedding social media posts that incidentally use copyrighted images *in reporting on the posts themselves*.

Then you could get into a whole other territory of issues if you are talking about showing a video over your livestream. For that, you would need a license.

This is another question that could invite a journey down several rabbit holes, but I'll limit myself to providing the above general info!

#### 4. Poland

As a bonus, here is some information for our Polish listener that may or may not be of help (I just grabbed some quick info from Wikipedia of places that they might contact for help or information on music copyright in Poland):

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#### **Poland**[\[edit\]](#)

There are twelve officially recognized copyright collection societies in Poland:

- [ZAiKS](#) (Polish Society of Authors and Composers)
- [ZPAV](#) (Polish Society of the Phonographic Industry)
- SFP - ZAPA (Polish Filmmakers Association - The Union of Audiovisual Authors and Producers)
- STOART (Union of Performing Artists STOART)
- SAWP (Polish Association of Performing Artists of Music and Music with Lyrics)
- STL (Polish Folk Arts Society)
- KOPIPOL (Association of Copyright Collective Administration for Authors of Scientific and Technical Works)
- REPROPOL (Publishers Association)
- Copyright Polska - SAIW (Association of Authors and Publishers)
- [ZPAP \(Association of Polish Artists and Designers\)](#)
- ZPAF (Association of Polish Art Photographers)
- ZASP (Association of Polish Stage Artists)

Independent Management Entities in Poland:

- Faded Media

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