

## **General Convention of The Episcopal Church 2024 Archives' Research Report**

**Resolution No.:** 2024-D045  
**Title:** Task Force for Reviewing Intellectual Property of the Church  
**Proposer:** Carlson, Ms. Megan  
**Topic:** Book of Common Prayer, Canons, Structure

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**Directly Related:** (Attached)

2018-A062 Amend Canon II.3.6 [Trial Use]

**Indirectly Related:** (Available in the [Acts of Convention](#) database, searchable by resolution number)

1994-B025 Direct Report on Copyright Flexibility for Music Published by CPF

*In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2022, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#).*

# D045 - Task Force for Reviewing Intellectual Property of the Church

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**Final Status:** Not Yet Finalized

**Proposed by:** Carlson, Ms. Megan

**Endorsed by:** Brown, Deputy Nathan, Coulston, Mr Rob, Curlin, Ms. Laura

**Has Budget Implications:** Yes

**Cost:** \$30,000.00

**Amends C&C or Rules of Order:** No

**Requests New Interim Body:** Yes

**Changes Mandate Of Existing Ib:** No

**Directs Dfms Staff:** No

**Directs Dioceses:** No

**Directs Executive Council:** No

**HiA:** No House Assigned

**Legislative Committee Currently Assigned:** No Committee Assigned

**Completion Status:** Incomplete

**Latest House Action:** N/A

**Supporting Documents:** No

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## Resolution Text

*Resolved*, the House of \_\_\_\_\_ concurring,

That the 81st General Convention authorize the establishment of a Task Force for Reviewing Intellectual Property of the Church, composed of 10 people as follows: 2 Bishops, 2 Priests, 2 Deacons, and 4 Lay Persons, to complete a comprehensive review of the canons of the church as they pertain to matters of Intellectual Property and recommend any changes that are needed to modernize the canons based on changes in practice and law since the last changes in the Intellectual Property canons; and be it further

*Resolved*, That the Custodian of the Standard Book of Common Prayer, the Chief Legal Officer of The Episcopal Church, the Chancellor to the Presiding Bishop, and the Chancellor to the President of the House of Deputies should serve *ex officio*; and be it further

*Resolved*, That the Task Force will look specifically at canon II.3.6.b as to the meaning of “copyright shall be relinquished”; and be it further

*Resolved*, That the Task Force offer best practices for the church for streaming and digital evangelism based on updated copyright and trademark laws; and be it further

*Resolved*, That the Task Force offer a first draft of a comprehensive Branding and Marking guidance document for Interim Bodies of General Convention to use when creating deliverables on behalf of the General Convention; and be it further

*Resolved*, That the Task Force submit a report to the 82nd General Convention summarizing their recommendations, identifying best practices, submitting any relevant resolutions to the 82nd General Convention, and offering any amendments to the constitution and canons as determined by the task force's work; and be it further

*Resolved*, That the Executive Council Joint Standing committee on budget allocate \$30,000 for this work.

## **Explanation**

Canon II.3.6.b was written in 1967 (Resolution #12 from the Report of the Standing Liturgical Commission) well before the internet existed and before open source or copyleft policies were created. It certainly existed before personal computers became so small, they could be held in the palm of your hand and offer direct connection to two or three gathered individuals across miles and miles of land. And in that time, 4 major copyright laws have been enacted in the US, two of which directly impact the term of copyright for the 1978 prayer book.

In the context of the proposed resolution #12, it spoke only to the copyright of trial text and did not necessarily extend to the official copyright policy of the Prayer Book. Read in certain light, the canon states that the copyright of trial liturgies is held by the office of the Custodian of the Book of Common Prayer. Once a liturgy is adopted as part of the full prayer book, the copyright in the liturgy would revert back to the holder of the copyright of the Prayer Book. In 1967, copyright required an affirmative action to claim copyright. In 1992, one of the laws Congress passed, retroactively, restored copyright for all works that had not previously asserted copyright, such as our beloved Prayer Book. Nevertheless, this is the only canon to specifically address copyright for the entire Episcopal Church.

Copyright law is full of nuance. Copyright for updated versions is only applied to new material within the updated version. Additionally, copyright only protects the expression of an idea, not the idea itself. As we think about content creation in the church, whether content created by task forces of the General Convention or other bodies, we want to make sure that we are creating equitable policies around creator rights. As a significantly volunteer supported organization, much of our work is done by lay volunteers who are not subject to work for hire language that may apply to clergy and paid staff, or that would be standard if working with a publishing authority. There is no notion of copyright transfer or recognition of potential tension between content creators on interim bodies and the content they create to which the Episcopal Church claims copyright.

There is certainly a reason to have a custodian for the Book of Common Prayer, regardless of the form that the Book should one day take. But it is also important for that custodian to understand what it means for the church or themselves to "relinquish" copyright. The church needs to understand which text copyrights are protected and which texts are not by virtue of being "authorized". The big unasked question is that if copyright is truly relinquished and the

authorized text is essentially viewed as “public domain”, how and why has the church stopped “unauthorized” copies of the book of common prayer from being offered as digital assets? Canon II.3.8 merely says that such copies should be duly noted as being “unauthorized”, not that they should not exist or be shared in instances when the “authorized” version of the Book of Common Prayer is not required.

The Task Force would be a good place to debate if the church would be better served by designating a specific copyleft license (more commonly known as creative commons) for the Book of Common Prayer and fully authorized translations. More information about standard creative commons licenses can be found at [the Creative Commons website](#).

In addition, digital technology has brought with it streaming technology. The church should have a set of best practices for all parishes looking at streaming as it relates to the authorized material, both the Book of Common Prayer (and related text) and the Hymnal.

Lastly, the church has many symbols and marks that are viewed and maintained as Trademarks. Trademark rights in the United States are vastly more expansive than in other jurisdictions of the church. Among the bodies within the church that have trademarks, there is no central office for obtaining the necessary permissions or directions on how to best use the various marks. As Task Forces of General Convention or other Interim Bodies submit reports and documents, a better understanding of the marking of these documents, both which trademarks and symbols to use and the copyright language the documents are published under, should be documented for future bodies. A Task Force should start their work with clear guidance on branding and marking for any material the interim body produces. This type of document is standard in an organization of our size.

Other forms of Intellectual Property such as Patents and Trade Secrets are less relevant to the work of the Church. Other resolutions seek to address Data Rights, which are tangentially tied to copyright. This Task Force would do well to reach out to any other interim bodies looking at data and research to understand the Intellectual Property needs for an increased data collection and curation effort.

Note: this resolution and/or its explanation contains external references, such as URLs of websites, that may not be in the required languages of General Convention. Because of copyright restrictions, the General Convention cannot provide translations. However, your web browser may be able to provide a machine translation into another language. If you need assistance with this, please contact [gc.support@episcopalchurch.org](mailto:gc.support@episcopalchurch.org).



**Resolution Number:** 2018-A062  
**Title:** Amend Canon II.3.6 [Trial Use]  
**Legislative Action Taken:** Concurred as Amended  
**Final Text:**

*Resolved, That the 79th General Convention of The Episcopal Church amend Canon II.3.6 as follows:*

**Sec. 6**

(a) Whenever the General Convention, pursuant to Article X(b) of the Constitution, shall authorize for trial use a proposed revision of the Book of Common Prayer, or of a portion or portions thereof, the enabling Resolution shall specify the period of such trial use, the precise text thereof, and any special terms or conditions under which such trial use shall be carried out *including translation*.

(b) It shall be the duty of the Custodian of the Standard Book of Common Prayer:

- (1) To arrange for the publication of such proposed revision;
- (2) To protect, by copyright, the authorized text of such revision, on behalf of the General Convention; which copyright shall be relinquished when such proposed revision or revisions shall have been adopted by the General Convention as an alteration of, or addition to, the Book of Common Prayer;
- (3) To certify that printed copies of such revision or revisions have been duly authorized by the General Convention, and that the printed text conforms to that approved by the General Convention.

(c) During the said period of trial use and under the modifying conditions specified, only the material so authorized, and in the exact form in which it has been so authorized, shall be available as an alternative for the said Book of Common Prayer or the said portion or portions thereof; *provided, however*, that it shall be competent for the Presiding Bishop and the President of the House of Deputies, jointly, on recommendation by a resolution duly adopted at a meeting of the Standing Commission on Liturgy and Music communicated to the said presiding officers in writing, to authorize variations and adjustments to, or substitutions for, or alterations in, any portion of the texts under trial, which seem desirable as a result of such trial use, and which do not change the substance of a rite.

(d) In the event of the authorization of such variations, adjustments, substitutions, or alternatives, as aforesaid, it shall be the duty of the Custodian of the Standard Book of Common Prayer to notify the Ecclesiastical Authority of every Diocese, and the Convocation of the *American Episcopal Churches* in

**Europe, of such action, and to give notice thereof through the media of public information.**

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 1125-1126.