

TONO-reporting in Norwegian Churches

A quantitative study and analysis of reporting practices and its prominence amongst free churches in Norway.

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Abstract

Modern churches are some of the most frequent music users in our society. Many of them have several services during a week, and worship music is a very important component here. Contemporary worship music is performed in churches all over the world each week, and new songs are constantly added to the “pool”. This is also the case in Norway.

When music is performed, copyright is involved. According to copyright law, music cannot be performed publicly without a license. In Norway, there are certain arrangements to ensure this for music venues, but also for churches. Based on my experience as a worship musician for many years, I wondered how well this was being handled. Do Norwegian churches adhere to copyright for the music used in their services?

This is what this thesis will attempt to uncover. Hopefully, it will shed some light on a topic that is deserving of more attention.

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1. Introduction

1.1 Background

Growing up, music became a part of my life at an early stage. My parents are both music lovers and many hours were spent singing and learning songs when I was a child. It was a fun and good way to learn words and phrases, as well as learning about the world around me.

My father was (and still is) a guitar player and taught me how to play the guitar. I quickly fell in love with the instrument, and it became a part of my life from then on.

During my childhood years, my family often attended church on Sundays. Being a part of the service or the Sunday school, I quickly learned that music had an important place in the church. It was a major part of the service, also at Sunday school where I found myself occasionally. During my teenage years, I joined the youth group in church where I also got the opportunity to play guitar in the worship team. Through participating here, I improved as a musician and also became more acquainted with the contemporary worship scene.

My background and experience in contemporary worship is what ultimately led me to the subject of this thesis. While I did not understand its role entirely, I did have a faint knowledge of TONO (the Norwegian CMO¹ for music). Through conversations with different people and events, I was aware that copyright was important, also in relation to worship in church. I also knew that the framework surrounding these rights could be difficult to navigate and that many churches did not pay this much attention. Neither did I, until I started studying music and acquired more knowledge of the workings of the music industry.

¹ Collective Management Organization

1.2 The topic of research

I learned that if a song is performed live, whoever wrote and/or composed it should be compensated accordingly, through *royalties*. As with any concert where music is being performed, this is also the case in a church service. Usually, royalties are paid to the rights-owners when music is performed live. Royalties are “*payments to owners of property for the use of that property*” (Murray 2020). These rules are in place to protect *author’s rights* and intellectual property, and in Norway, TONO makes sure that this is being done. Theoretically, this requires the organizer of every concert or festival to provide the correct information on what music has been performed, accompanied by a fee which is usually calculated from the number of audience members or tickets sold. This information enables TONO to pay out money for the used works to whoever wrote or composed it, as long as they are a registered member of TONO. While this is not done by every event-organizer, it is a fairly common practice in the live-music scene.

Music is also being performed in churches all around Norway (and the world for that matter) every week. The same rules of copyright do apply here, as the churches are required to provide information on what songs are being used in their services. However, one major difference is that there is no need for the churches to pay a fee. Because of the extensive use of music in the church, this is covered by the Norwegian government (TONO, 2021). This means that the only thing churches need to do is to provide which songs have been used, and the authors and lyricists will be paid.

This made me start to think. I knew that there was limited knowledge of this in Norwegian churches, and that most churches did not likely provide this information to TONO. I also knew that there were a lot of songs that had been used by many churches over many years. Many of the most popular worship songs are written by musicians and singers and released on albums. As with the secular music industry, some of these songwriters are more popular than others. Thus, given songs are being used regularly at services. However, this is not only dependent on the artist/songwriter but also on the reception in the congregation. Still, most of the songs used originate from a handful of artists. If every church reported their use of songs, how much could these people earn from it?

1.3 Project and research questions

Driven by curiosity, I did a calculation based on the TONO-formula for songs used in church services.² As an example, I used a song that has been widely used in churches in Norway over the last years. The song is called “Gi Meg Jesus” and was released on the album “Eksplasjon” by David André Østby in 2014. The calculation requires details on the song length, and the length of the service. The song clocks in at around 4 minutes, and while the average length of a church service varies, I used 90 minutes as an example. The premise was that 100 different churches used the song 30 times each over a year, which would result in 3000 uses of the song. This could seem like a high number, but also a likely one, considering that many churches have multiple services during a week.

If the song had been used 3000 times and reported each time, it would result in a pay-out at around 270 000 NOK. If David Østby is registered as owning rights to both the composition and the lyrics, he would receive the total amount. However, multiple songwriters and/or composers is common, and the amount would then be split between the people involved. Still, the amount itself is very high, and I was surprised by the result. If all songs used in church services was reported to TONO, the amounts of money paid out would be very high, and it would also mean a serious increase in the income of people writing and releasing worship music in Norway. This again led me to a number of questions:

How much money could these songwriters and artists potentially earn?

Are they aware of the potential loss?

If they are, why are they not doing anything about it?

Would the government still cover the fees if every song was reported?

How large could the total pay-out be?

How many churches in Norway do actually report the songs used?

If they do not know, why is this?

² TONO-Avregningsregler for 2020: <https://www.tono.no/wp-content/uploads/2020/11/TONOs-avregningsregler-for-2020.pdf>

Although I believe all of these questions are interesting and should be answered, I had to choose only a few for this thesis because of both time and capacity limitations. I chose to focus on the reporting practice itself and to what degree this is being done in Norwegian churches. I also wanted to find out if this was a well-known practice, and whether or not the churches around Norway possessed any knowledge of it.

This led me to the main research question and topic for this thesis, which is formulated below:

To what degree do Norwegian churches report worship songs to TONO, and how well is this practice known amongst them?

Aside from providing insight into the reporting practice in churches, these research questions could also possibly shine some light on why many churches are *not* reporting the songs used. Based on my own experiences, my assumption was that the minority of churches actually did this. Through research, I could find out whether or not a lack of knowledge of the practice was the reason for the problem. This led me to the main focal points for this thesis:

On average, how many churches do report their songs to TONO?

*Do those who do **not** report still know about the practice?*

To answer these questions, I needed to gather data from churches in Norway. My goal was to obtain data that would be sufficient enough to create a statistic showing the current status on the practice. There was also a need to find out whether or not churches in general were familiar with TONO and the reporting process. In order to collect this data, I decided to conduct a survey in churches all over Norway. By sending a fairly simple survey consisting of few questions to a large number of recipients, I could be able to collect a large number of data which would enable me to make a statistic. The details and results of this survey will be addressed later in this thesis.

While providing useful insight and information, the results from my research could also result in more awareness on the reporting of music used in churches. This could benefit

the composers and songwriters making the songs and would to a greater degree honour their *author's rights*. Also, the money which is received by the composers/songwriters could stimulate further artistic creation. Many of the people involved in the writing and composing of contemporary worship music are also heavily invested in their own church. Aside from being a gathering point for people with similar religious beliefs, many modern churches are also great places for musical expression. Excess royalties could be used to strengthen and improve the framework for further cultural expression and musical creation within the church. This is of course dependent on whoever owns the rights to the music which money is paid out for.

1.4 Limitations and scope

As mentioned earlier, there are a lot of interesting questions that could be related to this topic. In my work planning this thesis, I initially wanted to answer more of them. It would, for example, be very interesting to conduct some interviews with prominent worship leaders that have written some of the most widely used songs, or someone employed by TONO. This would have provided useful insight and perspectives from people that are working with issues closely related to my topic. These interviews could be based on the quantitative survey which would provide a good starting point for an interesting conversation.

However, due to the scope of this thesis, there is not enough time or room for all of this. That is why I have chosen to conduct the survey and present and discuss my findings in this thesis. Hopefully, I would be able to explore other questions through further research in the future.

1.5 Disposition

In this thesis, I will try to present a good answer to the research question which was brought up earlier. Based on my research, I will hopefully be able to make a good statistic which will enable further discussion and elaboration on the topic. Firstly, I will introduce the theoretical groundwork which makes the foundation for my thesis. This is needed to fully understand the terms and topics later discussed. I will start off by

looking at worship music, with a focus on *contemporary worship* music in particular. I will look at the characteristics of modern worship, and also at the music industry which has been formed around it. The worship music industry in Norway will also be emphasized on. Since my research is closely related to the use of worship, it is important to attain a general idea of what it is about.

After this, I will look at author's rights and copyright, which is the fundamental basis for my thesis. Without these rights, there would be no need for any regulation of rights related to music and art. This will lead into a discussion of CMO's (Copyright Management Organizations) and what their function is. Due to my thesis' close relation to the Norwegian CMO, TONO, this will of course also be properly addressed.

I will then look at and explain the workings of TONO and worship music used in Norwegian churches, which is what lies at the core of this thesis.

The next chapter will discuss the methodology of my research. Here, I will present how I chose to collect data, and the strengths and weaknesses of this method. I will make an argument as to why I chose this method, and which other potential methods were ruled out. The process of the research will also be thoroughly discussed. This chapter will discuss potential sources of error and also touch on the ethical aspects of the research.

Further on, my findings will be presented and discussed in the next chapters. I will look at the actual data and see what answers they can provide, as well as if there are any emerging patterns. Also, potential extra information found in the data collected will be properly addressed. The findings will provide a good and interesting picture of the topic as it is discussed according to the theory presented before.

The very last chapter will then consist of a conclusion and summary which hopefully answers my research questions in a satisfactory way.

2. Theory

2.1 Worship Music

As a part of the foundation for the research presented in this thesis, I will now look briefly at worship music. The characteristics of contemporary worship will be discussed, as well as its prominence in the church and in the church service. Also, I will look at how contemporary worship music has been established as an individual genre which has spawned its own “worship music industry”.

Although the word *worship* is often associated with music, it is not confined to just that. According to the Oxford English Dictionary, it is defined as “*to honour or revere a supernatural being or power*” (Oxford English Dictionary, 2020). While this can be accomplished through music, it can also be done through any expression of art, such as dancing, painting or even architecture. A good example of this is how many churches are built with a great attention to detail and aesthetics, reflecting how the most profound and beautiful art is meant to honour God. Worship is in many ways about human expression, which is, amongst other activities, done through music.

The inclusion of music and songs to worship God is as old as the Bible itself. A major example being the Book of Psalms in the Old Testament which contains a large collection of songs and poetic works used to glorify God, many of which are still being used in churches today. One of the early descriptions of worship is found in the Book of Exodus, where the sister of Moses, Miriam, glorifies God through song after successfully escaping from Egypt.

“Then Miriam the prophet, Aaron’s sister, took a timbrel in her hand, and all the women followed her, with timbrels and dancing. Miriam sang to them: Sing to the Lord, for he is highly exalted. Both horse and driver he has hurled into the sea.” (Exodus 15:20).

While this is only one of many biblical examples, it shows clearly some of the essence in worship music. It expresses gratitude towards God, as well as *exaltation*. These themes are very common also in contemporary worship music.

The tradition of including music and songs in church services and gatherings has been present ever since the earliest days of the church, as described in the Book of Acts. Here, the first believers are seen “*praising God and having favor with all the people*” (Acts 2:47a). Although the church changed over hundreds of years, and even split into several different theological directions, worship stayed true as a part of it.

2.1.1 Contemporary Worship

People might think that the music used in church services are only psalms, either from the Bible or “*Den Norske Salmeboken*”. While this might be true for some churches, music and songs from a much wider array is often used. Each year, countless albums and songs within the worship genre are released. Several of these songs are often used in church services in many Norwegian churches. While some are used only a few times, others become very popular and might stay and become part of the repertoire for many years. Which songs become most popular are dictated by several factors but is often dependent on the reception in the congregation.

Developing over the course of the last 60 years, contemporary worship music has many similarities with modern pop-music. It is often performed by a band (“worship team”) which usually consists of a typical pop/rock set-up, including electric guitars and bass, a drum kit, synthesizers and vocalists. To a high degree, the musical expression draws inspiration from music in the secular sphere. This makes the music more recognisable for people not accustomed to the church and has been an attempt to make the church more accessible and relevant. This has not happened without discussion and criticism, however, and there is still much debate on the form and function of contemporary worship music, as opposed to traditional psalms and hymns. As secular music was blended in more and more, many Christians reacted negatively initially, many believing that music associated with life outside of the church was inherently evil (Porter, 2017). While these views are still shared by some people, the modern form of contemporary worship has since been more widely accepted.

While contemporary worship music is a blend of a number of genres, it is often defined as just one. Although this could seem a bit inaccurate, one could argue that the term often refers to “mainstream” worship music. From a genre-related perspective, this music is often reminiscent of modern pop, soft rock or post rock (Britannica, 2021). While drawing inspiration from popular music, it has often been compared to acts like U2 or Coldplay due to the extensive use of delayed guitars and synthesizers, creating large, atmospheric musical landscapes. In many churches, this *sound* has almost become standardized.

The growth and prominence of “mainstream” CWM (Contemporary Worship Music) is a direct result of a growing music industry within the church. Along with the rise of popular music from the 60’s and onward, the music in the church followed due. By implementing elements from secular music in the church, a gradual change in style and scope was natural, considering the constant evolution of the general music industry. This also led to the rise of a Christian music industry consisting of mostly the same elements. Popular artists and songwriters, record labels and concerts are all part of the Christian music industry, co-existing with the secular. While the church and its practices are not usually viewed as an industry, it has in many ways been industrialized in the modern day and age. This has resulted in an increased focus on marketing and branding within the church (Wagner 2014).

A good example of CWM branding is the music of Hillsong Church, originating from Australia. Since the church was founded in 1983 (Wikipedia, 2021), it has grown immensely and has become widely known for its export of worship music. Through the release of over 20 albums and continuing releases every year, Hillsong has been very influential on CWM on a global scale. Songs released by Hillsong Worship is often used in Norwegian churches as well and has undoubtedly had a profound impact on Norwegian CWM.

The success for Hillsong can be attributed to several factors, one of them being effective marketing and branding. Through creating a global, recognisable brand, Hillsong has grown to become a major player in the Christian music industry. The “Hillsong Sound”

(Wagner, 2014) being the product, this generates revenue which enables continued production and growth.

I have now provided a brief look on worship music, and especially Contemporary Worship Music, the modern genre of worship which has grown popular in the modern church. As the research presented in this thesis is limited to churches in Norway, it is appropriate to address the Norwegian worship industry as well.

2.1.2 The Norwegian Worship Industry

While its similar to the global worship industry in the way it operates, the Norwegian worship industry does so on a much smaller scale. Most Norwegian “free churches”, which are not part of the state church (Den Norske Kirke), make use of a wide array of songs in their services. Modern, contemporary worship has become the norm, especially in the larger congregations located in cities. This could be due to a younger congregation, but also urban influences from the local area.

The growth of more rock- and pop-inspired worship over the last 20 years could also be attributed to new generations entering the church. Much of the CWM used today has its roots in youth groups in churches. Along with inspirations from popular music, and the refreshing worship form Hillsong, these styles were adopted quickly in Norway. As time passed, young adults brought these influences with them to the Sunday services. This also resulted in an increased creative activity within the Norwegian worship scene, ultimately leading to more music being produced and released.

While this industry might almost go unnoticed outside of the church, several singles, EP's and albums are released each year by Norwegian worshippers. Some of these have increased in popularity over the years, attaining an artist status. One example is Norwegian songwriter David André Østby. He has written some of the most popular Norwegian worship songs over the past decade and is affiliated with “Filadelfiakirken” in Oslo. According to Spotify, he has over 24 000 monthly listeners and his most played

song “Gi Meg Jesus” has 1,3 million streams (Spotify 2021)³. This is on par with many famous secular artists and shows the scale of the Norwegian worship scene.

Other popular Norwegian worship artists worth mentioning are:

Marie Hognestad: 4 000 monthly listeners, most streamed song: over 338 000 streams.

Filadelfiakirken: 17 000 monthly listeners, most streamed song: 1,1 million streams.

Impuls: 17 000 monthly listeners, most streamed song: 1,2 million streams.

Radiate Worship: 17 000 monthly listeners, most streamed song: 1,4 million streams.

(Streaming data retrieved from Spotify on the 18th of March 2021.)

In addition to the artists mentioned, there are many others like them. The pool of Norwegian CWM is supplied each year with new releases. As both the size and use of the CWM-library grows, this leads to more music being performed at the church. Closely related to music performance and use are author’s rights and copyright-related issues, which I will discuss further in the following segments.

2.2 Author’s rights and Copyright

Before delving into the topic of CMO’s and their function, it is important to establish a foundation. To do this, we will have a brief look at the concepts of *author’s rights* and *copyright* which is at the basis of it all. Firstly, both terms will be defined and explained. I will then discuss how they relate to music and the music industry, before moving on to CMO’s and TONO in particular.

“*Author’s rights*” is a term which refers to the right a creator has over his/her work. If I were to write a song, I would automatically attain the author’s rights of the text written upon its completion (and before, for that matter). Since I am the author, I am entitled to my own work. This does not just include written texts, but all forms of *intellectual property*, such as composed music, photographs, paintings, architecture and more.

³ As of 17.03.2021

“Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.” (WIPO, 2021)

This means that I alone have the power to decide how the work can or should be used or distributed. As mentioned earlier, author’s rights are generated automatically, and there would be no need for me to apply for it (Cornell, 2021).

Copyright is, as is suggested by the word itself, the right to reproduce a given work. This means that copyright is required to copy and distribute a song, for example. It is intended to protect IP⁴ from being unlawfully copied by others who do not own any rights to it. A typical example of this is how music has been copied and shared digitally, by people who do not own the copyright to the music in question, which is considered a breach of copyright. Copyright and author’s rights are closely related, and the terms are often used to describe the same things. WIPO’s definition of copyright included author’s rights as a synonym:

“Copyright (or author’s right) is a legal term used to describe the rights that creators have over their literary and artistic works.” (WIPO, 2021)

One could say that copyright is a right owned by the author, becoming an author’s right. Still, the terms practically mean the same. Similar to the case with author’s rights, copyright is also generated automatically as a work is created. It enables the owner (firstly the author) to (amongst other rights):

**Copy the work*

**Make adaptations of the work*

**Issue copies of the work to the public*

**Perform the work in public*

**Broadcast the work*

⁴ Intellectual Property

(Firth 2004, retrieved from the *Copyright, Designs and Patent Act of 1988*.)

As seen here, copyright is not just *one* right, but rather a “*bundle of rights*” (Frith, 2004 p.7), which grants the owner several exclusive rights. While all of these facilitate reproduction in some way, they are also different. It also shows the complexity of copyright and how differently it can be applied. As the creative and cultural industries (Hesmondhalgh, 2018) has grown, copyright has been subject to further fragmentation. The rise of the internet required even more definitions of copyright, which has led to a fairly complex field of rights and sub-rights.

2.2.1 Moral Rights

When discussing author’s rights and copyright, another term which is often brought up is *moral rights*. Moral rights are usually considered a part of copyright and are intended to protect the author’s personality and integrity (Pedley, 2007). It is not possible for these rights to be assigned to anyone else but the author of the given work. However, the rights can be waived at will by the author. These moral rights include

**The right of paternity*: The author’s right to be identified as author when a work is used or published.

**The right of integrity*: The right to prevent derogatory treatment of one’s work.

**The right to object to false attribution*: The right for an author to not have a work falsely attributed to them.

**The right of disclosure*: The right to privacy over one’s own work.

These moral rights are described in the “*Copyright, Designs and Patent Act*” from the UK in 1988 (Pedley, 2007)⁵.

Copyright and intellectual property come into existence simultaneously. This means that if a song is written, the copyright for the lyrics is automatically generated and firstly owned by the original author. The copyright to these lyrics is inherently tied to it. While

⁵ <https://www.legislation.gov.uk/ukpga/1988/48/part/1/chapter/IV> (25.03.2021)

the song itself can be viewed as a piece of content or property, copyright describes the actions whoever owns it is eligible to do with the work. As copyright cannot exist without the work, it is *subsisting* rather than *existing*, as it subsists within the given work (Frith, 2004).

To summarize, it is clear that author's rights and copyright are, in many cases, the same thing. These rights are attached to intellectual property, which is any form of original creative work. They grant the author full ownership of the work, as well as the ability to reproduce and/or distribute it in any way. Author's rights and copyright consist of rights that cannot be assigned to anyone but the author, such as moral rights, and rights that can be transferred to others through sharing or selling, such as the right to copy and distribute a work. These rights are in place to protect the *authors* and their *work* and exist through *copyright law*.

It is important to note that while copyright is mostly practiced in the same way on a global level, most countries have their own copyright law which they adhere to.

2.2.2 Copyright Law

In our society, laws are in place to ensure order and to prevent crime. This is also the case for copyright law, as it protects authors and their work (IP) by criminalizing wrongful and unauthorized actions. Copyright law have been around in some form for a while but have emerged more and more in the modern society. With a continuous rise of cultural industries and the arrival of the internet in the digital age, copyright law has become more important and relevant than ever.

One of the challenges with copyrighted material is that it can easily be subject of *theft*. If I were to build a chair, for example, I would be able to place it in a room behind a locked door, effectively preventing someone from stealing it or even see it. If I was to write and compose a song, however, anyone who hear it would be able to reproduce it. Since there is no physical property, only the *idea* of the song and its melody, this form of theft is easier. Theft has been criminalized through law to protect the *owner* of something that

can be stolen. Likewise, copyright law is meant to protect whoever *owns* the copyright to a work.

While copyright has taken a more prominent form in recent years, it has been a topic of discussion for hundreds, maybe thousands of years. Historical evidence suggests that copyright was a major issue as early as around year 550 AD in Ireland, where a dispute over the copy of a book sparked a battle which claimed 3000 lives (The Battle of Cúl Dreimhne)⁶. It is regarded as one of the earliest recorded copyright disputes in history and shows us that these issues have been present for centuries.

One of the first instances of copyright legislation is found in the *Statute of Anne* which is an act passed in Britain in 1710. This was the first act which enabled copyright regulation by the government and the courts instead of “*private parties*” (Wikipedia, 2020). It established that authors should be the “beneficiaries of copyright”, as well as the fact that the duration of copyright is limited (Fisher, 2021). Core elements of this act was later included in copyright laws in other countries, including in the Norwegian “*åndsverkloven*” which will be discussed later on.

Another legislation significant to copyright history is the *Berne Convention* from 1886. This was a copyright agreement, which was first signed and accepted in Berne, Switzerland in 1886 (Wikipedia, 2021). It provides the authors of any work to have control of their works and how they are used, regardless of where this happens. This meant that the *authors* would have the same rights in any country that signed the convention, as well as their native country (Fisher, 2021). It was signed by 10 nations in 1886 and many nations were soon to follow. As of 2021, it has been signed by 179 nations (WIPO, 2021), effectively outnumbering nations that have not signed.

Copyright law was elevated to an international scale through the Berne Convention which provided standards for copyright and author’s rights. Due to this international scope, these rights could be compared to the human rights which apply to anyone regardless of their nationality. As a result of more awareness of copyright and its

⁶ https://en.wikipedia.org/wiki/Battle_of_Cúl_Dreimhne

importance, intellectual property is being regarded as property to a higher degree on a global scale. Still, each nation is entitled to their own set of copyright law. While copyright laws in different countries usually consist of the same core principles, differences do occur. Since my research focuses on churches in Norway, I will now look briefly at Norwegian copyright law.

2.2.3 Copyright Law in Norway

In Norway, copyright is regulated through *åndsverkloven* (Lov om opphavsrett til åndsverk, 2018). “Åndsverkloven” directly translates to “intellectual property law” and provides a good description of what the law is about. The law is in place to protect any “*literary work or work of art*” (Åndsverkloven, 2021) which is considered IP. It regulates how rights could and should be handled, as well as the ability to sell, share or waive these rights. Additionally, it describes sanctions which can be issued against those who commit copyright infringement.

As previously mentioned, copyright subsists within a work or any form of IP and comes into existence as the work is created. Åndsverkloven states that copyright for a given work will remain for 70 years *after* the death of the author (if there are several authors, the death of the longest living author).⁷ This is an example of how different copyright laws can derive from international treaties such as the Berne Convention, which states that copyright lasts for 50 years after the author’s death. In EU-member countries, this is extended to 70 years, as is the case in Norway despite the fact that it is not a member of the EU.

Åndsverkloven is the core of copyright in the Norwegian music industry and dictates how copyright should be dealt with here. Organizations working with copyright and music such as TONO, GRAMO or CREO are all working to ensure that copyrighted music remains protected from unauthorized use. This means that the topic of my research is founded in the values established by this law.

⁷ Åndsverkloven §11

2.2.4 Copyright in the music industry

Music in written or audible form is, of course, regarded as IP and is therefore copyright protected. Since music is so easy to share and access, it has often been the source of copyright disputes. Copyright is essential to the music industry, with some calling it a “copyright industry” (Wikstrom, 2013 p. 12).

While many terms related to copyright are universal to the field, there are some that are more often used in relation to music. Some such terms are:

**Mechanical right:* The mechanical right is the right to record a work, such as a song or composed music. These rights emerged after the invention of sound recording.

**Neighbouring rights:* Rights connected to a creative work, but not necessarily the author. An example of this could be a recording of a song, whereas the rights to the certain recording are owned by whoever produced it. The rights for the music and lyrics are still owned by the author, but these rights apply to a given recording of the song.

**Performer’s rights and performance rights:* Performance rights are the rights the owner has to perform a given work in public, while performer’s rights include the rights that the performers have in a given performance (Frith, 2004).

These terms help define different areas where copyright is present. They also show how fragmented music copyright has become. Copyright is not necessarily *a right*, but rather a *bundle of rights* (Gervais, 2010).

2.3 Collective Management Organizations

Key aspects of my thesis focus on the work of TONO, which is a Norwegian CMO (Collective Management Organization) that works with the licensing of music performance and the related royalties. In order to fully understand the role and work of TONO, there is a need to establish what a CMO is and how it operates.

A Collective Management Organization is an organization that licenses use of copyrighted material on behalf of the rights holders. This means that anyone wishing to use a certain work of art could attain the license to do so from a CMO, instead of contacting the owners of the rights themselves. As previously mentioned, copyright is fragmented, and in order to use it, one might need licences from a number of different parties. Doing this can be hard and tedious, especially since some rights are difficult to properly locate. This is where CMO's do their work. They provide a license which includes "*all the right fragments*" (Gervais, 2010 p.3) needed to use a work properly and legally. Additionally, a CMO will collect royalties for the use of copyrighted material, which is paid out to the rights holders. This ensures that songwriters and composers ultimately get paid for the use of their music.

While CMO's are often associated with music, they exist and operate in other parts of the *cultural industries* as well (Hesmondhalgh, 2018). While they are more present in some countries than others, there are CMO's that deal with *literature, visual arts and reprography* all over the world.

A CMO acts like an intermediary between music users and music makers. Through offering a simpler way of attaining licenses, more users are likely to make use of it. This also helps prevent copyright infringement, which is ultimately the CMO's main objective. Daniel Gervais provides a good example of how a CMO works, using the perspective of a radio station (Gervais, 2010).

"A radio station (broadcaster) wishing to copy music on its computers and then use that copy to broadcast the music will need to clear two rights: the right to copy (reproduction) and the right to communicate the work to the public." (Gervais, 2010, p. 2).

He goes on to explain how the radio station would need to attain both of these rights in relation to *the musical work, the recording and the musical performance incorporated in the recording*. These rights are often scattered amongst several rights holders, which would result in tedious work to track them down. Some of them could be particularly hard to find, since there are no requirements for copyright to be registered (Gervais,

2010). Also, a radio station broadcasting music would most likely need these rights for hundreds of songs every week. The amount of work needed is colossal compared to the action of broadcasting a song and would probably make music users turn away from it.

The CMO has already collected all of this data and is acting on the behalf of the rights holders through an agreement with them. Whoever wishes to use copyrighted music, the radio station in this instance, would be able to get the correct licenses through the CMO. By doing this, copyright licenses are being handled in an easier and much safer manner, effectively attracting more music users as well as preventing copyright infringement.

CMO's do not work on an international level, but rather within the borders of the nation in which it is located. This is not to say that copyright is not regulated for works crossing borders, as most CMO's share information and work together across the globe through agreements. Today, most countries in the world have one or several CMO's, which includes TONO in Norway.

2.3.1 TONO

TONO is a Norwegian CMO that deals with rights related to music composers and lyricists. It was established in 1928 and has since then grown to become a major player in the Norwegian music industry, consisting of ca. 35 000 members (as of 2020⁸). TONO acts on behalf of its members, which are often creators of music. They ensure that musical works are being licensed properly, and that the composers and lyricists are being fairly compensated for any public use. Whether the music is being performed live, played in a clothing store or on the radio/TV, TONO will be involved in the licensing process. However, it is important to note that a composer that is *not* a member of TONO will not receive any money from TONO either. This is because TONO needs a signed agreement with its members in order to act on their behalf and manage their rights.

Composers and lyricists that are not TONO-members would have to regulate and license use of their works on their own. This would result in more work for the rights holders,

⁸ <https://www.tono.no/om-tono/historikk/>

as well as anyone wishing to license the music. Clearing rights through a CMO like TONO is a much quicker and easier process, and facilitates the work of CMO's, which is also pointed out by Gervais (Gervais, 2010).

In 2019, TONO had a total turnover of 771 029 047 NOK (TONO, 2019)⁹, which is a higher number than ever before in TONO's history. This is a result of increased growth and awareness of TONO itself, as well as the rights of people that create music. TONO has frequently been subject of media attention due to copyright-related issues. One recent example is the case between TONO and the Norwegian TV-company "RiksTV" in which TONO subpoenaed RikstTV over music used in TV broadcasts over a period of 10 years. The lawsuit was appealed and ended in "Høyesterett" (the highest court in Norway) where TONO won the case. This resulted in a claim of 100 million NOK to be paid by RiksTV (NTB, 2020). Very recently, TONO also subpoenaed The Oslo Philharmonic Orchestra for a reduced payment to TONO and thus the composers (TONO, 2021). The case is still ongoing and has not had an outcome yet.

While there are several similar examples, these cases show that TONO is actively working to preserve and protect music creators and their rights. This leads people to further recognise their work in and for the Norwegian music industry, resulting in a more established knowledge of its importance. By becoming an established part of Norwegian music and culture, TONO is sure to attract even more members and users in the coming years. Through an understanding of the work TONO does, respecting copyright is becoming the norm, which is ultimately the goal for TONO and other CMO's.

2.3.2 Other Norwegian CMO's

While TONO is the CMO for composers and lyricists, and the most important CMO related to this thesis, there are also other CMO's operating in Norway that is worth mentioning. One of the most closely related to TONO is GRAMO, which is the CMO for musicians and artists, as well as record companies. GRAMO is often associated with music played on the radio, making sure that whoever has contributed on a given

⁹ TONO Annual Report: https://www.tono.no/wp-content/uploads/2020/05/Årsberetning_2019_ORG3_NORSK.pdf

recording receives compensation. GRAMO does not handle rights and licensing for *live* music (handled by TONO), only *recorded* music. This means that if and when a song is played on the radio, contributing musicians and artists will receive payment from GRAMO, while the composer(s) and lyricist(s) will receive their payment from TONO. This enables freelance session musicians and singers to receive payment for their work.

Also, whoever owns the *mechanical rights*¹⁰ to a given work will be compensated by GRAMO when the work is played on the radio. This is often a record company but could also be the artist themselves. Compared to TONO, GRAMO works on a smaller scale, but the work is just as important to protect and enable musicians and artists to earn compensation for their work.

Another Norwegian CMO worth mentioning is KopiNor, which is the CMO that provides licenses for copying different types of copyright-protected material. The right to copy written texts such as books or articles is a typical license provided by KopiNor. Another example from the “music-sphere” are lyrics or sheet music which is often copied for different purposes, such as music teaching classes or rehearsals.

In church services, music is often copied, both for the participating musicians but also for the attending congregation. The lyrics of the psalms or worship songs used in a service, are usually found in a hymnbook or projected/displayed on a screen to make it easier to sing along. Of these two alternatives, the latter has become very common in modern churches utilizing contemporary worship music. Displaying song lyrics publicly for a congregation is regarded as digital copying and will require a license. Many churches in Norway have acquired a license to do this through an agreement with Kopinor (Kopinor, 2021), while others also acquire this license through CCLI (Christian Copyright Licensing International) which I will get back to later.

Unlike TONO and GRAMO, KopiNor is not exclusively working within the music industry. Most of their work consists of providing licensing for schools, workplaces and organisations that require copying of texts for different purposes. However, due to the

¹⁰ Rights to a recording of a given work

somewhat extensive copying of text in relation to church services, it is important to have some knowledge of it when discussing the research in this topic.

Below is an overview of Norwegian CMO's operating in the cultural industries in Norway.

TONO – *CMO for composers and lyricists.*

GRAMO – *CMO for artists, musicians and record companies (owners of masters).*

KopiNor – *CMO related to copying of intellectual property.*

BONO – *CMO for visual arts.*

IFPI – *CMO for record companies and music companies (also international).*

2.4 TONO and Norwegian Churches

Churches make use of music to a great degree, usually in regular services but also in concerts. Similar to other concert venues, the church is a place where music is being performed publicly, which means that licenses are required to avoid copyright infringement. As previously discussed, (under “copyright”), the right to perform a work is a part of the “*bundle of rights*” (Frith 2004) that makes up copyright. This means that the same licenses are needed for musical works to be performed in the church.

In Norway, correct licensing can be achieved through TONO for a fee. As mentioned in the introduction to my project, churches are not required to pay a fee to TONO for music used in church services. This does not mean that no fees are paid for this use however, as this is regulated by an agreement between TONO and the Norwegian state which covers any fees. This is a part of a state remuneration process which also covers works provided through public libraries as well as public showings of Norwegian and Sami visual art (Regjeringen, 2017).

This deal is indeed a blessing to the church as it enables Norwegian churches to use music freely in their weekly services. The fees could potentially become quite high, especially since many churches have services or gatherings several times during the week. However, it is important to note that not all types of music performance in the church will be devoid of potential fees. According to TONO, there are certain requirements that needs to be met in order be included in this deal (TONO, 2021). The event/service is required to have *religious preaching*, and *free admission*. If these are met, music can be performed without any fees paid.

Churches are often used for concerts, which are ticketed in many cases. In this case, normal licensing would be required, even if there were preaching during the event. Likewise, if the concert was free of charge for attendees, but did not include any religious preaching, it would be treated as a regular concert, resulting in a fee. Many churches sometimes host conferences or services with ticket sales. These would also be treated as “regular” events, not exempt from licensing fees.

A deal has also been struck between KA (Labour union for Church workers) and TONO, concerning music performance in the church (KA, 2020). This is a preliminary agreement that allows Norwegian churches to pay a yearly fee for music used in the church apart from services that meet the aforementioned criteria. This fee is based on the amount of citizens registered in a given county.

Regardless of any deals related to music performance, churches are always required to report *which* songs have been performed at a given event. This information is important for making sure that the correct lyricists and composers are compensated. Any arranger of an event involving music is responsible for doing this. If the songs are not reported, many people are missing out on potential remuneration for their work, which can ultimately affect their ability and time to produce and write music.

The church is a place where music is being performed weekly. Many of the larger Norwegian churches have several services each week. This could be a weekly prayer meeting on a weekday, a youth service on Friday and two services on Sunday. Some

churches even have multiple campuses that run services simultaneously. As worship is an essential part of the service, this facilitates quite a bit of music performance during any week.

Although it varies from church to church and depends on the type of service, a regular “set” of worship usually consists of about 5-6 songs. This is based on my own experience as a worship musician, being involved in countless services in many different churches over the years. If we use 5 songs as a template, and a church has 4 services during a week, it results in 20 song performances in one week. The same songs are often used several times, but each service is considered a separate event. This is a good amount of music performance, compared to many other venues that host a concert maybe once a week. Additionally, this happens in many churches all over Norway.

A high number of performances would ultimately lead to a high number of pay-outs, at least if the songs used were reported correctly. As far as I was concerned, this is not something which is regularly done in Norwegian churches, and it seemed like the knowledge of it was limited. This is at the core of my research for this thesis; finding out how normal this practice is in Norwegian churches.

2.5 CCLI

In addition to the Norwegian CMO’s mentioned above, CCLI is another CMO which is relevant to this thesis. CCLI is an abbreviation for *Christian Copyright Licensing International* and is a CMO that works on a global level. CCLI enables churches around the world to obtain licenses to copy Christian worship music for use in the church (CCLI, 2021). These licenses do *not* cover music *performance* but rather copying of the written music and lyrics. Through a CCLI-license, churches are able to copy lyrics (which includes projecting them onto a screen), copy sheet music and arrangements, and freely translate song lyrics.

Churches can choose which type of license they want to purchase, depending on how they plan to use songs. Through agreements with several of the major record labels, as well as worship music distributors. New worship songs are registered in CCLI’s

“SongSelect” database, which is searchable for songs as well as sheet music for many of them. Any song registered at CCLI is covered by the license. According to CCLI, their database consists of over 100 000 songs, and they sell licenses to over 250 000 churches worldwide (CCLI, 2021). Additional licenses from KopiNor are not required if a church has purchased a license from CCLI, unless songs or works *not* covered by CCLI are used. As with TONO, any songs copied/used must be reported back to CCLI¹¹ to provide correct information for royalty payments. The reporting process is completed through an online system exclusive to CCLI which makes reporting quick and efficient. Reporting to TONO, on the other hand, is done through filling out a form which is then sent through e-mail or regular mail. CCLI recommends that churches do report songs frequently and require a full report each year.

Although CCLI is not the main focus of my thesis, it is closely related. Its practices are similar to those of TONO and many Norwegian churches make use of it. When I present and discuss my findings, I will get back to the topic of CCLI as well.

3. Methodology

In this section I will discuss methodology and the research methods I chose for this thesis. Several methods will be discussed, and I will elaborate on my choices and my reasons for choosing as I did. Ethical aspects and potential sources of error will also be brought up.

3.1 Qualitative and quantitative research methods

The goal of all research is to provide answers to a certain question (or questions). To achieve this, different research methods are used to collect data which will help verify or falsify assumptions or theories related to these questions. *Research* is in itself an intricate process, consisting of gathering data, analysing it and communicate it (Williams, 2007). The correct method to use is not always clear, however, and should often be considered carefully.

¹¹ <https://no.ccli.com/wp-content/uploads/sites/21/CCL-Terms-of-Agreement-NO.pdf> CCLI Terms of Agreement (29.04.2021)

Research methods are usually divided into three major categories: quantitative, qualitative and mixed research methods. The methods used are dictated by what type of data the researcher wishes to collect. *Quantitative* research seeks to gather *numerical* data (Babbie, 2010, p.23), while *qualitative* research focuses on non-numerical or *textural* data (Williams, 2007). Making use of mixed methods means that both qualitative and quantitative methods are used for data gathering.

Quantitative methods rely on numbers and are often used to gather data from a large number of sources. A typical example of a quantitative research method is a survey which is sent out to a high number of recipients. The questions are often few and simple, resulting in a large data set which is easy to analyse. An example could be a survey about music streaming amongst students, consisting of only the following question: "What streaming service do you use to listen to music?". If this was answered by 500 students, the data collected would provide a good indication of the main tendencies. Quantitative research aims to understand reality through objective analysis of the data collected.

Qualitative methods have an approach with more attention to detail. Where the quantitative research asks *what*, the qualitative research asks *why*. Instead of observing and measuring something objectively, qualitative research aims to uncover subjective and more detailed information. A common qualitative research method is the interview. As opposed to a quantitative survey consisting of few and simple questions, a qualitative *interview* collects more in-depth data from a limited selection of sources. To compare with the music streaming-example, a qualitative approach would ask "why do you use this streaming service", or other questions about the participant's personal listening habits.

Qualitative and quantitative approaches do each have their uses in research, and none can be deemed more useful than the other since they are applied best to different types of data. In the research I conducted for this thesis, I chose to make use of a *quantitative* research approach. This was due to a need for a broad data base, most easily collected from many sources.

3.2 Research design

After the formation of my topic and main research questions, I quickly got an idea of what type of data I needed to collect. My main research question is as follows:

To what degree do Norwegian churches report worship songs to TONO, and how well is this practice known amongst them?

A good answer to these questions required data gathered from not only one, but a number of Norwegian churches. There are quite a lot of churches in Norway and obtaining data from all of them would be very time consuming and difficult. However, if I could get data from a large portion of these churches, I would be able to see clear tendencies amongst them and form some statistics. This would still require a certain amount of data. To accomplish this, I decided to conduct a survey that consisted of few and simple questions in a large number of Norwegian churches.

The questions included in the survey needed to be concise, to the degree that it would be easy to summarize and analyse the results. They also needed to provide good answers that would be relevant to my research questions. Additionally, the answers would need to be short and less detailed. This would make them easier to classify and create a statistic. If the questions facilitated complex answers, relevant data extraction would be difficult. Although the extra information could be interesting, the primary objective was to collect data relevant to my research questions.

Ultimately, I ended up with a survey consisting of only two questions:

1: Are songs used in your church services reported to TONO?

2: If “no”, do you have knowledge about TONO and the practice of song reporting?

While there are two questions, some churches would only have to answer one of them as the second question would not need answering if they do report the songs used. In addition to the churches that report their songs, I also wanted to find out how well

known this practice was amongst churches in general. It would be interesting to find out if the churches which did *not* report their songs, still had knowledge of the practice. That is why I ended up with the second question. They do not require more than “yes” or “no” for an answer, which avoids too much detail. The survey ended up consisting of few and simple questions that required simple answers, which was just what was needed for my quantitative approach.

The survey would be a *cross-sectional study*, collecting data from a given point in time (Thrane, 2018). Some quantitative studies are *longitudinal*, aiming to repeatedly observe the same variables to discover potential change. While this is a good method to compare results and study variation over time, it was not as relevant for my research. Churches might change their reporting routines over time, but this was not expected to happen to a significant degree during the prospected timeframe for this thesis. Also, there is no reason to expect a change here, unless something prompts it, such as new knowledge of TONO and song reporting. On the other hand, the survey could provide such knowledge, possibly leading to such a change in some churches. It would be interesting to assess any potential changes a few years from now. Still, the aim was to obtain a picture of the status at the current time.

3.3 Survey population

When conducting quantitative research there is firstly a need to find the *population* which will be subject to studies. In this case, this will be *norwegian churches*. However, conducting a survey in all churches in Norway would be a tremendous amount of work and therefore one needs to choose a *sample* from the population (Babbie, 2010 p. 116). In the following section, I will present and discuss my chosen sample for my research.

When I was to choose where to conduct my survey, I initially wanted to send it to every single church in Norway. This quickly proved to be close to impossible, which meant that I had to reduce the number of participants while still obtaining a representative data set. I knew that the largest churches with the highest number of weekly services most likely used music to a greater degree. Most of the large churches are found in cities such as Oslo, Bergen and Trondheim. Still, I wanted to obtain data from all over Norway

and not just the largest cities, which meant that I had to look “in between”. Churches only in the largest cities would not necessarily be representative for all churches in Norway.

There are several church denominations in Norway in addition to *Den Norske Kirke*, earlier known as *Statskirken* (the state church). These are often named as “free churches” as they are not and have not been regulated through the government. Examples of these denominations are *Pinsebevegelsen* (the pentecostal movement), *Misjonskirken*, or *Norsk Luthersk Misjonssamband* (the lutheran church movement) (SSB, 2021). Based on my own experience, many of these churches have adapted a more modern style in their services. This also includes more extensive use of *contemporary worship music*, which often includes new releases and updated song catalogues.

Since the use of music in these *free churches* is so extensive, utilizing music from many different lyricists and composers, reporting music usage to TONO is very important. One would also think that more music usage would result in a greater knowledge and better routines for reporting. Through my personal experience, this was not the impression I had, which was also a driving force behind the topic for this thesis.

I chose to focus on Norwegian *free churches* in my survey, omitting *Den Norske Kirke*. The reason for this was mainly due to the extensive use of music, and especially CWM in free churches. Free churches would also have different and individual approaches to their practices, which would provide a more diverse data set. Since DNK is basically the same entity, the practices in their churches are similar regardless of location. Due to its history as a government-regulated church, knowledge of practices such as song reporting is more commonly known and is taken care of by employed church musicians. Conducting a survey in DNK as well would lead to a heavy workload for results of little variation. Therefore, DNK was omitted from my research.

While I had no intention of reaching out to all free churches in Norway, I wanted to obtain information from as many as possible. Also, it was important to get in touch with churches in all parts of the country. Through searching the websites and registers, I worked my way through one Norwegian county at a time (11 total). Mainly focusing on

the largest towns and cities, I found many churches with medium-sized to large congregations. Small congregations with limited activity were not included. These were arranged according to county and location (town/city) in an Excel-document. This would allow me to easily analyse results not only on a national level, but also in relation to each part of Norway.

By/kommune	Kirke/menighet	JA	NEI	Kjenner til	Kjenner ikke til
Kristiansand	Kirke	X		X	
	Kirke		X		X

Fig. 1: Example of the document with recorded answers. The names of the churches have been anonymised.

The image above shows how the document was arranged. The words on the top line translates to: city/municipality – church/congregation – YES (does report) – NO (does not report) – Is familiar with (the TONO practice) – Is not familiar with (the TONO practice)

After going through all counties and collecting names of churches I deemed eligible for the survey, I ended up with 318 in total. 318 individual churches spread all across Norway could potentially provide a good basis for data collection. Of course, more populated areas with more and larger towns/cities provided more recipients. Still, all Norwegian counties were represented by several churches, the lowest number being 13 in Innlandet, and the highest number being 57 in Viken.

3.4 Data collection

After acquiring and organizing all of these churches, I sent the survey out to them via e-mail. This worked for most of the respondents, but some did not have an e-mail address to be found online. Therefore, I had to contact some churches through Facebook or through message forms on their websites.

Attached to the e-mail was a document which contained the survey, as well as relevant important information. It contained an introduction of myself and the project before introducing the questions. The TONO “church deal” was explained, and I emphasized on the importance of song reporting and how it affects people that make music. Also, I made sure to clarify that the goal of my work was not to find the “culprits” that did not report to TONO, but rather to conduct research on the matter. In order to obtain as many honest answers as possible, the document also stated that names of churches would not be made public.

I made sure to include my contact information (phone number and e-mail address) in the e-mail, encouraging recipients to reach out if there were any other questions. It was important to give the impression that any questions were acceptable and to come across as honest. The full survey document (written in Norwegian) is found as an appendix to this thesis.

3.5 Ethical aspects and margins of error

Whenever someone conducts research, ethical aspects come into play. This is especially true for social sciences which to a large degree involve people, their habits and opinions. Often, such research requires people to provide personal information to a scientist or group of scientists, who are most likely strangers. Unlike a doctor or a lawyer for example, the collection of such information does not necessarily serve the interests of the respondent (Babbie, 2010). Because of this, people might be reluctant to participate in such studies. This can be based on a fear that certain information previously unknown to others might be traced back to them.

This is why anonymity and confidentiality often play an important role in social studies. *Anonymity* makes sure that any responses cannot be directly linked to or used to identify any respondent. Sometimes, identities are kept from even the scientists conducting the research, while this is difficult in other cases, such as an interview. This is where *confidentiality* comes into play, where the researcher promises to keep certain personal details from the public (Babbie, 2010).

In order to obtain good, honest answers and reliable information, participants need to feel that they cannot incriminate themselves in any way by participating. This is why it is important to provide information about anonymity and confidentiality prior to the collection of data. It should also be made clear that any personal data will remain under confidentiality or destroyed after the completion of the research project.

3.5.1 The problem with scepticism

In the case of my research for this thesis, it does not involve personal information from individuals. Still, the information collected is related to a certain church or congregation. Faith and religion are very personal aspects, and people that work in a given church or attend it would probably not want it to be viewed in a negative light. Questions related to copyright issues and TONO seek information about the daily operation of the church, which some perhaps would compare to information about the economic situation or members. Also, the questions I am asking in my survey are inherently about whether or not the churches adhere to copyright law or not. Though it is not enforced extensively, copyright infringement is in fact punishable by law, and unlicensed music use can be considered as such.

Because of this, there was a risk that some respondents would be reluctant to answer or be sceptic about my intentions. I was afraid that some would feel that I was trying to find out which churches were law-abiding and which ones were not. Therefore, I tried my utmost to ensure that this was not the impression given to the respondents. However, this could still have an effect on the results.

3.5.2 The problem with respondent distribution

Another issue relevant to my research is the distribution of respondents in different areas. My goal was to obtain data from churches all over Norway, from all counties. Although I managed to achieve this, the number of respondents in each county differs. Of course, this is in some cases due to the actual size of the counties but is also affected by church density. Some areas in Norway contain a higher number of congregations and churches, which will likely lead to more data collected from the given areas. Through a

geographically uneven collection of data, the final results could be dictated by certain parts of Norway, such as the counties with the largest cities. One could then ask whether or not the numbers would be representative or not.

However, by recording results based on the different counties, I would be able to analyse data collected from any given county. This would help me discover major differences (if there are any) between counties, as well as keeping a look on the overall picture. This would also provide an interesting insight in whether or not the practice and knowledge of song reporting follows the same tendencies in different places.

The potential difference will depend on the actual responses gathered from the survey. Though one area might contain many respondents, there are no guarantees that they will actually answer the survey. A lack of data will also affect the results.

3.5.3 The problem with missing data

When conducting a survey, one will have to depend on the answers from respondents. The data collected is crucial for the progress and results of the research, which means that it is totally dependent on participant responses. When locating the different churches that I ultimately decided to send the survey to, I deliberately aimed for the number to be over 300. This was to avoid a case in which the data set would be too deficient to make a representative statistic. With a number of 318 respondents, I was confident that the answers provided would be satisfying.

There could be several reasons for not participating in the survey. Some could be on the basis of issues previously discussed, such as scepticism or the fear of self-incrimination in some way. Others could be because of a lack of time or knowledge to participate, or simply due to forgetting it. The overall quality and routines of daily administration vary greatly in different churches, with some having a large number of employees assigned to different tasks, while others are taken care of by just one volunteer. This could also have an impact on the frequency of answers.

Another reason could be a reluctance to answer due to a sense of embarrassment or discomfort at the fact that a given church does not report, despite a knowledge of it. If there is a sense of willingly “ignoring” the problem, this could extend into a lack of participation as a response to a feeling of confrontation. Not wanting to address the issue could potentially lead to lost data. On the other hand, being confronted with a question could also prompt a response or a change in routines. A positive side-effect of this research is an increased awareness of TONO and copyright-related issues, which could be beneficial in the future.

These are assumptions of course, but they could potentially have an impact on the results of the survey and are therefore important to address. In the next chapter, I will present my findings and the data collected through the survey. This will be analysed and discussed according to the theory presented in earlier chapters. Potential margins of error will be revisited and discussed in relation to the findings, with an attempt to uncover how and if it has affected the process in any way.

4. Findings and discussion

In the following section I will present the data I managed to collect through the survey. It will be analysed and discussed in general, as well as in relation to the different counties. The numbers will be interpreted and used to uncover the main tendencies, causes, and margins of error will also be revisited. Additional findings of interest will also be addressed. Further on, potential future scenarios and changes will be discussed as well. The main goal is to provide a satisfying answer to the research questions.

Out of all the 318 churches that received the survey, 168 of them answered. While this number is not very high compared to the total, it still includes over half of the respondents. As mentioned earlier, the reason for selecting a high number of respondents was to ensure that I obtained a good and representative data set. I believe that the 168 respondents will provide a good look at the current situation as well as recurring tendencies. However, it is important to note that the lack of respondents may affect how the findings are interpreted.

4.1 The general numbers

First, I will look at the total numbers in general. On the question on whether or not a church usually reports the songs used in their services to TONO, 55 of the respondents answered YES, while 113 answered NO. This means that only 33% do report their songs to TONO, while 67% do *not*. In other words, 2 out of three churches do *not* report to TONO, despite the fact that it is required.

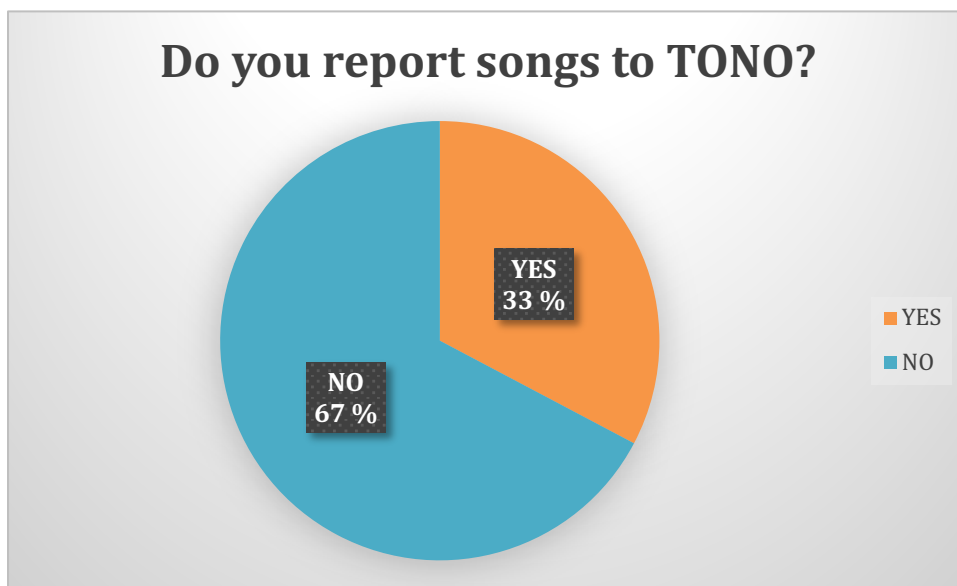


Fig. 2: Diagram showing the distribution of total YES/NO answers.

These numbers are interesting, considering that the number of churches that actually report to TONO is well below 50%. Free churches are very persevering when it comes to the use of live music, and one would think that reporting the songs used would be a norm. Many modern churches are run like professional organisations with a high focus on adhering to national rules and regulations like taxes and member registration. However, it seems like music and copyright issues might have been overlooked in the process.

Based on my assumptions before initiating my research, the results are not very surprising. From conversations with others on the matter, as well as the lack of reference to the topic amongst churches and congregation members, I suspected that

the number of those actually reporting would be on the lesser side. Still, it was to some surprise I found out that the number was so far below 50%.

With a number of 67% not reporting to TONO, one would think that it is due to a lack of knowledge of both the possibility and reason for doing so. This is why the second question in the survey becomes very interesting. It is only answered by those that replied "NO" on the first question, which means that they are the ones that do *not* report the music used. The question asks:

If "no", do you have knowledge about TONO and the practice of song reporting?

This question was answered by the 113 churches that replied "NO" on the first one. The results show that of the churches that do *not* report their songs to TONO, only 24% do *not* have knowledge of TONO and the reporting practice. This means that out of those that do not report, 76% are familiar with the practice.

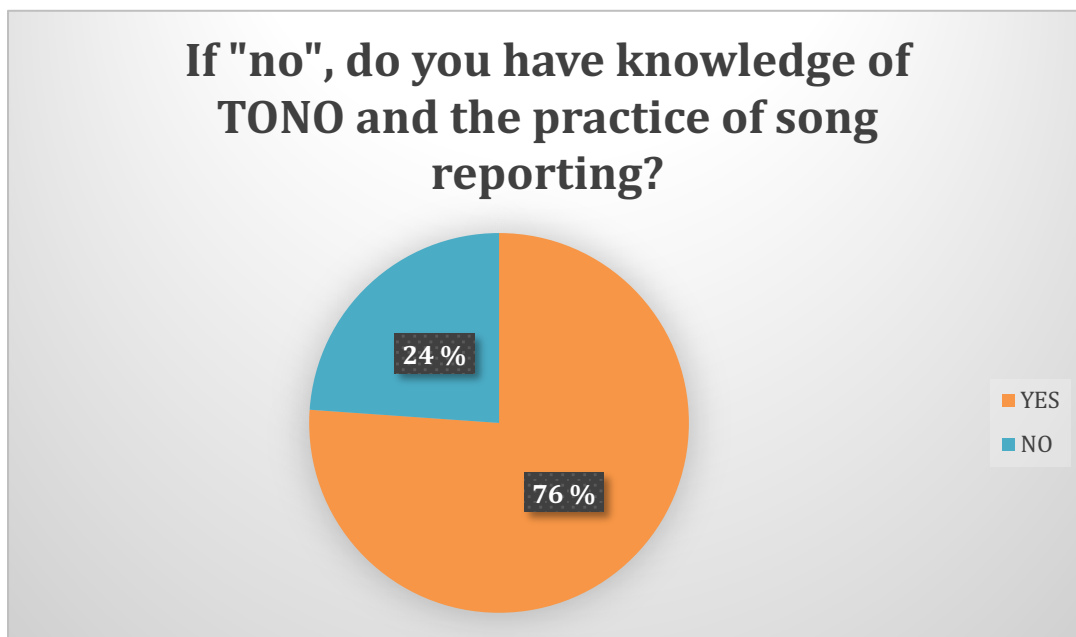


Fig. 3: The distribution of answers on the second question in the survey.

These numbers are very interesting. Just over $\frac{3}{4}$ of the churches that do *not* report, actually have knowledge of TONO and the song reporting practice. This is far above

50%, which is notable compared to the results of the first question. As previously mentioned, a lack of knowledge of the practice could be the reason for a lack of reporting. However, due to these numbers it seems like most churches actually have this knowledge. This means that the major reasons for not reporting must be something else. Of course, for the 24% that answered “NO” on both questions, this is likely the main cause. Still, this does not seem to be the main cause.

I was surprised by these numbers, especially by the large number of churches that replied that they did have knowledge of the practice. My assumptions were right in the case of the first question, but I did not anticipate the results on the second. I did expect more churches to state that they had not heard of TONO or song reporting, as this was the impression I had gotten through my own experiences. While this was true for some, it turned out to not be the case for the majority. The potential causes for these numbers will be discussed, but we will first look at the numbers according to each county.

4.2 Numbers and counties

This section will still focus on the data from the survey, but with attention to the different Norwegian counties. The general numbers presented previously are composed of the results gathered from each county, while I now will look at them more individually. Potential differences and trends will be uncovered here. Below is a graphic that displays data collected from the first question of the survey.

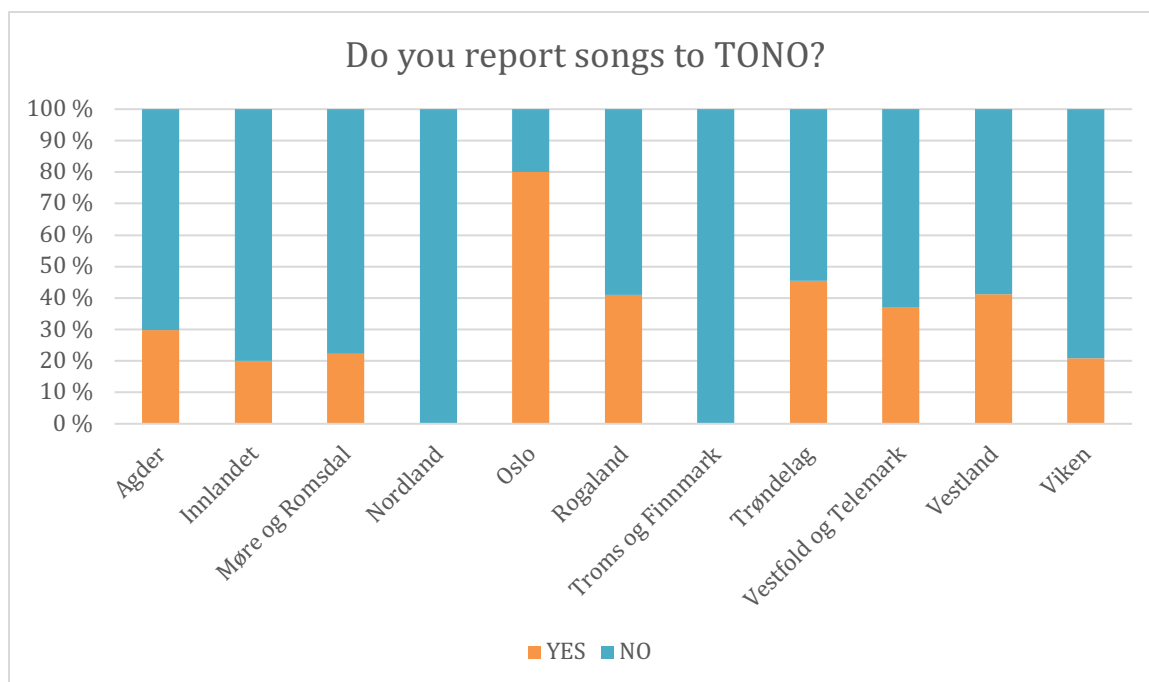


Fig. 4: Graphic showing data collected by county.

This graphic shows the percentage of “YES” and “NO” - answers obtained from respondents in the different Norwegian counties. What is interesting here is that there is a clear difference between some of them. While most counties have a “yes-rate” of around 20-40%, three counties stand out. These are Oslo, Troms og Finnmark, and Nordland. The numbers show that while the two latter counties have a “yes-rate” of 0%, Oslo reaches 80%, also towering above any other county. This is a major difference and makes for an interesting discussion.

Firstly, Oslo is the smallest county in Norway. It consists mainly of the capital, Oslo, and its surrounding regions. While it is the smallest county, it has a high population number with over 693 000 people (SSB, 2020). Troms og Finnmark, on the other hand, is the largest Norwegian county, but has a population of around 243 000 people (SSB, 2020). Naturally, there are more churches and larger congregations in Oslo than there is in Troms og Finnmark, and Nordland where the population is smaller and more scattered.

The fact that the northernmost counties have a 0% “yes-rate” does not mean that absolutely no churches in the area report their songs to TONO. It is important that the number reflects the replies I received from churches in this area and is not necessarily

representative of the whole region. Still, it can provide a look at the general tendencies. It is also important to note that the northern part of Norway has a low population of Christians (source needed), which has an effect on the number of churches in the area. Smaller congregations would also have less employees and routines for church administration which would include such things as TONO reporting.

Oslo is the Norwegian capital, and many of the churches located here have large congregations. This requires more administration which in turn sets the stage for issues related to copyright and song use. A small area with more “church-density” will also lead to more communication amongst churches, resulting in shared knowledge. Oslo is also the home to many professional musicians and people working in the music industry, which could affect the focus on these matters. This will also be true in churches since church-attending musicians often are a part of the worship team in their church. If a focus on song reporting is a part of the church culture, awareness will likely rise and spread to other churches in the region.

In other counties with large cities like Rogaland and Vestland, the “yes-rate” lies around 40%. The reason this number is lower is because the counties are larger, with more smaller towns and congregations outside the big cities. However, both Bergen and Stavanger have a “yes-rate” of 40-50% individually. This means that Oslo in general has a more established culture for song reporting in churches than the other larger Norwegian cities.

Besides from Oslo, Troms og Finnmark and Nordland, the rest of the Norwegian counties each have a “yes-rate” of approximately 20-45%. Although there is some variation, they are mostly in the same area, resulting in the national average of 33%. This shows us that the tendency in most counties is similar. The gap between Oslo and the northern counties still stands out, however, and should be noted.

Below is a graph showing the response to the second question in the survey, distributed to each Norwegian county:

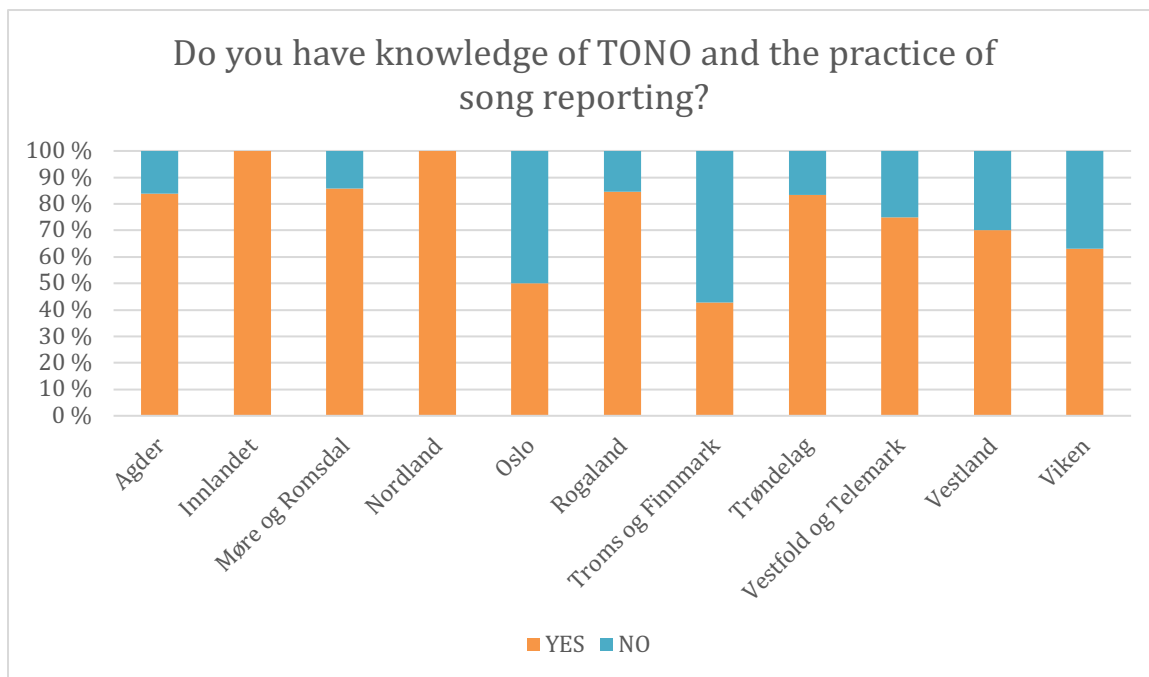


Fig. 5: Graphic showing data collected from the second question of the survey, by county.

This graph shows the distribution of “YES” and “NO” answers on the second question in the survey, which was only answered by those who replied that they do *not* report to TONO. It looks very different from the previous graph, due to a much higher “yes-rate”. As mentioned earlier, 76% of churches that do not report, still have knowledge of TONO and song-reporting. This is a high number, and is also reflected in the graph, where most counties reside within 60-80% on the “yes-rate”.

What immediately stands out is that Nordland, which had 0% on reporting, now has 100% on the knowledge of TONO. This is also true for Innlandet, which also had a low number of reporting churches with 20%. Oslo, on the other hand, lands at only 50%. This is strange, considering the high number of reporting churches. One would think that many churches reporting will result in more widespread knowledge of it. Also, why would the number be so high in Nordland?

These numbers must be taken with a grain of salt. This is due to the quality of the data collected from each county. Out of the 10 churches in Oslo that replied on the survey, only 2 stated that they did not report to TONO. Of these two, 1 replied that they were not familiar with TONO. This is why the result is at 50%. In Nordland, 7 churches replied

that they did not report to TONO, but all of them had some knowledge of the practice. This results in the 100% yes-rate. However, since the data sets collected are so scarce in some counties, the numbers are not particularly reliable in terms of individual counties.

Although the numbers do not necessarily portray a representative picture for all individual counties, they could still show a general tendency on a national level. It is still very important to address the fact that some of the data has deficiencies.

4.3 Margins of error revisited

In the methodology section, several margins of error were discussed. Amongst them was the *problem with scepticism*, which could result in a reluctance to answer due to scepticism towards the project and my intentions. I did expect some scepticism, or at least some critical questions related to my intentions and how I was going to use the data. However, I was surprised to receive no such replies. Many of the respondents were very positive towards my thesis, and several commended me for researching this matter. Several of them also wanted to read the finished thesis, expressing a genuine interest in my results. The attitude towards my project turned out to be more positive than expected.

On the other hand, sceptic or critical respondents could have simply chosen not to take part. If they were already critical of the project, this would affect their willingness to participate. These are just assumptions, however, and becomes a part of the *problem with missing data* which is important in relation to my research.

Missing data is a typical problem in quantitative surveys with many respondents. Since it was voluntary to respond, it was difficult to predict how much data I would be able to collect. However, missing data is not always a big problem. Typically, political surveys could have a low response rate, but still turn out to be fairly accurate (Thrane, 2018). Though I did not get a response from every church I sent the survey to, the response rate is at around 52%, which is fairly high. It provides a good picture of the tendencies in

churches on a national level. On the other hand, missing data is a larger problem when it comes to the individual counties.

Due to very different response rates from the different counties, not all of them have as reliable data sets. One example of this is Nordland, where the survey was sent to 20 churches, but only generated 7 replies. Although these responses could be representative of the county, it should be noted that the data here is quite weak. Also, the 7 respondents all stated that they did *not* report to TONO, which resulted in a “yes-rate” of 0%. This is likely not an accurate representation of the county. While it might be true that there is a low number of reporting churches in Nordland, we cannot conclude that none of them are reporting, based on this data which is somewhat deficit. Therefore, the data concerning each county will vary in how reliable the tendencies they present are. Most of the counties have a response rate of around 50%, which reflects the overall numbers.

Most quantitative surveys will have some loss of data, which means that the results will not describe phenomena with 100% accuracy. However, they will hopefully provide a good image of the tendencies in the field of research. While the individual numbers for each county might be somewhat flawed, they work better to show tendencies on a national level. Although it is important to keep in mind that the numbers are not 100% accurate, I believe that they reflect the status of churches and reporting to a good degree.

4.4 Data discussion

After presenting and assessing the findings and the data, the practice of reporting songs to TONO seems to be lacking in Norwegian churches. 33% is a low number and should definitely be higher for the sake of copyright protection. Also, I have uncovered that the majority of the churches that do not report their songs, do have some knowledge of TONO and the reporting practice with 76% stating this. Based on these numbers, the main reason for not reporting must be something else than just a lack of knowledge. Could it be that there is not enough time to do it, or no incorporated routines? Maybe no one is willing to take responsibility for it, due to the extra workload. It could also be that

many have some knowledge about TONO but lack information on how the music should be reported and why.

The drawback with a quantitative approach is that it does not provide many details and in-depth answers. It will be hard to properly uncover details about the reporting process through the survey I made for this thesis. However, many of the respondents provided additional information in their answers. The churches that did not report to TONO often included some reasoning for this in their replies. This was most likely due to the fact that they knew that they probably should report and wished to present some form of an excuse. Although I did not request any additional information and was primarily interested in simple answers to the questions in the survey, this information turned out to be interesting when discussing the data.

Many respondents reply that they do have knowledge of TONO but are not aware that they should report songs used in the services. Some of them have routines for reporting concerts and events, but not regular services. Another common answer is that there is knowledge of TONO and reporting, but that there is a lack of knowledge about the process. Some also described the process as cumbersome and tedious, pointing to a need for an easier way to report the songs, for example through an online service (similar to CCLI¹²). Several of the respondents stated that they have talked about reporting and wish to do it but have not started the process yet.

Some of the respondents have also pointed to certain agreements, such as the KA agreement¹³ which is related to concerts arranged in the church, claiming that services are included here. Whether or not they are included or not, reporting the songs performed is still required. Others point to the fact that churches do not have to pay any fee for music used in services since it is covered by the state. While this is true, no church is exempt from reporting the songs used. There seems to be some confusion when it comes to paying a fee and reporting songs. It is important to note that those are not attached.

¹² Christian Copyright Licensing International, discussed previously.

¹³ Discussed in the "TONO Church-deal segment"

One of the most common misconceptions found in the replies is that CCLI and TONO are parts of the same thing, with some respondents claiming that they are one and the same. While they both operate within the fields of music and copyright, they work with different parts of it. As discussed earlier, TONO works with the rights of lyricists and composers, while CCLI provides copyright licenses for text and written music used within the church. Many churches have a CCLI-license which they pay for, and some of them seem to think that this also covers the performance of music during services. The truth is that a church would need a CCLI-license (or another license for text copying) and good TONO-reporting routines. A major difference between the two is the fact that TONO-reporting does not require any fee, whilst a CCLI-license is purchased.

Additionally, many of the respondents expressed regret over not reporting, stating that they wanted to start doing this. Many are positive to the work of TONO and want the composers and lyricists to be properly compensated. The only criticism that was received was towards the reporting process itself, and how it is perceived. Generally, there seems to be an understanding of the importance of copyright.

After assessing this additional information, it is clear that while many of the churches are familiar with TONO, there is a lack of information and knowledge related to the reporting process itself. Without clear information about how these processes are meant to be handled and the roles of different organizations, confusion is inevitable. People will likely be more reluctant to get involved in an area that already is plagued with mixed information. Missing information seems to be the main reason why churches do not report to TONO.

Are there any ways to effectively remedy this? In order to increase the reporting-rate in Norwegian churches, it is clear that more information is needed. A possible way to make this happen is to actively provide correct information to the churches. Clear guidelines for song reporting should be easy to understand and become a regular part of church-culture. However, this requires that someone provides this information, which could be a heavy workload. One could argue that TONO should provide this information, and make sure that churches adhere to it. Preventing copyright infringement is TONO's main objective, after all. On the other hand, one could say that this information has already

been provided, as it is fairly simple to learn about these reporting processes on TONO's website or by direct contact. Wouldn't it then be the churches responsibility to make sure that this information is understood? Should TONO do more, or should the churches do more?

As with any law and rule, it is expected that whoever the laws may concern makes sure that they understand and follow them. This is also the case with copyright law. Anyone that makes use of IP¹⁴ are responsible that this is done legally. In this case, this would include the churches and the practice of reporting songs. However, it is important that the rules and laws are communicated clearly. While this responsibility is with the court, it is also with TONO when it comes to song reporting and licensing as it serves their interest. Also, the information is already accessible, which leaves the burden on the churches. It seems as if many have not used much time or effort to learn about it. Still, with an absence of consequences, the need to change is not urgent.

A possible measure could be more frequent check-ups on churches. Through regular visits and notifications, it would be easier to increase awareness and make churches take action. However, this could lead to a negative view on TONO, with the organization being portrayed as "finger-pointers". Perhaps a better strategy is to focus more on information in order to increase the reporting-rate, and less on the consequences of not doing so. As stated by Gervais: *"Copyright industries have done well when their primary focus was not to minimize unauthorized uses, but rather to maximize authroized use."* (Gervais, 2020 p.17).

In May 2021, TONO published an article on their website about a new, digital service for reporting songs used in services. (TONO, 2021). This means that reporting will be much easier, as it is done by logging in and submitting the report without having to download and fill out any forms. It also shows that TONO is active in their work to increase reporting activity in churches. According to the article, both digital and traditional reporting will be possible, but only digital reporting will be accepted after January 1st, 2022. Hopefully, this will lead to more reporting and more awareness on the issue. It

¹⁴ IP: Intellectual Property

would at least make it harder to blame a “tedious system” for not reporting. While a higher reporting-rate is expected, we will have to wait a few years to see the actual effect of this. What the future might entail will be briefly discussed in the next section.

4.5 Future scenarios

Through easier processes and more awareness, it is likely that song reporting in the church will increase. This would have a positive effect on composers, producers and songwriters that operate within the field of CWM. However, increased reporting will also mean larger pay-outs and could lead to some challenges which will also be discussed below.

As was discussed in the introduction to this thesis, a single song used 30 times each by 100 different churches would yield a yearly pay-out of around 270 000 NOK if every use was reported correctly. This would of course be split between anyone registered with a share in the song, which is sometimes just one. There are several CWM artists in Norway that are very popular, as discussed earlier. With new releases every year, many of their songs are played in churches all over the country, and some of them are used continuously for many years.

If the song in question was used 3000 times over the course of a year, but only 33% reported the use to TONO, the pay-out would be around 70 000 NOK. This is still a large sum of money, but much lower than the pay-out for 100% reporting. Based on this example, David Østby would miss out on approximately 200 000 NOK each year for this one song due to a lack of reporting. Due to how popular his songs are, the actual numbers are likely much higher. If all songs used in services was reported properly, I believe that the most popular CWM artists could have an extra income of between 500 000-1000 000 NOK yearly.

Based on the numbers we have just discussed, the potential pay-outs with 100% reporting would be significant. According to TONO’s annual report from 2019, music used in church services accounted for 2,98 million NOK (TONO 2019). This means that this is the amount of money which will be covered by the Norwegian state due to the

TONO “church-deal”. If reporting was to increase drastically, this amount would rise accordingly. One could then ask if the state still would be willing to cover the music use if the sum increased by 10-20 million NOK. If not, churches would need to pay for the use of music themselves like with any other event. The extensive use of music in churches would surely result in fairly high licensing fees, unless other measures are made. This could again affect the way churches use and make worship music. It could also lead to less reporting from churches trying to avoid a larger fee.

However, at the current point in time I do not have any data to indicate how the state would react to an increased royalty pay-out. Perhaps it would simply be taken care of, and not pose a problem, or it would result in additional fees for churches. Either way, it is an interesting question which should be explored further in the future.

4.6 Biblical ethics

Another question that rises from our findings is *why are not Norwegian CWM-artists more concerned with TONO reporting?* After all, these are the people that are affected negatively due to a lack in reporting. One would think that they would be the ones working to make this change for the better, but this is seemingly not an issue they raise their voices about.

Some of the reason could be a limited knowledge of the situation. After all, many of these artists have their origins (and are part of) churches in Norway, and as we have seen, reporting is not necessarily an activity which is given much effort. If this issue is not talked about in the church to a high degree, it will probably not be an issue for the artist, unless the information is provided from somewhere else. Many of these people have other jobs apart from being musicians and songwriters and are not directly involved in the music industry. Issues related to copyright in general could be as foreign to them as to any member of the congregation.

While this could be a reason, I think many of the CWM-artists are aware, at least partially, of the issue. Another reason for not speaking up about it could be in order to keep the focus away from money. Several passages in the bible discuss money and

riches, urging people to be generous and share with others instead of being greedy. In the famous *Sermon on The Mount*, Jesus states that “you can’ serve both God and Mammon” (Matthew 6:24). Mammon is associated with a god or entity that represents wealth and greed, and the passage is often used to warn people about the dangers of greed.

Because of these teachings, some CWM-artists could be reluctant to bring up the issue in order to keep the focus away from money. Being too concerned with money could potentially have a bad effect on their reputation, making people question their intentions. The main objective of worship music in the church is to express worship towards God and not to generate a revenue. This view could have a big impact on how these issues are discussed in the CWM-industry.

Still, there are many paid jobs within the church, and people seem to acknowledge that people should be paid for their work. Also, based on the responses I got from the survey, most churches are positive towards TONO-reporting, which indicates that this is not necessarily something many are sceptical about. Still, without an open discussion on the issue, this might affect why this issue is kept out of the light for the most part. Again, this is also speculation, and further research is needed in order to fully understand this.

5. Conclusion

The goal with this thesis was to provide a good answer to the research question, which was:

To what degree do Norwegian churches report worship songs to TONO, and how well is this practice known amongst them?

A theoretical background had to be established in order to fully explain and discuss the results yielded by the survey. Theory related to churches and contemporary worship music was presented, as well as theory related to copyright which is the foundation of CMO’s which were later discussed. Based on the information provided in the theory

section, the importance and relevance of the research topic becomes clear, and it makes for a more understandable discussion.

In order to answer the research question, I decided to conduct a quantitative survey involving churches from all over Norway. The goal was to gather enough data to make a statistic that would show the general tendency of TONO-reporting in churches. Based on my findings, I would say that I am satisfied with the results. The data showed a reporting rate of around 33% of Norwegian free-churches, and also uncovered that 76% of the *non-reporters* still was familiar with TONO and the reporting practice. This provided a good image of what the current situation is like and facilitated an interesting discussion.

The responses also uncovered that there is some confusion present regarding the function of TONO and CCLI, as well as the reporting practice. While most churches are positive, and want to properly report the songs they use, there is need for some enlightenment. This will hopefully change in the future due to the new, digital reporting service TONO has released. However, this also requires that awareness of it is spread. Easier reporting will not solve anything unless churches know how and why to use it. On the other hand, the data showed us that most churches are familiar with TONO in some way, and some stated that they plan on starting to report. This could indicate that the change has already begun.

My experience as a church musician in combination with music business studies is what ultimately led me to this topic. Since churches in Norway are eager music users, this made me wonder about how well-incorporated the reporting practices were on average. As I could not find any data on this, I decided to find it myself. Some of the results surprised me, while others matched my assumptions. Either way, I managed to collect enough data to get a view on the tendency of churches and TONO-reporting in Norway.

I hope that this thesis is able to shed some light on a previously dark area in the Norwegian CWM-industry. My intention was never to critique, but rather to unveil numbers that reflect the current situation. Hopefully, this will help spread awareness of the topic, and lead to a change for the better in terms of copyright in the church. While the future is very hard to predict, I believe that it is indeed bright.

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7. Appendix

Invitasjon til undersøkelse om *musikkbruk i menighet*

Hei!

Mitt navn er Andreas Meland og jeg er student ved UiA i Kristiansand. Jeg holder på med en masteroppgave innenfor studieretningen «Music Business and Management», og skal i den forbindelse skrive en oppgave om *musikkbruk i menighet*. Jeg er selv aktiv i menighet og musikk, og synes derfor dette er et interessant felt å undersøke!

Menigheter og kirker i Norge trenger ikke å betale noe for å bruke musikk i gudstjenestene sine, ettersom dette dekkes av staten. De har likevel mulighet til å rapportere inn til TONO hvilke sanger som blir brukt i gudstjenesten. Dette vil føre til at de som er musikkens opphavsmenn (komponister, låtskrivere) vil få utbetalt et vederlag for at deres musikk blir brukt.

Jeg ønsker å kartlegge i hvilken grad dette gjennomføres i norske menigheter i dag, og gjennomfører da en undersøkelse i over 300 norske menigheter. Den består kun av følgende spørsmål:

- 1) **Rapporteres lovsangen brukt i deres gudstjenester til TONO?**
- 2) **Hvis «nei»: Kjenner dere til ordningen med TONO og innrapportering?**

Det er viktig for meg å presisere at denne undersøkelsen kun er for statistikk, og ikke for å luke ut menigheter som ikke rapporterer. Jeg ønsker simpelthen å finne ut hvordan denne praksisen ser ut blant norske menigheter i dag. Mange er ikke klar over at denne ordningen finnes, noe som er litt av grunnlaget for oppgaven min.

Navnet på menigheter kommer ikke til å bli offentliggjort, og svarene dere sender meg blir kun brukt som en del av en statistikk.

Jeg håper dere vil ta dere tid til å svare kort på disse kjappe spørsmålene, og dermed være til stor hjelp i min masteroppgave!

Hvis dere har noen spørsmål i forhold til dette, er det bare å ta kontakt!

Mvh

Andreas Meland

