

Copyright and Theater

Disclaimer: These guidelines represent the library's best effort at articulating copyright principles. They neither represent general legal advice nor a legal response to a specific situation.

Multiple copyrights inherent

- text of script
- music used
- copyrighted recording of music
- artwork displayed in sets
- sometimes stage directions

Performance

- Scripts—purchasing legally does not mean allowance to perform. It simply means you own the script and may read it.
- Performance rights must be obtained. Theatrical rights are the rights permitting performance of a work onstage whether written in theatrical form or yet to be adapted for theatrical performance, such as a novel or short story. Compensation for such rights may come in the form of a percentages of the box office receipts, or a predetermined fee based on the number of scheduled performances” (AAP, p. 63)
- Still violates copyright law to produce a play without permission when no admission is charged.
- Often, playwrights sell their works to a play-publisher leasing agent, who then has the ability to sell the work, deal with requests for producing the work, and publish the work. Two common places to contact for performance rights are Samuel French and Dramatists Play Service, who act as licensing agents for performance rights for many plays.

Alterations

- If you write a play or script that uses characters or scenarios from someone else’s work, you need to secure permission from the author.
- Who may change a playwright’s words? The playwright only. Performers may not delete, change, etc.
- Changing stage directions and settings of playwright/copyright holder can also violate copyright laws... Again, playwright has right to change.
- “Cutting” a show (e.g., doing excerpts; cutting it to time). Need to get permission.
- Other changes are tricky. If they are substantial, need to get permission (has to do with playwright’s intent.)

Stage directions: Are they or are they not covered by copyright? It depends. If you are “working for hire”, chances are your stage directions are not “owned” by you but by the employer (the company; the theater; the producer)(thus, you do not own copyright on them).

Music used in plays

- To use copyrighted music in play (e.g., recording), permission must be received from the copyright holder
- If the music is in public domain, no permission needs to be secured in order to use the music

Educational uses

- Performing a theatrical exercise in a classroom setting is legal- if no one is present other than the teacher and the students
- Permitted to change script, alter and edit as part of educational exercise

Helpful Resources

Association of American Publishers. *The New and Updated Copyright Primer: A Survival Guide to Copyright and the Permissions Process*. Washington, D.C.: Association of American Publishers, 2000.

Catron, Louis. *Copyright Laws for Theatre People*. <http://lecatr.people.wm.edu/copy.htm>
--Excellent, readable source.

Center for the Study of the Public Domain. [Website] Duke University School of Law. Accessed Aug. 2008. <<http://www.law.duke.edu/cspd/>>
-Excellent for looking at discussion of ideas relating to intellectual property and the arts

Durkin, Rachel. *Obtaining Rights to Produce a Play or Musical or Use Music in Live Performances*. University of Texas System, Office of General Counsel. 2004. Accessed Aug. 2008. <<http://www.utsystem.edu/ogc/intellectualproperty/perform.htm>>

Major Licensing and Performance Rights Agencies

- For **performance rights**, contact:
 - Samuel French. (www.SamuelFrench.com)
 - Dramatic Publishing (www.dramaticpublishing.com)
 - Dramatists Play Service (www.dramatists.com)
 - Musical Theatre International (www.mtishows.com)
- For using **copyrighted music or recordings in a play**, contact the following:
 - ASCAP - www.ascap.com
 - BMI - www.bmi.com
 - SESAC - www.sesac.com