

From the AACT Knowledge Base

Why Copyright & Royalty?

A play is the artistic creation of the playwright. Fairness--and the law--dictates that the creator deserve recompense for his or her labors.

Copyright protects authors' basic rights over their work: the rights to perform or display it publicly, to reproduce and distribute it, produce other works based on it, to claim its authorship, and to make sure its integrity is not compromised.

A work is copyrighted by the act of writing it, and is announced publicly by the act of publishing the text. A copyrighted play can then become a rentable property. And like anything that can be rented, there are rules.

Consider this analogy: An apartment owner establishes certain conditions or restrictions under which his property may be rented. You, as a prospective tenant, can choose to accept or refuse those terms. If you refuse, you look somewhere else. If you accept the terms, you must follow the owner's written rules, as long as they are legal. And you can't live in the apartment without paying the rent.

It seems odd that while the concept of renting an apartment is easily understood, the concept of renting a play seems difficult for many people. Publisher I.E. Clark states the concept simply enough: "Royalty is the author's income, the rental he receives for the use of his property. Like other legitimate play publishers, we pay our authors a royalty on each script sold and a substantial percentage of the performance royalty we collect."

In the case of plays, the copyright information is clearly stated in the printed text, usually on the back of the title page. More detailed information is included in the licensing contract, but the basics are printed on the copyright page.

A license to present a show normally contains general rules, as well as specifics such as the dates for which performance rights are granted, the theater location, the number of seats and the price of tickets.

Note that the license is specific in its wording and does not imply any authorization to move the production to another theater, to extend the run, change prices, or to modify the play in any way.

If you produce a play protected under copyright, and do not receive permission from the playwright or publisher/agent, you are essentially stealing someone's property. Royalty payments are the normal method of securing production rights to a copyrighted play.

Copyright Law in Brief

The copyright law grants owners of copyright (authors and other creators) the sole right to (or allow others to) reproduce all or part of the work, distribute copies, prepare new versions based on the original work, and to perform and display the work publicly.

You'll normally find copyright information on the reverse side of the title page of a book or play. For example, Samuel French scripts contain this language: "Copying from this book in whole or in part is strictly forbidden by law," while Dramatic Publishing's warning reads "No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy...without permission in writing from the publisher."

Copyright protection covers both published and unpublished works. The fact that a previously published work is out of print does not affect its copyright. Registration with the U.S. Copyright Office is not required in order for a new work to be protected under the most recent U.S. copyright law, and the absence of a copyright notice does not mean that the work in question may be freely copied. The best method for determining copyright ownership is by contacting the publisher of the work that you wish to copy.

Civil and criminal penalties may be imposed for copyright infringement. Civil remedies include an award of monetary damages, an award of attorney's fees, injunctive relief against future infringement and the impounding and destruction of infringing copies.

For a complete explanation of copyright law, see the Library of Congress website under "Copyright Basics" [www.loc.gov/copyright/].

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