







## About: Performance Rights & Copyright.

This is a short guide on how to approach copyright for plays and ensure that you have the permission to stage them. It is intended as a quick guide. For more detailed information please see the links from DLI and Irish Patents Office.


### Why use.... Performance Rights

-  Every time a play or musical is performed a licence fee (rights) must be paid to the author.
-  In Ireland, amateur performance rights are issued through the Samuel French Agency.
-  The Samuel French Agency aims to support the livelihood of the playwright in order to maintain the theatre of today and to safeguard its future. For this reason, Licensing FEES (Royalties) must be paid for every amateur performance, regardless of whether or not admission is charged.
-  The Samuel French Agency is represented in Ireland through the Drama League Of Ireland (DLI). The DLI act as an agent for Samuel French.

The DLI offer the following advice to amateur groups:

- *If you are unsure about the agent / or publisher please contact the DLI for the required information.*
- ***Always check the availability of the play for performance by amateur companies before commencing rehearsals. Rehearsals cannot commence without the licence having been paid.***
- *Payment for rights should reach the DLI office at least 14 days before the date of the first performance(s).*
- *Playwrights who have been deceased for over 70 years are not subject to copyright. HOWEVER, translations or adaptations of their works may still be subject to copyright law. (e.g. "The Seagull" by Anton Chekov, trans Tom Stoppard).*

(Taken from the DLI website: [www.dli.ie](http://www.dli.ie))

-  The Drama League Of Ireland (DLI) can be contacted through Valerie McGuile, Administrator, Drama League of Ireland, The Mill Theatre, Dundrum Town Centre, Dundrum Dublin16. PHONE +353 (0) 1 2969343- EMAIL [dli@eircom.net](mailto:dli@eircom.net)

## The Play in Performance

- NA  
PB Once the rights have been secured the licence holder agrees to perform the play as written. This means that there can be no changes to the script *without the prior written permission of the author*.
- NA  
PB For example, if you do an all female version of Glen Garry Glen Ross you have to ask for special permission from David Mamet and his agents. This permission may not be granted.
- NA  
PB If you decide to change a play considerably, this must be acknowledged in all your publicity material. This could include the words “ based on”, “in an adaptation of” or ‘a version of” or “inspired by”.
- NA  
PB It has to be made clear to your audience that what they are about to see is based on someone else’s idea but has been changed significantly.
- NA  
PB **If you decide to do this, performance rights must be paid for the original and permission to change it must be granted.**

## Unpublished Scripts

- NA  
PB They are lots of scripts out there that have not yet been published but are still subject to performance rights. These can be negotiated directly with the author.
- NA  
PB Many of the plays in NAYD’S Playshare scheme would be subject to this. For any queries on this, contact Alan at NAYD.

## Commissions

- NA  
PB Once a play is commissioned, the company who first produced the play automatically holds the rights of the play.
- NA  
PB They become the owner of the play and have sole exclusive use of the play.
- NA  
PB The rights are held for an agreed time period, usually two years, after which they are returned to the author.
- NA  
PB During this period, anyone looking to perform this piece must seek the permission from the owner.

## Devised Work

- NA  
PB The ownership of devised work can become extremely complex with many shades of grey.
- NA  
PB For example, a performer may base characters or stories on their own personal life and experiences. A writer may then take those characters and shape them into something else, with another performer’s characters and ideas. The director then takes this work and can shape it into something completely different. The question then arises ‘Who owns the work?’

- NA It is best practice to set this all down on paper from the outset. ([NAYD 's Joint Ventures: Partnerships with Outside Professionals](#) includes advice on agreements with writers etc.) Do not be daunted by this! You could use a simple sentence like ' I \_\_\_\_\_agree that any and all material produced during this process shall revert to the ownership of Youth Theatre.'
- NA Legally, the person who actually writes the words down on paper is known as the author and has sole ownership to the copyright of the text. Be careful to state in writing to whom the term "author" refers, rather than just presuming it is obvious.
- NA With any commission, the piece then becomes the property of the commissioner for an agreed period of time
- NA For billing purposes, something like " *A play about us*" devised by the company and Alan King would be sufficient credit.
- NA ***Devising is a great way of making new work and adding to the cannon of plays out there. Don't be put off by this aspect of it.***

### The Copyright Notice and Symbol ©

- NA It is important to show that copyright is claimed in a work. Works should be clearly marked to show who the copyright owner is and the date from which copyright is claimed.
- NA The internationally recognised symbol © is normally used to indicate that a work is protected by copyright. **Example:** © Copyright Sean Smith 2004.
- NA It is usually necessary to obtain permission to use copyright material. You should look at your copy of the text for information regarding copyright
- NA This information can help you make contact with the author/ original creator of the work in order to obtain their permission to use the work for any act that is prohibited by copyright legislation.
- NA For more detailed information on copyright please visit the Irish Patents Office at:  
[http://www.patentsoffice.ie/en/student\\_copyright.aspx](http://www.patentsoffice.ie/en/student_copyright.aspx)