

Securing Rights

All performances of copyrighted materials must be licensed by the publisher. School performances, even if they are free, must still be licensed and pay royalty fees. This chapter is designed to help you better understand the licensing process.

Regardless of experience, some things to keep in mind are:

- The only time licensing fees are not charged and authorization from the publishing company is not required of copyrighted materials is in a web resource classroom setting in which only the teacher and students enrolled in that class are present during use. This does not include assembly presentations for the school.
- A licensing fee must be paid and legal authorization for usage must be obtained anytime copyrighted materials are performed in front of an audience.
- If you are using copyrighted materials, you must purchase a copy of the script from the publisher for all cast and crew members, as you are not allowed to make photocopies.
- Non-copyrighted materials (like a play the teacher or students have written themselves), or a play that is in the public domain (like a work that was created before 1896) do not require licensing or royalty fees.

NASCENT

With a nascent club, it is sometimes appropriate for the teacher to write a 10-15 minute play specifically for the students to perform. If you would prefer to use a play that is already published, you have many options:

➤ NASCENT ACTIVITY

- **Web resource 1:** Copyright Guidelines
 - **Web resource 2:** Pioneer Drama Services
 - **Web resource 3:** DramaSource
 - **Web resource 4:** Dramatic Publishing
 - **Addendum 1:** An FAQ on obtaining permission
- Pioneer Drama Services and DramaSource both offer a number of Royalty Free 10 minute plays for students. Please be sure to read for content before selecting one for your students.
 - YouthPlays has a number of one-act titles available with digital download options. All licensing fees are clearly outlined for each title with performance royalties averaging \$40 per performance.
 - DramaticPublishing has a number of one-act, familiar titles available. Most licensing fees are outlined for each title. However, some titles require submission of an application. Royalties range from \$35-\$100 per performance.
 - All companies listed above have FAQ menu options on their websites, to help you with questions. However, sometimes calling the publisher will help you get clarity quicker, especially when you are limited on time. Remember, the publishing companies want you to license their work and will do everything they can to help you.

INTERMEDIATE

The process of cutting a show or musical can be very simple or complicated, depending on the play you have chosen, the cuts you wish to make, and the amount of time you provide us for approval. Please remember that not all authors will allow their works to be cut. Some authors feel so strongly about presenting their show in its entirety that they will not approve cuttings of any kind, whereas other authors will approve a cutting for competition only and still others are happy to oblige cutting requests of any kind. As such, all cuttings require our written approval.

➤ INTERMEDIATE ACTIVITY

- **Web resource 1:** Copyright Guidelines
- **Web resource 2:** Pioneer Drama Services
- **Web resource 3:** DramaSource
- **Web resource 4:** Dramatic Publishing
- **Addendum 1:** An FAQ on obtaining permission

Dramatic Publishing defines a cutting as whole, unedited excerpts of a show, including an act or scene(s) of a play or all of the text from one page through another page. When an approved cutting is performed, the play must be billed as “Scenes from [Play] by [Playwright]” in all promotional material generated by the producing organization. All cuttings must be licensed by Dramatic Publishing and adhere to these guidelines. Any changes made after a cutting has been approved must be approved under a separate request.

ADVANCED

➤ ADVANCED ACTIVITY

For this activity, you’ll need the following resources found as addendums to this document:

- **Web resource 1:** Copyright Guidelines
- **Web resource 2:** Pioneer Drama Services
- **Web resource 3:** DramaSource
- **Web resource 4:** Dramatic Publishing
- **Addendum 1:** An FAQ on obtaining permission

MUSICAL THEATRE

➤ MUSICAL THEATRE ACTIVITY

For this activity, you’ll need the following resources found as addendums to this document:

- **Web resource 5:** Music Theatre International
- **Web resource 6:** Samuel French
- **Web resource 7:** Tams Witmark
- **Addendum 1:** An FAQ on obtaining permission

If you are planning on producing a classic musical, you will most likely be licensing from MTI (Musical Theatre International), Samuel French or Tams Witmark. These publishers will require you to complete a Licensing Application. You will need to have anticipated performance dates, your theatre’s contact information, your theatre’s seating capacity and your intended ticket prices. You can also request perusal materials, if you would like to read the play before licensing.

You should have several titles in mind, as some titles in their catalogues might have performance restrictions based on a variety of factors such as a Broadway Tour, or an already licensed performance of the same title in your area.

Be sure to know what rehearsal materials you need including: prompt books (scripts), chorus-vocal parts, and a piano conductor’s score or orchestrations. Additional materials, such as Rehearsal CDs, full scores (partiturs), combo arrangements and band arrangements might also be available for some shows.

Both MTI and Tams Witmark have options for Young Performers editions on many titles. Typically, experienced educators have worked on these editions keeping in mind the energy, focus and abilities of young performers. The music is also written in keys more suitable to young voices.

ADDITIONAL RESOURCES

WEB

- <http://copyright.cornell.edu/resources/docs/copyrightterm.pdf>
- <https://www.pioneerdrama.com/>
- <http://www.dramasource.com/>
- <http://www.dramaticpublishing.com/>
- <http://www.mtishows.com/>
- <http://www.samuel french.com/>
- <http://www.tamswitmark.com/>

ADDENDUM 1: A FAQ on Obtaining Permission

What exactly is a “public performance,” and how do I know if I need to pay royalties?

Our definition of a performance requiring legal authorization and payment of author royalties (licensing fees) is any performance in front of an audience: regardless of whether or not admission is charged; whether the performance is public or private; whether or not it is for charity or gain.

If an audience is present, then a licensing fee must be paid, and legal authorization for performance must be obtained. This applies to the performance of any part of any copyrighted work as well as the whole. It applies to “readings” as well as “performances”.

I’m a teacher and we are using the play in my class. Do I need to pay licensing fees?

Licensing fees are not charged and authorization is not required of copyrighted materials within a classroom setting in which only the instructor of the class, and those students regularly enrolled in that class are present during use. If the copyrighted material is performed in front of an audience, which does not meet the strict “classroom” definition, then a licensing fee must be paid and legal authorization for usage must be obtained.

Do we have to pay a licensing fee (royalties) for a school competition performance?

Yes, all performances before an audience, invited or public, are subject to licensing fees. We have special arrangements with many state theatre competitions (Texas UIL, EDTA, KCACTF) which allow for special cutting fees and rates for your competition performance. When you Request a Performance License, there is a section that will allow you to indicate that this license is for competition purposes.

For Texas UIL One Act Play competition, we are now licensing performances at a flat fee of \$125.00 as per the terms below:

- Samuel French, Inc. will charge a blanket fee in the amount of \$125.00 for all “competition” performances by a contestant school during UIL’s adjudication period.
- Samuel French, Inc. agrees that contestant schools may perform a licensed piece up to seven (7) times without payment of additional licensing fees.
- Samuel French, Inc. will allow up to three (3) of the seven performances of the cutting be presented in front of a public audience in the applicant’s school venue for the purposes of preparation. However, should the contestant school wish to perform any additional public performances a separate license agreement must be secured and additional licensing fees will be due.

Does my school need to pay for a 10 minute scene used in a National Forensic League Tournament?

Member Schools and Students need not apply for permission to present Dramatic Interpretations, Duo Interpretations, or Humorous Interpretations of Samuel French properties for the purposes of National Speech & Debate Association tournaments. However, no public or private presentations may be presented which do not strictly adhere to the formal tournament adjudication process. If the copyrighted material is performed in front of an audience, which does not meet strict adjudication guidelines, then a licensing fee must be paid and legal authorization for usage must be obtained.

What are the fees per performance?

For information regarding the fee per performance, please consult the title page on this website. Please note that any figures given represent the minimum fee and may not reflect the fee as quoted. Some titles, including musical plays fees, are quoted on application. If you have any further queries please contact your licensing representative.

I was told the show I’m interested in is “restricted” - what does that mean?

Simply stated, “restricted” means the play may be unavailable for you to produce. There are many possible reasons for this: an Off Broadway show, a national tour, or you may be located in a city in which rights are currently being withheld.

How long does it take to get permission?

Generally we can issue licenses within one business day of receipt of your application; however, various issues can create delays. We suggest that you give yourself plenty of time and make sure you don't start making production plans until you receive a license from us.

How can we tell if we are a professional or an amateur group?

We base the definition of "Professional" or "Amateur" on industry weekly pay rates and whether or not you pay your actors a union equivalent wage. But not to worry, after reviewing of your application, we will assess the appropriate license type.

Can I get permission over the phone?

Sorry, we cannot give verbal approvals or quotes over the phone.

I lost my performance contract – how do I get a copy?

Not a problem – you can simply log into your Samuel French account, go to My Licenses and print out a copy. Or just let your representative know, and a duplicate license will be emailed to you.

When I licensed my show, the cost is higher than listed on the product page - why?

The concept when assessing licensing fees is that the amount of the fee directly relates to the income potential of the box office, no matter how large or small. In instances of higher venue seating or increased ticket prices in the amateur market, a formula is used to calculate the appropriate fees considering factors of ticket price and seating capacity.

Can I use my school Purchase Order to pay for my royalties?

A purchase order does NOT constitute payment for licensing fees. You have the option to attach a PO number to your licensing invoice so that your school district can release payment. But a purchase order alone will neither secure nor execute your license agreement. Payment by check, credit card, wire transfer, ACH, or money order is due no later than 2 weeks before your first performance date.

Do we have to pay royalties for dress rehearsals?

If anyone other than cast and crew members is present during the dress rehearsal, than yes, you would need to include this performance in your license request and pay applicable licensing fees (royalties).

Why can't I apply for rights more than 18 months before the show will be performed?

Our policy was established to protect theatres from the potential of having a license withdrawn thereby forcing the cancellation of a production.

I haven't decided when or where I will be performing the play; can I still apply for the rights?

No, we cannot issue licenses without a venue and dates of performance.

Do I need to order scripts, or will you send them automatically once I have my license? Do I have to buy scripts for all of my actors?

Scripts are not included with your license. You may order your cast copies online either when you apply for performance rights or after you have received your license. You do not need to purchase copies if you already own them, however photocopying is strictly prohibited.

How can I pay for my license?

We accept Visa, MasterCard, American Express, and Discover, ACH payments (e-Check), standard checks, and money orders to pay for licensing fees. Licensing Fees must be paid in USD, and, if paying by check or money order, must be in USD from a US bank. Please note that when paying for a license there is a 4% non-refundable processing fee for credit card transactions.

I just got my license for amateur performance rights and found out that another theatre in our town is doing the show. If I requested my license first and pay it before the other theatre, does that mean I get exclusivity?

Our amateur license agreements are non-exclusive.

I'm interested in producing a show, but I don't want to commit until I know how much it will cost. How can I obtain a quote without applying for a license?

Requesting a license request does not commit you to producing a title. Once you've submitted your request you are free to cancel it at any time if you decide not to move forward with your production. Because our performance fees are based on the details of your application, however, filling out a license request is the only way to receive a quote.