

# Cutting a Script--Legally

By Stephen Peithman

It's really very simple: If you plan to cut a play, step one is to find out if you may do so legally.

It's a step that many theatres and directors overlook. In fact, many aren't even aware that permission to cut is even required.

If the play is in the public domain, you don't need permission. If it's protected by copyright, you do.

What's protected? Most plays written in the last 75 years, as well as translations or new performing editions of older plays, if they were written within that same time span. As rule of thumb, a play offered by a publisher/agent such as Samuel French or Music Theatre International is protected by copyright. These companies publish scripts and act as agents for the playwright in the licensing of performance rights and collecting royalties—which is why they are often referred to as “royalty houses.”

However, some plays are published by mainstream publishing houses, such as Oxford University Press, or St. Martin's Press. These publishers do not act as agents for the playwright; in such cases, you'll find the name of the licensing agent on the copyright page (usually on the other side of the book's title page.) Sometimes the agent turns out to be Samuel French or other major royalty house. In other cases, the name and address on the copyright page may be that of a lawyer or other individual.

Whoever the publisher/agent may be, it is essential to discuss any cuts with them if a play is protected by copyright. One reason is that, aside from collecting royalties, the publisher/agent is given power by the author (or author's estate) to protect the integrity of the play and the author's creative vision—including determining what constitutes an accurate representation of that vision.

You may have heard that most playwrights oppose changes to the text of the play. This is true, and this language probably appears in the licensing contract signed by you or your theatre company. (If you're not sure, find a copy of the contract and check it carefully.)

The good news is that, despite the boilerplate contract language, it's often possible to get approval for script changes. Indeed, most publisher/agents say they urge directors to contact them regarding cuts and other changes, because there may be an accommodation.

“Always ask,” advises Alleen Hussung of Samuel French. “It never hurts to ask.”

The first step is to telephone or write the publisher/agent who licenses the play in question. Just make your requests for cuts as specific as possible.

“Don't write and ask to ‘cut a little bit’ out of act one,” says Craig Pospisil, of Dramatists Play Service. “Be precise about the cuts, including the specific words and lines and pages.”

Be prepared: You may or may not get an answer right away. “You can't cut or excerpt Albee, Beckett or Williams,” explains Pospisil. “Others may allow a limited number of cuts, but in many cases, your request has to be checked with the author or his estate.” Give yourself enough time to complete the process before going ahead with the abridged version.

Aside from honoring the playwright's creative control of his or her work, as a practical matter, all plays entered into AACT/Fest competition require proof that you have obtained permission to perform them with any alternations to the text.

However, even if you don't plan to enter a play into competition, there is one overwhelming reason for securing permission to make changes—to protect you or your company from financial harm.

Federal copyright law establishes statutory fines for each act of copyright infringement, ranging from a minimum of \$500 for “innocent” infringement to a maximum of \$100,000 for “willful” infringement—and most licensing contracts you sign define any unauthorized changes as “willful” infringements.

So do the right thing—for the playwright's sake, and your own: Get approval for all cuts from the publisher/agent.

Or simply avoid the problem altogether. For example, there are no legal restrictions on altering a play no longer protected by copyright. If you want to cut an hour out of *The Importance of Being Earnest*, there's no one who'll stop you.

There are other options, as well. When I asked three internationally known adjudicators for advice on how to edit a play for festival performance, all three said they thought it is better to perform a one-act play—or one act of a longer play—than to cut down a full-length script. While performing just one act may mean the play stops without a climax, they said this is not a problem if you let the audience know what you're doing.

Said one: “What we want to see is how well you perform the material you've chosen.”

Interestingly, publisher/agents also say that it is easier to get an approval to perform just one act than to cut down an entire play to fit a time constraint.

If you're looking for new short plays that have not been done to death, a good source is the Humana Festival, in Louisville, Kentucky, which features short works from new and established playwrights. You don't even have to get on a plane—a yearly compendium of the festival's best plays is published by Heinemann Drama.

To wrap up, if you choose to cut a copyrighted play, get approval first. Or, simply choose one that is shorter to begin with. Remember, a play is an organic whole—cut any part of it, and it's no longer the same play.

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