



From the AACT Knowledge Base

Script Changes?

Copyright law requires permission. Here's how to make it work

It's not uncommon for directors to regard the script as a starting point--allowing for changes that may be needed to make the show work in their theater, with their actors and their audience. They might consider cutting lines, changing the gender or name of a character, resetting the play in a different locale or time period, or removing objectionable language.

With Shakespeare, there's no problem--his works are in the public domain. However, if the play (or modern translation of an older play) is protected by copyright, none of those changes are allowed without prior written permission from the author or the author's representative (usually the publisher or licensing organization).

Some playwrights absolutely refuse any changes to their scripts. However, many others are at least willing to consider the possibility—if you go about it the right way.

A loss for words

Copyright law stems from the basic concept that authors have the right to demand that their work be presented as written and intended. Ignoring the law can place a theater company in peril.

In 2003, a dinner theatre in Utah was about to open a production of Neil Simon's *Rumors*. But when all profanity was removed from dialog during rehearsals, a disgruntled cast member notified Samuel French Inc., which licenses the play on behalf of Simon. After being informed by Simon's attorney that they must do the play as written or not at all, the theater decided to cancel the production rather than go against "community standards." The closure cost the company about \$20,000, leaving them with no working capital to continue operation.

A 1996 production of *Steel Magnolias* in Memphis was imperiled when a male was cast in the role of the hairdresser Truvy. Dramatists Play Service, which licenses the show on behalf of playwright Robert Harling, ordered the executive producer to recast the role with a woman, or lose the rights to stage the play.

"I firmly believe in and support everyone's right to freedom of artistic expression," Harling told the *New York Times*. "*Steel Magnolias* is my artistic expression, and it is my right to insist that its female characters be portrayed by women. The concept of a play set in a beauty parlor where men portray women is a terrific idea," he added. "If that is someone's artistic expression, I encourage them to write their own play as soon as possible."

Likewise, some years earlier, playwright Edward Albee stopped a production *Who's Afraid of Virginia Woolf?* which was to feature two homosexual couples.

"All the copies of my plays," he said in a press statement, "have a number of clauses which say they must be performed without any changes or deletions or additions and must be performed by actors of the sex as written. 'There's a certain amount of directorial creativity, but it doesn't give permission to distort.'"

Several aspects of the plot, he noted, such as the disclosure of a hysterical pregnancy by one character, made a homosexual version ludicrous.

While many directors would argue for their artistic freedom, the language in licensing contracts is clear—no changes without prior permission [see sidebar examples].

It should be noted that if any of the productions above had gone into performance with unauthorized changes, financial penalties could have been levied against the director or producer who decided to change the work, as well as the entire production staff, cast and crew—even the owner of the building—whether or not they knew they were part of a willful violation of the law.

Ask and you may receive

While some playwrights, including Simon and Albee, generally refuse any script changes, others are more accommodating.

In fact, most publisher/agents we spoke with said they urge directors to contact them early on in production planning if they are considering script changes, because there may be an accommodation.

"Always ask," one said. "It never hurts to ask."

The first step is to telephone or write the publisher/agent who licenses the play, making your requests as specific as possible. Don't write and ask to "cut a little bit" out of act one, or "change a few lines in the tavern scene." Specify words, lines and pages.

That worked for Evergreen Productions in Green Bay, Wisconsin

"A few years ago we wanted to make changes to *Peter Pan and Wendy*, licensed through Playscripts," says Evergreen's Gretchen Mattingly. "The director felt the show, as written, was too long for our younger audiences. We were very specific about what we were cutting--referencing characters, lines and page numbers--and none affected the story line. Playscripts contacted the playwright--Doug Rand--and got approval from him before rehearsals started."

Rand [in photo at right, with Evergreen's *Peter Pan and Wendy* cast and crew] is one of many contemporary playwrights who are open to certain creative changes in their work—as long as permission is asked in advance. In October 2010, he visited Milwaukee's First Stage Children's Theater, which was doing *Peter Pan and Wendy*, and had added a couple of Lost Boys. "I liked



having more,” he told the cast. “And their names--Pockets and Bumbershoot--are great!”

And when the Curtain Call theatre in Stamford, Connecticut, was preparing a production of *Nunsense* two years ago, Executive Director Lou Ursone found the idea of a “Nunsmoke” slideshow as a parody of *Gunsmoke* outdated.

“My idea was to change it to a “Project Nunway” video,” he explains. “I wrote author Dan Goggin for his approval, and he very graciously agreed--and enjoyed the finished result.”

Even when the authors are no longer living, accommodations can be made in some cases. For example, Rick Kerby of Manatee Players, in Bradenton Florida, contacted Music Theatre International for a change to the classic baseball musical, *Damn Yankees*.

“Bradenton is the winter home of the Pittsburgh Pirates,” he notes, “and we received permission to change the show’s underdog team from the Washington Senators to the Pirates [see photo, right]. This set up



a very nice sponsorship from the team--they even gave us uniforms to use and sent over their mascot for pre-show activities.”

Who’s telling?

You may be thinking, “But people get away with unauthorized changes all the time.”

That’s certainly true, but a surprising number do not. One reason is that royalty houses have people on the payroll who peruse theater listings, articles and websites for glaring instances. The unapproved Memphis gender-switch for *Steel Magnolias*, for example, was gleaned from the theater’s own publicity.

But a large number of violations are reported by a member of the cast or crew--as was the case with the Utah production of Neil Simon’s *Rumors*—or someone from a rival theater company, or simply someone who feels morally obligated to report the situation.

“I have received two calls from publishing houses with a question about our performance,” notes John Davis of the Evergreen Players, a small company in Colorado. Both ended positively for the theater company.

The first call was prompted by a report that the director had added an additional cast member and additional language.

“I explained that while we did indeed have two people playing the small part, they were never on stage at the same time and no language was added,” Davis says. “That satisfied the publisher. Later, we found out that the call had been prompted by a report from a disgruntled cast member who had been let go.”

His other call was about male cast members playing the female roles, and vice versa. This unwitting violation was called to Davis’s attention after the production had closed. Fortunately, because of the good working relationship between the theater and licensing

organization, no fines were levied after the theater apologized for their error and promised not to make the same mistake again.

“In both cases,” Davis notes, “the publishing houses were extremely courteous and helpful.”

A final thought

Script changes mean, in essence, rewriting the author’s work, and he or she might very well respond with, “Don’t put on a play that purports to be the one I wrote, when it isn’t.”

Penalties aside, then, the bottom line is supporting the artistic vision of the author. That’s how Lou Ursone of Connecticut’s Curtain Call sees it.

“We present what is written. We don't change ‘foul’ language, we don't eliminate nudity. We honor the authors we choose to produce.”

The Rules in Brief from Three Publishers

Samuel French

The play will be presented as it appears in published form and the author's intent will be respected in production. No changes, interpolations, or deletions in the text, lyrics, music, title or gender of the characters shall be made for the purpose of production. This includes changes or updating the time and place/setting of the play. In reference to changing the gender of characters men, will play male roles and women will play female roles. Please note: each title is considered separately and whenever you wish to make changes to a script you must always request permission in writing. Not all authors/authors’ representatives allow changes to be made.

Dramatists Play Service

The play(s) must be presented only as published in the Dramatists Play Service, Inc. authorized acting edition, without any changes, additions, alterations or deletions to the text and title(s). These restrictions shall include, without limitation, not altering, updating or amending the time, locales or settings of the play(s) in any way. The gender of the characters shall also not

be changed or altered in any way, e.g., by costume or physical change.

Music Theatre International

When you are granted a performance license, by law the show you license must be performed "as is." You have no right to make any changes at all unless you have obtained prior written permission from us to do so. Otherwise, any changes violate the authors’ rights under federal copyright law. Without prior permission from MTI, your actions may subject you to liability - not only to the authors, but also to us-- for breaching the terms of your license agreement, which clearly forbids you to make any changes or deletions. Occasionally, new versions of shows are created when the authors or someone the authors have approved reconceives the piece. However, only the authors have the right to make these revisions, and they rarely grant third parties permission to do so. If you feel you must experiment with reconceiving a show, there are many already in the public domain (Shakespeare, Gilbert and Sullivan) which are no longer protected by U.S. copyright law.

[Some content in this article was first published in *Stage Directions* magazine; used with permission]