



PLAY LICENSING DEMYSTIFIED

BY DANIELLE DRESDEN

WITH DRAMATIC LICENSE, THEATRES CAN DO ALMOST ANYTHING—PLAY FAST AND loose with history, alter geography and change details as necessary, as long as it suits the story line.

But play licensing is a different matter. In fact, getting the rights to produce a play or a musical is all about the details. Theatre professionals, experts from licensing companies

and artistic directors who learned the hard way all agree that asking questions and being a stickler for specifics is the best way for theatres to design their seasons.

As Nic Dimond, artistic director of Strawdog Theatre Company, said, "You hope and pray that the cornerstone of your season doesn't get yanked out from under you. When it does happen, it hurts."

Even though a sure thing in theatre is almost an oxymoron, theatre managers can protect themselves by getting a handle on the whole licensing process.

Although the process might seem obscure or even skewed to some, licensing rules don't actually change so much as they vary, depending on the play, the play's position in its life cycle, the production and where the production will take place. Since most contracts are fairly standard, once a theatre manager knows how to work

with one company, working with others is easier.

One of the biggest divisions in the licensing process involves the difference between "professional" and "amateur" rights. Not only do these licenses come with different price tags and responsibilities, different companies may handle the rights for the same play. For example, Samuel French handles the professional rights for "All My Sons," and Dramatists Play Service handles the amateur rights.

The term "professional" refers to whether or not the production in question will use an Actors Equity contract. This means companies ranging from campus student groups to community theatres to established institutions who pay their personnel but aren't Equity are all classified as "amateur."

Small wonder there tend to be more double booking snafus with "amateur" productions.

It's all part of the business of show, and, as with other businesses, it helps to understand the perspective of all parties involved.

For licensing companies, the goal is maximizing potential income for the playwright. As Christopher "Kip" Gould, from Broadway Play Publishing Inc. (BPPI) said, "All the contractual agreements with the playwright say that we licensing companies will make our best efforts to get as much money as possible."

The pitfalls that theatre managers want to avoid are not getting the plays they want, or, almost as problematically, getting the rights and finding out that another theatre close enough to make things uncomfortable got them, too.

That's what happened to Strawdog Theatre Company and Hubris Productions in Chicago. Both companies got the rights to "Red Noses," by Peter Barnes, with Hubris Productions

THE AWARD WINNING MUSICAL
CUMBERLAND BLUES

BOOK BY MICHAEL NORMAN MANN
SONGS BY JERRY GARCIA & ROBERT HUNTER

THE TOE-TAPPING, DANCING IN THE AISLES TALE OF LOVE AND LOSS, FAMILY AND COMMUNITY, REDEMPTION AND HOPE.

THE SCORE OF SONGS MADE FAMOUS BY THE GRATEFUL DEAD INCLUDE SUCH HITS AS "FRIEND OF THE DEVIL", "HIGH TIME", "ATTICS OF MY LIFE", "TOUCH OF GREY", "EASY WIND", "HE'S GONE", "DEAL", "LOSER", "BROWN EYED WOMEN", "BERTHA", "BLACK PETER", "WHEN PUSH COMES TO SHOVE", "CUMBERLAND BLUES", "BROKEDOWN PALACE", "BOX OF RAIN" AND MORE.

"IT'S INGENIOUS AND GOOD-NATURED"
- THE NEW YORK TIMES

"WONDEROUSLY CLEVER"
- THE SAN JOSE MERCURY NEWS

"A DELIGHT FROM TOP TO BOTTOM...
IT'S A WONDERFUL NIGHT OF
ENTERTAINMENT"
- THE CONTRA COSTA TIMES

FOR COMMERCIAL, PROFESSIONAL & AMATEUR LICENSING INFORMATION VISIT:
WWW.GRATEFULDEADMUSICALS.COM



PHOTO BY JUSTINE HENNER FOR CORDIF

previewing the play in late January, 2009, and running through February 28th. The Strawdog Theatre Company show will open April 18th and run through May 23rd.

Both companies now emphasize the importance of clear communication with licensing companies and their theatrical colleagues.

"I wish I hadn't assumed that the licensing companies worked on a first come, first served basis," said Jacob Christopher Green, artistic director of

Hubris Productions. "I thought that if we were the first to apply for the rights they would not be granted to anyone else for a predetermined period of time. Lesson learned!"

If a theatre is interested in a specific play, Green recommended calling the licensing company directly and asking if anyone in your area has those rights. Even if no one does, Green pointed out, "This does not guarantee they won't grant the rights to another company after you have applied for yours."

Dimond noted, "Sometimes you run into an accidentally pro-active agent who warns you if another company in your area is doing the same production. However, this is not the rule."

Instead, Dimond stressed the importance of having clear and direct conversations with licensing companies, and asking them the questions you need answered. It's equally important to pay close attention to what other theatres in your area are producing, to

Chicago's Strawdog Theatre Company (left) and Hubris Productions (below) both got the rights to "Red Noses," by Peter Barnes, with run dates within a few months of each other



avoid unnecessary or uninteresting duplication. "I want to be a responsible steward for the overall market, as well as my company," he said.

Spending time in cyberspace helps, too. "If you're going to compete for hot titles, do your research," Green said. "Find out when it was last done in your city and how far away from your location. Example: I will check on the Internet by typing in the title and Chicago IL. If it was done in the past year, I'll mark it off my list. But if it was done over a year ago, and as far away as the Chicago 'burbs, I will submit it for consideration."

Theatres need to be particularly careful with some shows, such as "Cabaret," which are proven moneymakers and are almost always being done somewhere, perhaps close by.

Touring companies add another level of complexity. BPPI licenses productions of "The Complete Works of

William Shakespeare (abridged)," which Gould said is a very popular title. However, when the Reduced Shakespeare Company, which originated the work, announces their tour schedule they give the list of their appearances to BPPI.

BPPI must then withhold licenses to the play in communities where the company will be performing.

After a successful revival on Broadway, old plays can suddenly become hot again, complicating season scheduling for smaller theatres as touring companies hit the road and requests for rights multiply.

Other trends in theatre programming also affect licensing, so stay alert. Sometimes widespread interest in plays is due to current events, such as when debates about evolution spark interest in "Inherit the Wind."

Other times, as with "Red Noses," it seems something in the air prompts

demand for a play. For this play about the plague, it must have been particularly contagious, because "Red Noses" was first produced in 1985, well past the time when productions pop up left and right, and licensing companies have difficulties tracking them all.


Gould said the most likely time for double-booking problems is after a play has closed in New York, and after LORT theatres have produced it.

"Securing the rights to a regional premiere can also be challenging," Dimond said.

However, emphasizing new works in your season greatly reduces licensing problems. Green suggested that's why Chicago has become known as a home for new plays. "It's a lot easier to produce something brand new than to compete with over 200 other theatres in the same city for the same titles," he explained.

Whether a theatre is seeking a premiere or later production, licensing

Harper Lee's
To Kill A Mockingbird
Adapted by Christopher Sergel



www.DramaticPublishing.com
For licensing, scripts and production information contact:
Dramatic Publishing, 311 Washington St., Woodstock, IL 60098
Ph. (815)338-7170

Photo: Brave New World Theatre production, Brooklyn, NY,
with: Jeremy White, Taylor Morgan and Zak Stevens.

"Full of charm and period 'oo-la-la,'
C'EST LA VIE captures that ever-light,
ever-sassy Parisian style." — CHICAGO TRIBUNE

C'EST LA VIE
The French cabaret musical



"An engaging, charming little gem that could well run for years."
— DAILY SOUTHTOWN

"A memorably melodic, richly-polished musical gem. A big-hearted salute to the chanteuses who break our hearts."
— CHICAGO READER

1950 PARIS. Chez Leplee cabaret. Down-at-the-high-heels chanteuses Dominique and Fatiguee finally get to sing their own songs for one evening — instead of the Edith Piaf tunes their boss usually makes them cover. A whimsical, witty, romantic musical.

(2 women, 1-3 musicians; 1:40 with intermission, 1:25 w/o; unit set)

www.dramaticpublishing.com (800) 448-7469
www.cestlaviemusical.com

companies are generally looking at business factors, not playing favorites, and only occasionally does a theatre's relationship with a playwright play a role. Gould said, "I don't think ANY of the author agreements say anything about the quality of the production. It is very rare that a smaller theatre will get the rights when a larger theatre is interested. The rare exception is when the smaller theatre has an on-going relationship with that particular playwright."

Joan Kovats, vice president of Ted Swindley Productions' Licensing Division, said her organization awards rights to premiers and other productions on a case-by-case basis.

Of course, it helps if the theatre has a good reputation with the licensing company. "If the theatre has been in business a long time a reputation will have been established, be it good or bad," Kovats said. "If it is a new theatre, and they have not established a reputation yet, we are happy to do business with them. If the relationship is satisfying on

both sides, then of course we will do business with them again."

Kovats said the reputation and aesthetics of the theatre that is requesting production rights are two of the most important factors her company takes into consideration. Other important issues are the size of the market, the size of the theatre and the timing of the request.

Kovats said she makes a special effort to address proximity problems. "We always try to keep the bookings at 100 miles apart," she explained. "It states in our contract 50 miles at the very least, but if possible, I make sure it is at least 100 miles and a couple months apart in timing."

Michael Q. Fellmeth, vice president of Publications and IT for Dramatists Play Service, said "The Play Service goes to great pains with national and international restrictions to ensure that this (double booking) does not in fact occur when professional theatres are involved. Exclusivity within, at

minimum, a 50-mile radius is part of the consideration they receive for their higher royalty fees."

But exclusivity need not belong to professional theatres alone. "I recommend that, when producers pay their royalty fee, they request exclusivity," Gould said.

Dimond said making such requests sounded helpful, although licensing companies can also deny them. "I find that perfectly reasonable within the realm of doing business," he said.


After all, double booking isn't the worst thing that can happen in theatre. For one thing, it's a sign of strong demand for a given title. "If we could be so lucky that every play we had was that popular, we'd be happy," Gould said.

It can be fascinating for audiences to see two different productions of the same work, and it's not necessarily bad for the theatres involved, either. "If you find that another company is producing the same show as your theatre - don't be intimidated. Just do it! No two productions can ever be the same and both will be beautiful in their own right," Green said.


Dimond noted that emotions can distort the expectations and behavior that go on backstage in the theatre business, but this doesn't seem to have been the case with the double booking of "Red Noses." "I have nothing but respect for any theatre that gets a play going," Dimond said. "And I was absolutely positive that we had a unique take on the play."

"But you've got to have the confidence with every show," he added.

Taking a tip from Dimond, theatre needn't be afraid if they find that despite their best efforts, one of their productions is going to run up against that of a neighbor or a colleague. The just need to marshal their talent resources and energy to realize their artistic vision.

And remember to take their dramatist license with them. 

To access more stories about plays and musicals, visit the DramaBiz Magazine Web site archives at www.dramabiz.com



George M. Cohan & Co.
This show appeals to all ages. Cohan's music, pure Americana, is a joy and his rags-to-riches story is inspiring.
Created by ASCAP/Deems Taylor Award-winning playwright Chip Deffaa, who is considered the foremost living authority on Cohan, this show was originally produced in New York.
Eldridge Plays & Musicals
hiStage.com
2 men, optional extras

MUSIC TO YOUR EARS
For over thirty-five years, **Footlight Records** has been the premier source for **Broadway Cast Recordings** and related film and theatre CD's and DVD's. We are your one-stop shop for the **best of Broadway**, having **over 4,000 items in stock** and can locate hard to find and rare items for you.
Call 888-627-3993 • Visit us at www.footlight.com
FOOTLIGHT RECORDS
PO BOX 496-DB • GEORGETOWN CT 06829