

107TH CONGRESS
1ST SESSION

H. R. 3543

To modify the application of the antitrust laws to authorize collective negotiations among playwrights and producers regarding the development, licensing, and production of plays.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2001

Mr. HYDE (for himself and Mr. FRANK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To modify the application of the antitrust laws to authorize collective negotiations among playwrights and producers regarding the development, licensing, and production of plays.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Play for Play-
5 wrights Act of 2001”.

6 **SEC. 2. MODIFICATION OF APPLICATION OF ANTITRUST**
7 **LAWS.**

8 The antitrust laws shall not apply to—

1 (1) any—

2 (A) agreement by and among playwrights,
3 or by and among representatives or associations
4 of playwrights; or

5 (B) concerted action taken by playwrights
6 or by representatives or associations of play-
7 wrights;

8 for the purpose of establishing and enforcing the
9 minimum terms and conditions on which the works
10 of such playwrights will be developed, licensed, or
11 produced, or

12 (2) any discussion by and among—

13 (A) representatives or associations of play-
14 wrights; and

15 (B) producers;

16 for the purpose of negotiating, implementing, or en-
17 forcing a standard form contract or other collective
18 agreement governing the terms and conditions on
19 which playwrights' works will be developed, licensed,
20 or produced.

21 **SEC. 3. DEFINITIONS.**

22 As used in this Act:

23 (1) ANTITRUST LAWS.—The term “antitrust
24 laws” shall have the meaning given it in section (a)
25 of the first section of the Clayton Act (15 U.S.C.

1 12), except that such term includes section 5 of the
2 Federal Trade Commission Act (15 U.S.C. 45) to
3 the extent that such section 5 applies to unfair
4 methods of competition.

5 (2) PERSON.—The term “person” shall mean
6 any individual, partnership, corporation, unincor-
7 porated association, or any combination or associa-
8 tion thereof.

9 (3) PLAYWRIGHT.—The term “playwright”
10 means the author, composer, or lyricist of a dra-
11 matic or musical work intended to be performed on
12 the speaking stage and shall include, where appro-
13 priate, the adapter of a work from another medium.

14 (4) PRODUCER.—The term “producer” means
15 any person who obtains the rights to present live
16 stage productions of a play.

17 **SEC. 4. EFFECTIVE DATE; APPLICATION.**

18 This Act shall take effect on the date of the enact-
19 ment of this Act and shall apply only with respect to con-
20 duct occurring on or after such date.

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