

108TH CONGRESS
2D SESSION

S. 2349

To modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2004

Mr. HATCH (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their 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 “Playwrights Licensing
5 Antitrust Initiative Act of 2004”.

6 **SEC. 2. NONAPPLICATION OF ANTITRUST LAWS.**

7 (a) IN GENERAL.—Subject to subsection (c), the
8 antitrust laws shall not apply to any joint discussion, con-

1 sideration, review, action, or agreement for the express
 2 purpose of, and limited to, the development of a standard
 3 form contract containing minimum terms of artistic pro-
 4 tection and levels of compensation for playwrights by
 5 means of—

6 (1) meetings, discussions, and negotiations be-
 7 tween or among playwrights or their representatives
 8 and producers or their representatives; or

9 (2) joint or collective voluntary actions for the
 10 limited purposes of developing a standard form con-
 11 tract by playwrights or their representatives.

12 (b) ADOPTION AND IMPLEMENTATION.—Subject to
 13 subsection (c), the antitrust laws shall not apply to any
 14 joint discussion, consideration, review, or action for the
 15 express purpose of, and limited to, reaching a collective
 16 agreement among playwrights adopting a standard form
 17 contract developed pursuant to subsection (a) as the par-
 18 ticipating playwrights sole and exclusive means by which
 19 participating playwrights shall license their plays to pro-
 20 ducers.

21 (c) AMENDMENT OF CONTRACT.—A standard form
 22 of contract developed and implemented under subsections
 23 (a) and (b) shall be subject to amendment by individual
 24 playwrights and producers consistent with the terms of the
 25 standard form contract.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ANTITRUST LAWS.—The term “antitrust
4 laws” has the meaning given it in section (a) of the
5 first section of the Clayton Act (15 U.S.C. 12) ex-
6 cept that such term includes section 5 of the Federal
7 Trade Commission Act (15 U.S.C. 45) to the extent
8 that such section applies to unfair methods of com-
9 petition.

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

15 (3) PRODUCER.—The term “producer”—

16 (A) means any person who obtains the
17 rights to present live stage productions of a
18 play; and

19 (B) includes any person who presents a
20 play as first class performances in major cities,
21 as well as those who present plays in regional
22 and not-for-profit theaters.

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