



RAHIEM WHISGARY

DALRO

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DRAMATIC, ARTISTIC and LITERARY  
RIGHTS ORGANISATION (Pty) LIMITED

# DALRO Theatricals & Visual Arts

- Represent visual artists, authors, playwrights & publishers (rightsholders) and their intellectual property
- Administer rights in artistic works - plays, musicals, poetry, visual arts
- Licence theatrical performances - local and international plays & musicals - amateur & professional

**Copyright**

**Copy right?**

**What is licensing?**



# CURRENT RIGHTS OF THE COPYRIGHT OWNER

## EXCLUSIVE RIGHT TO COPY, OR ALLOW THE COPYING OF THE ARTISTIC WORK

- Reproducing the Work in any manner or form
- Publishing the Work
- Intentionally including the Work in any film or TV broadcast
- Adapting the Work
  
- Lasts for Life of author +50 years

# COPYRIGHT FOR VISUAL ARTS

South African Copyright Act explicitly protects the following “artistic works”:

- paintings, sculptures, drawings, engravings and works of craftsmanship
- also includes architecture and photographs

*To be eligible for copyright, the artistic work only needs to be original*

Copyright is protected for **South African citizens** or if an individual was **domiciled in SA** when the work was made.

Protected in most International territories (Berne Convention)

**INTELLECTUAL PROPERTY**

**≠**

**PHYSICAL PROPERTY**

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# EXCEPTIONS TO COPYRIGHT

- Create work as part of your employment
- Portrait commission
- Cede rights as part of an agreement - Accession of rights
- Limited educational uses
- Private / Personal reproductions

## RIGHTS USERS

Magazines, Advertisers, Exhibition Catalogues, Publications, Posters

Theatre Production Company, University, School, Amateur Dramatic Societies, etc.



## RIGHTS HOLDERS

Visual Artists, Heirs/ Estates,

Authors, playwrights, Publishers (Nationally & Internationally)

*Ready to roll out  
Administration of Artists'  
Resale Rights*



**REPUTATION**

**&**

**VALUE**

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# ARTISTS' RESALE RIGHT – *DROIT DE SUITE*

*Guarantees creators the ability to earn a fair share from the resale of their works.*

- Royalty paid to visual artists when their work is sold by an auction house or gallery, above a certain price
- Percentage of the resale price
- Ensures compensation to artists/ their family each time a work is resold
- Retain a share in the value as it increases in value
- While recognised under international copyright law (Berne), remains reciprocal right – law must be enacted in both artist's country and point of sale

# SELECTION OF DALRO REPRESENTED ARTISTS

Andrew Verster  
Cecil Skotnes  
Jane Alexander  
Ephraim Ngatane  
Maggie Laubser  
Peter Clarke  
Godfrey Ndaba  
Nkosinathi Thomas Ngulube  
Leigh Voigt  
Judith Mason  
Irma Stern  
Blessing Ngobeni  
Gerard Sekoto  
Sam Nhlengethwa  
George Pemba

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# CURRENT VISUAL ARTS BILATERAL AGREEMENTS

COUNTRY	ABBREVIATED	SOCIETY
FRANCE	ADAGP	SOCIÉTÉ DES AUTEURS DANS LES ARTS GRAPHIQUES ET PLASTIQUES
SWEDEN	BUS	BILDKONST UPPHOVSRÄTT I SVERIGE
DENMARK	COPY-DAN BILLEDKUNST	COPY-DAN BILLEDKUNST
UNITED KINGDOM	DACS	DESIGN AND ARTISTS COPYRIGHT SOCIETY
IRELAND	IVARO	IRISH VISUAL ARTISTS RIGHTS ORGANISATION
NETHERLANDS	PICTORIGHT	STICHTING PICTORIGHT
SWITZERLAND	PROLITTERIS	PROLITTERIS
BELGIUM	SABAM	SOCIÉTÉ D'AUTEURS BELGE – BELGISCHE AUTEURS MAATSCHAPPIJ
ARGENTINA	SAVA	SOCIEDAD DE ARTISTAS VISUALES ARGENTINOS
ITALY	SIAE	SOCIETÀ ITALIANA DEGLI AUTORI ED EDITORI
CANADA	SODRAC	SOCIETY FOR REPRODUCTION RIGHTS OF AUTHORS, COMPOSERS AND PUBLISHERS IN CANADA
UNITED STATES OF AMERICA	VAGA	VISUAL ARTS AND GALLERIES ASSOCIATION
SPAIN	VEGAP	VISUAL ENTIDAD DE GESTIÓN DE ARTISTAS PLÁSTICOS
GERMANY	VG BILD KUNST	VERWERTUNGSGESELLSCHAFT BILD KUNST
AUSTALIA & NEW ZEALAND	VISCOPY	VISCOPY LIMITED



# WHAT HAPPENS IF I DON'T GET PERMISSION?

- Copyright infringement
- Civil and criminal legal action could be taken
- Penalty and fines can be charged
- Production will be stopped

# CAN I REGISTER COPYRIGHT?

- No Copyright Registration in SA
- Work is automatically protected under Copyright Act
- In case of possible infringements, original author must prove ownership
  - Save all drafts of the work
  - Registered Mail – old school copyright registration
  - Emailing work to yourself
  - Footnoting each page
- Non-disclosure agreements – Business Arts South Africa (BASA)

# DEVISING OR ADAPTING WORKS

1. Permission for the rights to adapt or translate a work has to be obtained in writing from the rightsholder. DALRO can assist with this.
2. The rights to the newly adapted and/or translated work are split between the author of the original work and the author of the new work. DALRO facilitates the negotiation of the percentage splits of the rights. (Generally 70/30)
3. The rights to works devised in a rehearsal room are typically split between those involved in the workshop process – the director and cast.
4. The percentage splits of rights between the rightsholders of a work, determines the amount of royalties received when that work is licenced.

***Consider your creative work as a valuable financial asset in addition to its artistic worth***

# REGISTERING WITH DALRO

- Non-Exclusive mandate
- Never owns your IP – only administers it on your behalf
- Signed Mandate, Certified ID, Stamped Bank Confirmation Letter

## WORK MUST BE:

- Original
- Known in the Market
- Clear ownership splits



# Not Sure? Ask Us!

Not sure  
what to  
produce?

Is the work  
available to  
license?

Catalogues?

Is this  
copyright  
protected?

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# Frequently asked Questions:

## **If an author is deceased, surely we can perform without paying Royalties?**

- In SA Copyright protection is for the life of the author plus 50 years.

## **Which authors' works are definitely in the public domain?**

- Authorised and legal translations/adaptations of public domain works (e.g. ancient Greeks) are usually still protected, because these translations/adaptations are seen as new works.

## **If I have bought the script, can I perform?**

- You still need to obtain permission to perform and pay the royalties. Get all this done BEFORE you start rehearsals

## **If it's only an extract or monologue, can I perform for free?**

- No, the length of the extract does not determine this, but rather the nature of the public performance. It's best to contact us first to find out if royalties are payable.

# CONTACT DALRO

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**Dramatic, Artistic &  
Literary Rights  
Organisation (DALRO)**



**@TheDALRO**