



cannot be said of theatre-makers working with younger texts.

As recently as 2017, the estate of Edward Albee blocked a representation of “Who’s Afraid of Virginia Woolf?” that cast a black actor as the male lead. 

 Michael Paulson, *A Black Actor in ‘Virginia Woolf’? Not Happening, Albee Estate Says.*

Interpretation, edition and reproduction

For most works in the public domain, it’s been a long time since they were first published. If we discover the work today, it is because many have laboured to document, archive, transmit, reproduce, interpret, translate and digitise it. When it comes to copyright, you have to take into account the layers of interpretation that separate you from the work’s first edition. These layers of mediation might have created new rights of their own.

In the case of music, new interpretations can bring new rights. The copyright concerns only the composition but the performers and also the record producer hold so-called neighbouring rights up to 70 years after the release of the record. So, if you want to add Bach’s Goldberg Variations (1741) to your movie, you won’t be able to use Glenn Gould’s interpretation (neither the 1955 nor the 1981 one) without paying royalties to CBS and the Gould estate. You could, however, use a version that is too old to still have neighbouring rights, like Wanda Landowska’s 1945 version. You could also produce a recording yourself or you could use an interpretation that was donated to the public domain by the musicians and producers. In 2012, Kimiko Ishizaka made such a recording as part of the Open Goldberg Variations project.

When it comes to text, new editions bring new rights only if there are new elements. If the original text is out of copyright, a new edition might include a preface and explanatory footnotes and these will still have copyright. To be on the safe side, try to find the original edition of a text. A translation will certainly bring new rights as it is considered a derivative

Transforming an existing work can easily lead to a new copyright.

