One Man’s Blanche Is a University’s Infringement

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Blanche DuBois might have always depended on the kindness of strangers, but actors who take liberties with that Tennessee Williams diva might want to depend on the kindness of lawyers instead.

The University of the South, which owns the intellectual property rights for Williams’s “Streetcar Named Desire,” has threatened legal action to stop performances of the one-man show “Blanche Survives Katrina in a FEMA Trailer Named Desire,” which is scheduled to run through March 15 at SoHo Playhouse.

The play, which won the Audience Choice Award at last year’s New York International Fringe Festival, is written and performed by Mark Sam Rosenthal, who is featured as a modern-day Blanche weathering Hurricane Katrina, the New Orleans Superdome and a subsequent job placement as a cashier at Popeye’s — not to mention a series of unflattering blond wigs.

Lawyers for the university, in Sewanee, Tenn., initially tried to quash the production in September, arguing in a letter to Mr. Rosenthal that his play and performances were “infringements on the university’s valuable intellectual property rights.”

The letter came as a shock to Mr. Rosenthal, he recalled in an interview on Wednesday.

“I don’t think Tennessee Williams would approve of anything they’re doing in the name of protecting his work, not one bit,” Mr. Rosenthal said. “He was one starving artist, and I don’t think he’d do anything to hurt other starving artists.”

Through friends Mr. Rosenthal obtained pro bono representation from lawyers at the New York office of Orrick, Herrington & Sutcliffe, who argued that First Amendment rights contained in the legal doctrine of fair use allowed Mr. Rosenthal to create a new
performance piece partly inspired by the “Streetcar” character.

But in a cease-and-desist letter to Mr. Rosenthal’s lawyer, sent on Jan. 22, the university’s legal team disputed that the fair-use doctrine applied to this play.

“It seems at best to be a comedic political commentary directed at the events surrounding the Katrina catastrophe in New Orleans,” wrote Christopher J. Marino, a lawyer representing the university. “As you may know, in order for a parodist to take advantage of a fair-use defense, a parodist’s criticism must target the copyrighted work at least in part.”

In her review last month in The New York Times, Anita Gates said the play “certainly flirts with offense, ridiculing black characters’ names and being flippant about poverty and violence.” While it had “some enjoyable scenarios,” she added that it “never fully takes shape” as something more than “a drag sketch.”

Another lawyer for Mr. Rosenthal, Alex Chachkes, said on Wednesday that the show would go on. “There are certain ideas and expressions of those ideas that you can’t take out of circulation because it impedes, in this instance, creativity,” Mr. Chachkes said. He is preparing a response to the university, to be sent in the coming days, laying out that argument.

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