

# The Eastern Script

*Shameless self-promotion since 2011*

## IN THIS ISSUE

Presidential Address	1
In memoriam: Kellam de Forest	2
Thoughts about script clearances in the writers' room	3
The many conversations around tattoos and who holds the rights	5
Recent Projects	6

## GET IN TOUCH

### CANADIAN OFFICE

#223-829 NORWEST ROAD  
KINGSTON ON K7P 2N3

### U.S. OFFICE

41 HAVELOCK ROAD  
WORCESTER MA 01602

WEBSITE: [easternscript.com](http://easternscript.com)

EMAIL: [amm@easternscript.com](mailto:amm@easternscript.com)

TELEPHONE: 844.842.3999



[linkedin.com/company/eastern-script](https://www.linkedin.com/company/eastern-script)



[facebook.com/easternscript](https://www.facebook.com/easternscript)



[@easternscript](https://twitter.com/easternscript)

## PRESIDENTIAL ADDRESS



The new year brings change. On the political front, a tumultuous four years of American politics ended with the swearing-in of new U.S. president Joseph Biden. Shifting to the weather, a relatively balmy snow-free December and January have now made way for the more typical wintry mess of the North American northeast. On a more personal note, the mop of pandemic hair I had entertained since last February fell to the floor of the hair cutting place in a big fluffy pile of white and gray a few weeks ago. Enough was enough.

On the work front, we have seen a turnover in staff since last New Year's. As the pandemic became real in February and March of 2020, two long-term researchers decided to move along: one to an early retirement, the other to a new career. Of the four remaining senior staff we are now at an impressive average of almost 22 years each of experience (the boss has over 30 years' worth). The "old guard" is spending a lot of time this winter helping some new talent get up to speed before the very busy production season of spring through fall arrives. The year is already off to a very busy start.

Like everyone else on earth, I cannot wait for the change we are all hoping for: mass vaccination and a return to some semblance of "normal." I hope that the first newsletter of 2022 is a post-pandemic issue. We all need to get back to those family dinner tables, those crowded concerts, those sold-out movie theatres. Until then, I wish you all good health and a sunny disposition while we wait this out.

**Anne Marie Murphy**

President



## IN MEMORIAM: KELLAM DE FOREST

Kellam de Forest, the founder of the original script clearance company and the “only game in town” for decades died from COVID-19 complications on January 19, 2021 in Santa Barbara, California. His company de Forest Research Associates was the grandfather of all script clearance businesses. The U.S. Patent & Trademark Office shows records for two registrations for “de Forest Report” which was synonymous with “clearance report” for decades before two competitors opened in Los Angeles in the 1980s. Since then, the number of script clearance companies expanded greatly as production levels continued to increase. Businesses (such as Eastern Script, 1993- ) opened outside of Los Angeles for the first time to better serve film and television production that was no longer so heavily concentrated in southern California.

de Forest graduated from Yale University in 1949 with a degree in American history. He headed to Los Angeles looking for “work in a creative industry” (from Michael Kmet’s biographical piece [www.facttrek.com/blog/kellam](http://www.facttrek.com/blog/kellam)). He started by providing research services to short subject films but soon decided to open his own business and focus on the emerging television market. That growing market combined with diminished movie studio infrastructure for legal review put him in the perfect place at the perfect time.

de Forest reports included the usual red flags on the legal front while offering comments on historical accuracy and suggesting alternative solutions to scripted issues. He was well known for his creative advice to such famous television series as the original Star Trek, Mission: Impossible, Mannix, All In the Family, The Fugitive. The business’ location on the Paramount studio lot assured a steady stream of work on theatrical features over the years, including on Paramount heavyweights The Godfather and Chinatown.

I have felt the presence of Kellam de Forest for many years. I recall the librarian at UCLA’s film school library telling me that part of that library’s special collection was many boxes of scripts that had been donated when de Forest cleaned out their file cabinets. [He also mentioned that many of the scripts in

those boxes had opinions on their cover pages from the staff at de Forest who apparently passed judgement on their merits after reading them.] When I began my career in this field in November of 1990, one of the co-owners at Marshall/Plumb Research Associates had worked with Kellam de Forest and spoke of him on a regular basis. I believe that another de Forest employee (Joan Pearce) began a script clearance company too in the 1980s which appears to be in business still.

From my vantage point in 2021, I think of how much has changed since he began this industry over 70 years ago. I have heard from various people about the impressive library from which de Forest operated; the internet has removed the need for shelves full of books for doing this work. Computers have happened. Email has happened. Phone books are relics. The old movie studio lots still exist but so do streaming services now, sending movies and television over a cable into your home. de Forest Research has been replaced by dozens of clearances companies across North America and around the world. He had a good idea.



Photo by Mehndi Training Center

## THOUGHTS ABOUT SCRIPT CLEARANCES IN THE WRITERS' ROOM



Photo by Sharon McCutcheon

We have had many clients over the last twenty-eight years, clients who have been in different parts of North America and the world, some big and some small, some constant presences here and some one-offs. Despite the many differences among them they all have come to us because of another larger faceless client: the insurance industry. Without e&o insurance coverage, productions typically do not get distribution. Insurance companies do not hire us but their requirements drive the need for our script clearance reports and title searches.

From the early days of an outline, the script has evolved. It has incorporated suggestions re: character development, motivation, or authenticity. Adjustments have been made due to unexpected casting decisions. The story perhaps has been restructured to accommodate a different production reality (pandemic lockdown, change of location). But now it is going to be scrutinized by an outside research company that will make a big list of all the issues with character names, product names, business names, etc. that might get the production into unwanted legal trouble. The screenwriter will now endure the “clearance process.”

My attitude to our involvement in that process is this: we are here to help solve the problems, not just to present them

to you. If a character name looks like trouble given what we find in our research, we do more than tell you that. We give you other names to use instead. If the scripted name for the hotel where the gangland shootings take place coincidentally identifies a unique actual North American business by that name, we will “clear” other names to use. If the schoolteacher character begins the story by quoting from a 20th century poet, we will not simply tell you “No! Copyrighted!”; we will track down the name, phone number, and email address of the people you need to talk to for requesting permission. We are not just nay-sayers. We are professional researchers who are trained to find potential problems AND present viable solutions.

I have recently begun visiting an academic program for students working toward an MFA in screenwriting. The program includes a focus on the business end of screenwriting. They invited me to be perhaps the first person in the lives of some of its participants to pour my script clearance bucket of cold water over them.

**Input from Jim Lane PhD, Senior Scholar-in-Residence and Graduate Program Director, Low Residency MFA in Writing Film & Television [www.emerson.edu/visual-and-media-arts/low-residency-mfa](http://www.emerson.edu/visual-and-media-arts/low-residency-mfa)**

**Why did you invite a script clearance person to speak to the MFA in writing students?**

I find that one of the areas of the screenwriting profession, which our students are pursuing, that seems elusive is the more business side of the profession. We have many students who have much to say with their creative voices. However, the more concrete things, which script clearances are, shows that a creative voice needs to be modified in the face of things that clearances and copyrights can bring up. So, it's important that screenwriters, even those in degree programs, not only develop their creative voice but also acquire an appreciation of how the business side of the things can challenge that creative voice. With the global proliferation of scripted media, students need to face these creative challenges maybe now more than ever.



**What would you say are the main takeaways for the students from an hour-long session describing the process?**

I'm not sure if there is a main take away. Students have varying degrees of experience in this area. Some might be vaguely familiar with this and some not at all. I think the macro view would say that regardless of background and experience, when screenwriting students see the myriad issues that can arise through script clearance, some take it as a creative challenge while others might see it as an obstacle they never thought of and that can be daunting.

**Without a boot camp of that type, how do screenwriters learn about the clearance process?**

They learn mostly through word of mouth and I think at the end of the day most feel that an attorney or company will deal with it. In reality the writer may be heavily involved.

**In your own experience as a filmmaker, have there been a few "most gnarly" clearance issues that you struggled with?**

I am a documentary filmmaker. Fair use is an ever-evolving topic. With the unprecedented increase of documentary production, and in some cases at least serious money being exchanged, clearances can completely alter a film. I tell myself and students, if you hear any music playing while you're shooting, expect not to be able to use that footage. Music is a killer.

**Input from story coordinator for a 1-hour drama. First rodeo doing the clearances. An experienced screenwriter.**

**What does a writer who is about to have his/her first script "cleared" need to know about the process, from a writer's perspective?**

To not get fixated on a specific name/brand/item as it may not clear. For example, using an actual historical character - if they are deceased but have an estate, chances are it'll be a no-go. So we created a character with similar traits but gave him a completely different name and changed up some of his too-identifiable backstory.

Having alternatives is great and there are always alternatives or generic names that can work. Also, knowing what's worth fighting for - will the name or brand really make a difference for the essence of your story, if so, then give a timely head's up so that your clearance company and story coordinator can get to work on it.

**What has been the most time-consuming/surprising/annoying part of the process? (pick one or all adjectives - or add your own)**

The wait time from sending out a request for use of a particular brand or item and the amount some demanded to allow for its use. e.g. Vintage magazine that's been out of circulation for almost a century - the current holder of the copyright wanted \$\$\$ just for what would have been a few seconds of screen time.



Photo by Florian Klauer

## THE MANY CONVERSATIONS AROUND TATTOOS AND WHO HOLDS THE RIGHTS

As with anything clearance-related, the first thing you need is an awareness of the issues involved. If the word “tattoo” appears in a script (e.g. “a heavily-tattooed man enters the bar”), our reports caution that most tattoos would be protected by copyright. If you need help trying to figure out who the rights holder is, we ask you to give us a shout. If you discover on set that a tattoo on a featured performer will have prominence on-screen, some decisions need to be made.

In our last newsletter clearance coordinator Lesley Myers shares this anecdote which provides an excellent example of how challenging clearing tattoos can be:

*“Tattoos are one of my least favourite things to clear because the copyright is typically held by the Tattoo Artist and by their nature, tattoos are often acquired quite randomly! On one very challenging show an elaborate neck tattoo was established on a character at a key script point – it was prominently displayed in-frame before anyone thought to check. The actor had gotten this tattoo in jail and it was created by multiple artists with names like 'Big Joe' so it was simply impossible to clear.”*

I am sharing links (below) to some interesting articles here on the topic of tattoos and ownership. Some of them may help inform those decisions mentioned above.

### Before The Ink Dries: Copyright Law & Tattoos

by Lisa C. Johnson, Esq., November 9, 2020

[www.legalzoom.com/articles/](http://www.legalzoom.com/articles/before-the-ink-dries-copyright-law-tattoos)

[before-the-ink-dries-copyright-law-tattoos](http://www.legalzoom.com/articles/before-the-ink-dries-copyright-law-tattoos)

### Can You Be Sued for Having a Trademarked Logo Tattoo?

In our litigious society, the simple answer is ‘yes.’

by Cecil Adams, April 8, 2011

[washingtontcitypaper.com/article/219731/](http://washingtontcitypaper.com/article/219731/)

[straight-dope-can-you-be-sued-for-having-a-trademarked/](http://washingtontcitypaper.com/article/219731/straight-dope-can-you-be-sued-for-having-a-trademarked/)

### The Challenges “Facing” Copyright Protection for Tattoos

by Yolanda M. King, November 19, 2013

[scholarsbank.uoregon.edu/xmlui/handle/1794/13573](http://scholarsbank.uoregon.edu/xmlui/handle/1794/13573)

### Exactly How Your Favorite Actors Get Those Fake Tattoos On Screen

by Samantha Sasso, August 17, 2018

[www.refinery29.com/en-us/2018/08/207187/](http://www.refinery29.com/en-us/2018/08/207187/movie-tattoo-designer-interview)

[movie-tattoo-designer-interview](http://www.refinery29.com/en-us/2018/08/207187/movie-tattoo-designer-interview)

### Sky pulls TV woodwork show over contestant's tattoos

October 21, 2020

[www.bbc.com/news/entertainment-arts-54628712](http://www.bbc.com/news/entertainment-arts-54628712)

### Tattoos and copyright

by Melanie Bouton, December 21, 2011

[www.artslaw.com.au/article/tattoos-and-copyright/](http://www.artslaw.com.au/article/tattoos-and-copyright/)

### Tattoos in sports video games face legal challenge

by Bryan Wiedey, October 19, 2018

[www.sportingnews.com/us/other-sports/news/](http://www.sportingnews.com/us/other-sports/news/madden-lawsuit-over-tattoos-nba-2k-lebron-james-ea-sports-2k-sports/16xvqkb1d2hbm1lzs6u3iljaap)

[madden-lawsuit-over-tattoos-nba-2k-lebron-](http://www.sportingnews.com/us/other-sports/news/madden-lawsuit-over-tattoos-nba-2k-lebron-james-ea-sports-2k-sports/16xvqkb1d2hbm1lzs6u3iljaap)

[james-ea-sports-2k-sports/16xvqkb1d2hbm1lzs6u3iljaap](http://www.sportingnews.com/us/other-sports/news/madden-lawsuit-over-tattoos-nba-2k-lebron-james-ea-sports-2k-sports/16xvqkb1d2hbm1lzs6u3iljaap)

### Who Owns Tattoos?

by Aaron Gordon, February 9, 2016

[www.vice.com/en/article/d7mz4m/who-owns-tattoos](http://www.vice.com/en/article/d7mz4m/who-owns-tattoos)

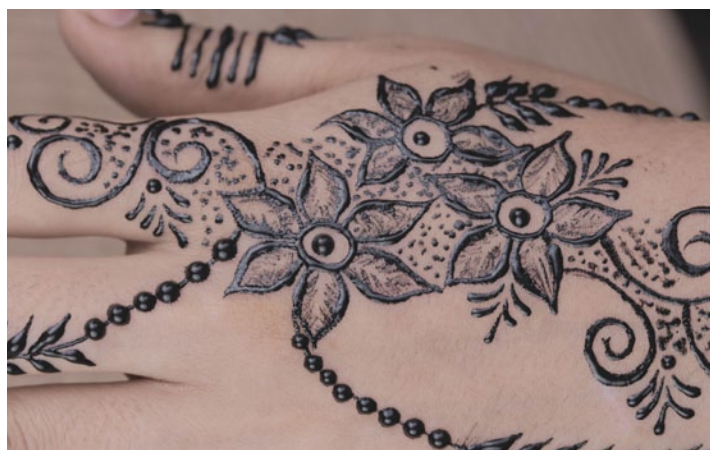


Photo by Mehndi Training Center



## RECENT PROJECTS

**BEST AND BESTER** – The series from Finland's Gigglebug Entertainment will be coproduced by Nelvana and London prodco Eye Present, while Nelvana handles distribution... Currently in production, the 52 x 11-minute series takes the idea of choices and comparisons to ridiculous extremes when siblings Best and Bester transform themselves into various objects to decide which is the best of all time.”

Alexandra Whyte, [playbackonline.ca](http://playbackonline.ca)

**CHRISTMAS IN CRUMBS** – A movie in the Hallmark Christmas project vein which we find described as a “holiday movie starring Rekha Sharma and Dion Johnstone; directed by Aubrey Arnason and written by Alison Spuck McNeeley and Casie Tabanou. A family fruitcake business owner falls in love; filmed in B.C.”

[sleepykittypaws.tumblr.com/post/188858104224/2021-tv-holiday-premieres](http://sleepykittypaws.tumblr.com/post/188858104224/2021-tv-holiday-premieres)

**EVA THE OWLET** – “Based on the USA Today best-selling Owl Diaries books, now with 3 million copies in print and 8 foreign language translations (Chinese, Farsi, German, Hungarian, Romanian, Slovak, Turkish, and Vietnamese), Eva the Owlet is the first-ever 3D CGI animated series for preschoolers geared toward young “makers” raised on DIY reality shows and YouTube videos. Featuring a school readiness curriculum, the series takes preschoolers through a day-in-the-life of Eva Wingdale, a wildly creative little owl who loves watching DIY cooking and crafting shows with her family.”

[mediaroom.scholastic.com/press-release/scholastic-entertainment-raises-curtain-slate-upcoming-children-s-series](http://mediaroom.scholastic.com/press-release/scholastic-entertainment-raises-curtain-slate-upcoming-children-s-series)

**QUEEN OF THE ANDES** – “An indie sci-fi film that tracks the story of Pilar Graham (Bhreagh MacNeil), an intelligent scientist/botanist at the top of her field. When she is chosen to be a part of the elite Generation One, a colony to populate and inhabit Mars, the rules dictate it must remain secret... As Pilar is put through testing, she attempts to escape the program even while being hailed as a potential 'poster child' for the cause.”

Ryan William, [halifaxpresents.com/film/fin-review-queen-of-the-andes-reminds-us-a-deadline-for-humanity-looms/](http://halifaxpresents.com/film/fin-review-queen-of-the-andes-reminds-us-a-deadline-for-humanity-looms/)

**UKALIQ AND KALLA** – “This animated series follows the adventures (and misadventures) of two very unlikely friends. Ukaliq (a rabbit) is impulsive, excitable, and always getting into trouble. Kalla (a lemming), his best friend, is always there to save the day, even if he isn't always happy about it. This humorous and imaginative series will introduce children to Northern life and traditional activities, such as ice fishing, berry picking, clam digging, and camping on the land.” This is a 2D animated children's series produced in English and Inuktitut.

[taqqut.com/ukaliq-and-kalla/](http://taqqut.com/ukaliq-and-kalla/)

**STEALING SCHOOL** – “A week before her college graduation, April Chen, a Chinese-Canadian tech prodigy, is accused of plagiarism by an unrelenting teaching assistant and must fight to prove her innocence in a secret trial held before an academic tribunal.”

IMDb.com

**LUCAS THE SPIDER** – “The animated spider was brought to life by Joshua Slice in a series of short YouTube videos that have gained 3.3 million subscribers. The forthcoming Lucas the Spider series will be produced by Fresh TV in association with WexWorks Media for Cartoon Network and Boomerang. The new series will focus on Lucas and his friends navigating the big world around them.”

Nicole Savas, [thetoyinsider.com/lucas-the-spider-tv-series/](http://thetoyinsider.com/lucas-the-spider-tv-series/)

**SIX DAYS TO DIE** – Stars Colm Feore. “Parched, ragged, and dragging a heavy iron chain, a lone Gambler hobbles eastward through the endless desert. Barely a day behind him is a blood-thirsty Marshal in a priest's collar who exterminates everything in her path. When the Gambler inadvertently rescues a young boy from a town gone mad, the boy sticks to him like glue as they escape together before the Marshal arrives to burn the town to the ground. But when the Marshal's (sic) finally confronts the Gambler, he must make a terrible choice if he hopes to escape with his life.”

Anonymous review IMDb.com