

Adapting a literary work in France: a real challenge¹

Jean-Maxime Feutry

ABSTRACT

Since the birth of the cinematographic industry, producers and authors have taken inspiration from another form of art: literature. The adaptation of books is still today a very common practice. But the author's rights are something to consider with great attention before starting any procedure. It is important to be aware of the various situations that can occur and how to deal with them. We will try to define the proper process to adapt a literary work, using the Multi-Attribute Decision Making method (MADM). Out of the three solutions studied in this paper seems to be the more adapted: to buy the rights to the right's owner, as other solutions are too restrictive or risky. This solution might be the most expensive one, but it is the safest and it guarantees fidelity to the original work.

Key words: Contract, Literature, Audiovisual adaptation, Cinema, Option, Adaptation rights, Author, Fidelity

INTRODUCTION

In 2018, a new TV Show will start on the French channel Canal +: *Vernon Subutex*, the adaptation from the book trilogy by the famous French Novelist Virginie Despentes. The success of the book, which you can see almost every day in the hands of people in the Parisian subway, has seduced the production companies Tetra Media Fiction and 27.11. Its success as a book guarantees several spectators for the TV Show.

Since the birth of the cinematographic industry in the early 20th Century, cinema took inspiration from other media, and especially books, graphic novels and comics. As a new art, it was indeed easy to rely on arts that had been here for decades or centuries. Also, the public was interested by the idea to see on a screen what they could only imagine from the books. At first, there were no rights concerning the adaptation on screen because no similar situation existed before. From the birth of cinema, so approximately 1891 with the very short movie (15 seconds) *Dickson Greeting* to 1913, if a movie recreated something from a book, it was considered as pantomime.

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We can for example think about the short-movie *Barbe-Bleue* (1901) or *Gulliver's Travels Among the Lilliputians and the Giants* (1902) both directed by Georges Méliès, one of the most important French directors from the beginning of the century, and both adapted from books.

But in 1913, after the reproduction of the adventure of Michel Strogoff, a character invented by French novelist Jules Verne, it was illegal to do so without any rights and the author could ask for compensation. The years that followed confirm this idea, and today, if someone, a director or a producer, wants to adapt a novel on screen, he must search for possible adaptation rights that need to be acquired.

Step 1: Problem recognition, definition and evaluation

From that point, many different situations are possible. The book rights can be free or in the possession of other people, the author or the editor mainly. The rights are released from the author 70 years after his death, but it doesn't mean automatically that the rights are free because they might have been sold before, to an editor or to another production society. That's why it is important to study with much care the situation of the literary work we want to adapt and act accordingly.

The question we will try to answer next is: What is the proper process to adapt a literary work?

METHODOLOGY

When an entity, a production company for example, wants to adapt a book, it needs to analyze the current situation of the rights of the artwork. From the situation he encounters, a few alternatives are possible. We will use a Multi-Attribute Decision Making method (MADM) because we are studying some subjective criteria. Indeed, even though cinema is an industry, it is also an art and not only money and efficiency should be considered.

Step 2: Development of the feasible alternatives

Here are the 3 alternatives that we are going to analyze:

- 1) Buy the rights from rights' owner
- 2) Do a "free adaptation"
- 3) Choose a book with rights that are now public

Step 3: Development of the outcomes for each alternative

- 1) Buy the rights from the rights' owner

As we said in the introduction, since 1913 it is impossible to take the story, characters and situation from a book and to adapt it in a movie without paying author's rights. In France, an author has all rights about his work of art, until he sells it. It is said in the French Intellectual Property Code, from the first article L.123-1 that the author can exploit his work in any way he wants and to receive money from its exploitation.

To buy the rights is the most direct way to adapt a novel that you want, but you have to spend an amount of money that can be huge if it is a famous writer or book. But with this solution, you can be as faithful as possible to the original work.

2) Do a "free adaptation"

One solution is to avoid the real question of the rights and to choose to do a "free adaptation". It means that you choose to adapt a literary work but without paying for the rights, which means that you can't really adapt it completely but only take the general theme and some elements, but without being too close to the original work.

There are hundreds of movies that take most elements of the original work, which had already been adapted in another country, mostly in America, and the producers do a new version that is really close, but not close enough to be a real adaptation. They are often close to plagiarism and might be accused of violating author's rights, but with a bit of ingenuity, it is legal. This practice is often used in India, for example with the film *Sarkar*, directed Ram Gopal Varma, which is a clear adaptation of the book *The Godfather*, written by Mario Puzo and which became famous through the adaptation from Francis Ford Coppola. We can also think about the Hong Kongese movie *Future Cops (Chao ji xue xiao ba wang)*, which was a non-official adaptation from the video game *Street Fighter*, but which didn't have any rights.

3) Choose a book which rights are now public

When the author dies, this rule is still valid for 70 years. After that, the author's work is considered to be public and there are no rights on it anymore. You must only be careful about the rights that were sold for previous adaptation.

Step 4: Selection of the criterion (or criteria)

We can now define 7 attributes that are essential for studying the three different solutions:

- Price: is there money involved?
- Fidelity: can the adaptation be faithful to the original work?
- Risk: is this solution risky for the person who wants to adapt the literary work?
- Duration of rights: for how much time the rights are attributed to a new owner

- Originality: is it possible to create an original piece
- Up to date: is the adaptation something from a recent work

Attributes	Buy the rights	Do a free adaptation	Choose a free of rights book
Price	Expensive	Free	Free
Fidelity	Yes	No	Yes
Risk	None	Very risky	None
Duration	Mid Term	Long Term	Long Term
Variety of choice	Yes	Yes	No
Originality	Yes	Yes	Potential previous adaptation
Up to date	Yes	Can be	No

As we can see with this comparison, all solutions are really close considering the positive and negative aspects. But we will choose to further compare the solutions “buy the rights” and “do a free adaptation” because they seem to slightly be more interesting. “Choose a free of rights book” has a lot of great aspects but it is weak for two main reasons. First, it greatly reduces the number of literary work available and it cannot include books that have just been published, the ones that have the most attention from the public at the moment.

FINDINGS

Step 5: Analysis and comparison of the alternatives

We have three solutions concerning the adaptation of a literary work. We can see with the previous table that seem to have strengths and weaknesses, none of them are obvious to be the right solution for every case. But one of the solutions, choose a free of rights book, is very restrictive because only the work of authors that have been dead for 70 years are in the public domain. It means that you only have access to quite old books.

Of course, many books can be very interesting to adapt, many famous French writers have been dead for more than 70 years, and some of them haven’t been adapted yet. Although the most famous works of writers like Gustave Flaubert, Victor Hugo or Balzac have already been adapted, some works still haven’t be seen on screen. But anyway, many literary works are not available with this solution.

A general assessment can be useful to sort them out:

Attributes	Buy the rights	Do a free adaptation	Choose a free of rights book
Price	0	1	1
Fidelity	1	0	1
Risk	1	0	1
Duration	0,5	1	1
Variety of choice	1	1	0
Originality	1	1	0,5
Up to date	1	1	0
Totals	5,5	5	4,5

Step 6: Selection of the preferred alternative

As we have seen before, and it is now proven with numbers, the solution “choose a free of rights book” is the weakest solution of all three. We still have the two solutions “Buy the rights” and “do a free adaptation”.

And it is the solution “Buy the rights” that seems to be the most adapted to the problem. However, the difference between the two solutions is very thin. But the first solution gains two points in two attributes that are paramount for the success of an adaptation. When you adapt a work, something that really matters for people who had enjoyed the book is for the movie to have some fidelity to it. It means finding the characters and places they loved in the book, not only the big lines and themes. The non-officiality of a free adaptation will give a feeling of fakeness to the viewers. With the rights, you can keep what you want to keep and leave what is not ideal for a film.

Another factor that gives advantage to this solution is the risk factor. Indeed, with a free adaptation, the line it is really easy to go too far and start to breach the law and violate the author’s rights. You must only take inspiration from the theme of the original work. If the author feels like it is too close to his work he can sue the company that produces the movie. This risk cannot be overlooked.

The most major weakness of the solution “buy the rights” is the price. The more famous the book and author are, the more expensive the rights will be. But this is a good investment and it will free the producer and director of many troubles. There will be almost no disturbance in the creation.

The first solution “buy the rights” is therefore the preferred alternative.

Step 7: Performance monitoring and post-evaluation of results

The best solution seems to be to buy the rights of the book you want to adapt if this one is still under author’s rights protection. Indeed, doing a free adaptation can have many weaknesses

that can ruin the adaptation. Buy the rights, although it might be an expensive procedure, give all possibilities to the producer, the writer of the scenario and the director.

To monitor the performance of this solution there will one indicator that is for all movies: the reception by the public and the press. With the adaptation of a book, there will always be comparisons with the original work from the spectators. Differences between the two pieces of art are always accepted, because it is impossible to adapt perfectly a book into a film, as it is two very different forms of art, with different means of expression. But, apart from the obvious differences, the film must respect the book. And you can rely on the public to give its opinion about the fidelity. The official reviews from the press are also good indicators as they are written by professionals.

Also, if you adapt a very recent book with a lot of success, the adaptation will logically attract many spectators. The box office will also be a good tool for the post-evaluation of results.

CONCLUSIONS

The question we were trying to answer was “What is the proper process to adapt a literary work?” There are at least 3 solutions when you want to adapt a literary work in France, and it is the role of the producer to take the decision on how he wants to adapt the book. The 3 solutions we studied were “buy the rights”, “do a free adaptation” and “choose a book free of rights”. If we can find advantages in these solutions, the most viable is to “buy the rights” for an adaptation. The proper process is first to see if the rights are public or not, and if not, seek the current possessor of the rights. The author, the descendants of the author if he is dead, or the rights might have already been sold to somebody else. When you get this information, do what you can to gain the rights: a decent offer and a good reason for the adaptation. When the contracts are signed, the production can start.

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About the Author



Jean-Maxime Feutry

SKEMA Business School
Paris, France



Jean-Maxime Feutry is a 23 years old French student at SKEMA Business School, based in Paris, France. After studying general knowledge about management, accounting, marketing and law during his first two years in the business school, he is now specializing in Project Management in the Master of Science « Project and Programme Management and Business Development ». He will graduate in 2018. He received this year the accreditations AgilePM and Prince2. He also studied for one semester at NC State University, based in Raleigh, North Carolina, United States of America. Before SKEMA, he took a two-year course preparing for competitive exam, called Hypokhâgne and Khâgne B/L, specializing in sociology, economics and literature, in Lille, north of France.

He is planning to work in the cinematographic industry, and more specifically in a production company. He has already made a few internships in this sector, first in one the biggest movie theater of France, the Kinopolis of Lomme, as assistant to the content manager and then in two production companies based in Paris. He was responsible, as a Production Assistant and then as a Development Manager, of the subvention strategy, the elaboration of the subvention files and of the estimates and financing plans. He worked on animated or live short and feature films, which encountered success in festivals. He was also for one year (in 2015) the president of the student association “7eme Art”, which promoted cinema in SKEMA Business School. As the president, he was responsible of the management of a team composed of twenty individuals who were divided in team dedicated to specific tasks. He was also in charge of the organization of premieres and internal screenings, the writing of articles and reviews for the association’s blog and the administrative work related to the functioning of a student association.

Jean-Maxime can be contacted at jeanmaxime.feutry@skema.edu