

“It’s a Fan (Made) Thing”: Branding the Tenuous Legalities of Digital Fan Labor

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In the summer of 2017, the cable network Syfy celebrated its 25th anniversary with a rebranding initiative. The accompanying ad campaign, structured around the tagline “It’s a fan thing,” was designed to promote the network’s new content portal Syfy Wire, featuring geek culture news and original reporting. After an initial promotional push at San Diego Comic-Con (SDCC) 2017, Syfy returned to SDCC the following year with a slightly modified tagline: “It’s a fan (made) thing.” This new tagline, ostensibly celebrating digital fan production cultures, was emblazoned on busses featuring fan art of Syfy television series, and functioned as the official launch of Syfy Wire’s “Fan Creators Initiative,” a “multi-platform program” launched to “celebrate, nurture and support the makers, artists and creators at the heart of genre fandom.” However, closer inspection of Syfy Wire’s Fan Creators portal overwhelmingly features tangible, tactile, and material forms of fan production, from cosplay to crafting to cake decorating. With the exception of several contests in which fan artists were solicited through digital repository Deviant Art to create fantastical (albeit ultimately still promotional) spins on Syfy’s programming or logo, Syfy’s conception of fan (made) things appears to be analog by design.

For my contribution to this roundtable conversation on digital production cultures, I would like to put Syfy’s “Fan Creators Initiative” and its rebranding strategy of foregrounding fan production cultures in conversation with a 2016 lawsuit directed at a *Star Trek* fan film, *Axanar*. It was in large part because the production had crowdfunded over one million dollars with the aim of producing a professional-grade fan film, which included hiring crew members who had worked on official *Star Trek* productions, that Paramount and CBS filed suit. Around the same time, CBS and Paramount Pictures released a new set of *Star Trek* fan film guidelines through the franchise’s official website to clarify its new policies. In the press release accompanying these “guidelines,” *Star Trek*’s corporate owners acknowledge the large role that fans (and digital fan production cultures, by extension) have played in the franchise’s endurance, ultimately claiming that the guidelines were designed to “show our appreciation by bringing fan films back to their roots.”¹

The guidelines themselves opened with the following statement: “CBS and Paramount Pictures are big believers in reasonable fan fiction and fan creativity, and, in particular, want amateur fan filmmakers to showcase their passion for

¹ CBS and Paramount, “Star Trek Fan Film Guidelines Announced,” *Startrek.com*, June 23, 2016, <http://www.startrek.com>.

Star Trek.”² The rules that follow delimit what CBS and Paramount deem to be “reasonable” forms of “non-professional and amateur” fan creativity, those that they assure fans they “will not object to, or take legal action against.”³ The guidelines themselves, however, strictly limited the serialized nature of many *Star Trek* fan film projects (limiting each “film” to fifteen minutes and limiting the “parts” of each story to two, meaning that no fannish replication of a television or web series format was feasible). The *Star Trek* fan film lawsuit was settled on January 20, 2017, just eleven days before its scheduled trial date. In a joint statement, the fan filmmakers and their production company pointedly acknowledged that the planned film was not sanctioned and “crossed boundaries acceptable to CBS and Paramount relating to copyright law.”⁴ This settlement was undoubtedly precipitated by a January 4, 2017, summary judgment, which ruled that the fan filmmakers could not claim fair use as a cornerstone of their defense.⁵

Through these two test cases, there are three major issues surrounding digital (fan) production cultures that I would like to raise as possible points of discussion: The first is to consider how “amateur” digital production cultures paradoxically continue to face prohibitionist pushback to their perceived efforts to “professionalize,” even as their professionalism is essential to their capacity to be incorporated as promotional agents within industry partnerships. Keeping these contradictory politics of participation in mind, I would also like to consider both the legal strides and setbacks that have faced digital production cultures over the past several years, and how this has ultimately helped increase the visibility of analog fan production practices. Finally, there is a temporal dimension to consider, in terms of when digital production cultures are activated (as with the Syfy rebranding) or contained (as with the *Star Trek* fan film crackdown, which appeared to be in anticipation of the launch of their new series, *Discovery*).

² “Fan Films,” *Startrek.com*, <http://www.startrek.com>.

³ *Ibid.*

⁴ Eriq Gardner, “CBS, Paramount Settle Lawsuit over ‘Star Trek’ Fan Film,” *Hollywood Reporter*, January 20, 2017, <https://www.hollywoodreporter.com>.

⁵ Eriq Gardner, “‘Star Trek’ Fan Film Dispute Goes to Jury Trial in Big Ruling,” *Hollywood Reporter*, January 4, 2017, <https://www.hollywoodreporter.com>.