

LIVE COPYRIGHTED AND PROSPER

# Star Trek's unique deal allows home auteurs to go where no fan film has gone before

Samantha Drake | May 12, 2017



📷 Boldly going where no copyright law has gone before. (TK2 Films)

The recent settlement of a copyright lawsuit against the producer of *Star Trek*

fan films who raised more than \$1 million in funding resulted in guidelines governing future fan efforts that attempt to strike a balance between encouraging fans' passion and protecting studios' intellectual property

The venerable science fiction franchise has a huge cult following and shows no sign of slowing down. Created by Gene Roddenberry, the original *Star Trek* television series debuted more than 50 years ago in 1966 and has spawned six television series and 13 feature films. A new TV series, *Star Trek: Discovery* is expected to debut in 2017.

Science fiction has always had especially—sometimes astoundingly—dedicated followers, who've poured their talents into creating their own fiction, artwork, cosplay, and films based on their favorite stories and characters. As filmmaking technology became more accessible, fan films became springboard for amateurs' creativity. While many fan filmmakers pay for the projects out of their own pockets, the rise of crowdfunding has turbocharged some fan filmmakers' ability to raise money for their projects.

Alec Peters was very good at raising money for his two *Star Trek* fan film projects. He crowdfunded more than \$1 million through Kickstarter and Indiegogo to first produce a short film called *Star Trek: Prelude to Axanar*, which debuted at the San Diego Comic Con in 2014. *Prelude to Axanar* is set before the original *Star Trek* TV series and tells the story of captain James T. Kirk's hero, Garth of Izar, during the war between the Federation and the Klingon Empire.

But when Peters' plans to follow up *Prelude to Axanar* with a feature-length film called *Axanar* kicked into high gear, CBS Studios Inc., which owns the *Star Trek* television series copyrights, and Paramount Pictures Corp., which owns the *Star Trek* motion pictures copyrights, stepped in. The studios sued

Peters, the executive producer of the two works, and his company, [Axanar Productions](#), for copyright infringement in Dec. 2015.

Paramount and CBS complained that Peters lifted numerous copyrighted elements from the *Star Trek* universe, including the Federation, the Klingons, Vulcans, and Starfleet officers and commanders. In Jan. 2016, a federal California judge ruled that the *Axanar* works were barred by copyright law as a “derivative work.”

Until now, the studios had largely looked the other way when it came to fan films, but the projects hadn't been quite so well-funded. “It had reached a point with *Axanar* where it was now quite possible for a fan production to commercialize and that was what sent the red flag up at [the studios],” explains Carlos Pedraza, a screenwriter, independent film producer, and journalist with ties to the fan film community who launched the website [AxaMonitor](#) to address and misinformation surrounding the *Axanar* litigation.

At the end of January, Paramount and CBS settled with Peters, who agreed to abide by new fan film guidelines and make changes to *Axanar*. Under [the guidelines](#), *Star Trek* fan productions must be non-professional, non-commercial, and family-friendly, and must include specific disclaimers. Among other things, fan productions also must be less than 15 minutes for a single, self-contained story and no more than 30 minutes total for a story told in two segments.

Further, no one involved can be paid for their services or be currently or previously employed on any official *Star Trek* production. The fan film production must be exhibited or distributed free of charge, and fan filmmakers may not copyright or trademark register their works. The

guidelines also limit public crowdfunding to pay for the project to \$50,000, but don't prohibit private funding.

The producers behind a handful of ongoing projects took stock of the guidelines' impact on their work and responded accordingly. For example, the web series known as *Star Trek: Renegades*, which raised hundreds of thousands of dollars and featured *Star Trek* luminaries Walter Koenig and Nichelle Nichols, among others, quickly divested itself of all *Star Trek* references. The sci-fi series is now simply called *Renegades*.

Others opted to shut down entirely. After completing *Star Trek—Horizon*, a feature-length film whose producers raised more than \$22,000 via Kickstarter, executive producer Tommy Kraft decided not to proceed with the planned sequel to *Horizon* called *Federation Rising*. According to AxaMonitor, Kraft said CBS executives called him and “strongly suggested” that he drop plans for a sequel. The *Horizon* website reported on Apr. 2 that Kraft is now working on an original science fiction TV pilot.

*Star Trek: Intrepid*, one of the longest running fan film series, briefly halted work in 2016 because of the *Axanar* lawsuit. Based in Dundee, Scotland, production of the nearly dozen episodes of *Intrepid* began in 2003, and is probably closer to what comes to studio executives' minds when they think “fan film.”

“My initial gut reaction was: ‘We're screwed,’” says Nick Cook, a producer, writer and actor on the *Intrepid* series—he plays captain Daniel Hunter, commanding officer of the USS *Intrepid*. But after reading the guidelines and getting clarification from CBS, he and his collaborators decided to simply focus on five- or 10-minute films instead of longer episodes. *Intrepid* producers have been funding the project themselves, buying their own

equipment and materials and paying their own travel expenses. Post-production on a short film can still take several years to complete as they wait for the people doing the work to fit it into their schedules, Cook explains.

He has no problem with the guidelines. “We have no right to exist. We’re playing in somebody else’s sandbox.” Interestingly, Cook says the *Intrepid* crew is now looking into crowdfunding for the first time since the guidelines permit it. “I never, ever in my wildest dreams imagined that we could raise \$50,000,” he says, adding, “50,000 for a 15-minute film is a remarkable amount of money.”

Smaller fan film players shouldn’t be discouraged by the guidelines, Pedraza adds. “I think it’s still quite possible to make very good fan films within those guidelines of very high quality, if fans want to invest what it takes to do that,” he says. “I know, actually, that CBS would have absolutely no problem with that.”

As for *Axanar*, Peters, who did not respond to questions for this story, reported on the Axanar Productions website that work continues to pare the film down to two 15-minute segments allowed under the guidelines. The company also announced on Mar. 20 the launch of an [Indiegogo campaign](#) to raise \$60,000 to build a studio “to provide film makers an affordable and professional place to make their films, web series, or new media projects.”

Proving that there’s no shortage of drama in the *Star Trek* fan film community, in February, less than a month after the settlement, an anonymous fan posted his own edited version of *Prelude to Axanar* on YouTube. Among other things, the fan version replaced Peter’s appearance as Garth of Izar. Peters quickly had it taken down.

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