Negotiating Legal Knowledge, Community Values, and Entrepreneurship in Fan Cultural Production

Sophie G. Einwächter

1. Introduction

Media fandom incorporates a large number of practices that are either explicitly quoting or implicitly referencing cultural objects. Observers outside fandom often label these practices derivative, appropriative, or transformative, each of these labels conveying a legal or ethical judgment respectively; many question their legitimacy. Among fans, a high level of uncertainty surrounds the legal status of these practices, which are generally assumed to border on copyright infringement.

This paper draws on observations from two ethnographic studies: the first, German, study I undertook between 2009 and 2012 focussed on transformations of fan culture in a digitally networked environment, addressing the economic and organisational changes that digital platforms and software brought into the fan cultural realm. It combined online ethnography of nine Anglo-American and German vampire-themed fan websites (related to True Blood and Twilight), content analyses of four Harry Potter and Twilight themed fan websites, thirteen semi-structured qualitative interviews with active German fantasy fans and four standardised email-interviews with scholars working with fan cultural sources (Einwächter 2014a; smaller parts were published in English, in Einwächter 2014b). One of the findings of this study was that, in digital fandom, copyright was a pressing issue that many fans addressed as a source of uncertainty and fear as well as a

time-consuming factor, impeding the progress of their projects. In a fol-
low-up study in 2015, I interviewed five very active German and Scan-
dinavian fans during a fan convention at Breuberg Castle, Germany.
Again, the interviews were qualitative, semi-structured, and this time
they explicitly addressed issues of copyright and the fans' individual
strategies of working with what they knew or not about copyright law
or its respective legal equivalents in other countries (Einwächter 2015).

Drawing on these studies, this paper addresses fan cultural prac-
tices as *transformative*, but also as inherently *innovative* practices in
that they produce novel combinations of existing cultural information.
Arguing that digitalisation has enabled new aesthetic phenomena lead-
ing to new social dynamics and new causes of tension within fan com-
munities, it goes on to discuss the pragmatic implications of fan cultural
entrepreneurship.

In a first step, the paper addresses the digital transformation of fan
culture leading to the phenomenon of entrepreneurial fans who find
a large audience for their media and make money with their initially
purely fan cultural practices. The well-publicised case of fan-fiction-
turned-bestseller-author E.L. James (Fifty Shades of Grey trilogy) led
to much negative response within her former online community, ques-
tioning the ethical rather than the legal status of her work. In contrast,
the German case of Harry-Potter-fan-turned-comedian Kathrin Fricke,
also known as *Coldmirror*, shows that fan cultural practices can find a
professional market without causing community backlash.

In the second part of this paper, I will demonstrate how fans re-
spond to copyright uncertainty, using a number of strategies and rules
of thumb they circulate via word of mouth both online and offline.
These strategies are meant to avert risk, but sometimes manifest mis-
conceptions rather than factual information on the law. Here, I will ex-
tensively draw on the works of Fiesler and Bruckman (2014) and Fiesler
et al. (2015), adding my observations from the realm of fan culture to
their findings concerning "legal uncertainty" (Fiesler et al. 2015: 126)

in creative online communities. I will close with a list of observed fan cultural strategies that are responses to or consequences of copyright uncertainty.

2. Fan Cultural Practices as Transformative Practices

Henry Jenkins' 1992 seminal definition of fandom highlights that the very core of fan cultural practices is the engagement with a cultural object or text, an engagement that implies referential practices to aesthetically independent works. Jenkins stresses that fan cultural practices enrich experiences of the original texts they refer to, as they transform and subvert meaning in a process we can consider semiotically productive. He identifies "five levels of activity" (Jenkins 1992: 277) that encompass a "particular mode of reception" (ibid.), the production of a "meta-text that is larger, richer, more complex and interesting than the original [...]" (ibid: 278), forms of consumer activism (ibid.) and cultural production (ibid: 279) as well as strong social bonds – "an alternative social community" (ibid: 280) bordering on the utopian.

The metaphor Jenkins used for descriptions of fan cultural production at the time, 'textual poaching', goes back to Michel De Certeau's *The Practice of Everyday Life* (1984). Although it is laden with associations of illegitimacy and destruction—after all, a poacher trespasses onto the land of another where he shoots the landowner's game and presumably eats his prey afterwards—Jenkins and De Certeau sought to describe something entirely different. What they meant by 'poaching' was an act of stimulation by and inspiration through another text and thus also a gesture of reverence to that other text by using it in one's own work. In a pre-digital era of predominantly analogue media—Jenkins published *Textual Poachers* in 1992 – the connotations of such archaic imagery may have been slightly more fitting than today, as only corporate producers—like feudal lords—had access to important production means, and far more possibilities to protect their (intellectual) property than today. Fan cultural creativity, on the other hand, was geographically, techno-

logically and, as a result, aesthetically limited. Production happened predominantly offline, and practices using original material such as 'vidding' came at high costs and through cumbersome time-consuming endeavour, contributing to a very visible quality difference between the original created by professional producers and the work of fans. It is important to note, however, that these limits also produced a welcome effect: fans' works received hardly any attention outside their own circles, so they were not considered a threat by copyright holders.

In the digital era, fans' creations—many of which are now professionally produced and circulated via social networks—may reach large audiences and thus also attract more scrutiny by copyright holders. It does not come as a surprise, then, that Henry Jenkins (a supporter of fandom and long-time fan himself) no longer refers to the ambiguous 'poaching' when speaking about fan cultural practices, but rather stresses their "participatory" (Jenkins et al. 2016: 1 f.) and educational qualities.

However, in Anglo-American legal contexts in particular, another term has taken the place of what previously was called 'poaching', namely 'transformative'. Adopted and popularised by the *Organisation of Transformative Works* and its online journal *Transformative Works and Cultures*, there is a political reasoning behind labelling fan fiction, fan art, and other fan cultural practices 'transformative'. It is a direct reference to phrasings used in a number of prominent court decisions dealing with the Fair Use copyright exemption. Here, the transformative nature of a work was cited as one important prerequisite for a Fair Use ruling, implying that the original text or artwork being used in the new creation has undergone a process that has left it significantly changed (see e.g. Tushnet 1997: 662). Labelling fans' works 'transformative' thus conveys legitimacy.

The original cultural object—be it film or series, game or celebrity—is still central to fan cultural practices, however transformative they may be. This is nowhere more apparent than in fan fiction archives,

where fans' stories are predominantly listed by source text rather than by title or fan author. Fan fiction, to quote the fan wiki Fanlore, is "a work of fiction written by fans for other fans, taking a source text or a famous person as a point of departure. It is most commonly produced within the context of a fannish community and can be shared online such as in archives or in print such as in zines [...]" (Fanlore 2017: "Fan Fiction"). Like other fan practices, fan fiction writing has been affected by a number of technologically induced changes that have transformed fandom organisationally and economically.

3. Digital Fandom is Fandom Transformed: Professionalized, Internationalised, More Mainstream

Digitalisation has caused fundamental changes within fan culture, "blurring the lines between producers and consumers, [...] and giving rise to new forms of cultural production" (Pearson 2010: 84). In fan circles, micro-blogging, video and image editing or other forms of content remixing thrive. Online interconnectedness helps fans to communicate and distribute their creative works to larger groups of interested peers. For German fans, digitalisation has also enabled closer contact with Anglo-American fan groups, strengthening cooperation and knowledge exchange. In one of my first interviews with fans, in 2011, a web administrator from German True Blood fandom stressed how vital this connection with international fans and American actors from the TV series proved to be with regard to her unfolding professional career: it had motivated her to significantly improve her English communication and web editing skills which then led to better employment options (see Einwächter 2014a: 301 f.). Internationally, her German website was the second fan site dedicated to True Blood; a lot of effort went into translating American True Blood-related news for her German website's audience.

The task of handling a website and publishing information online has also led to many fans developing an interest in legal issues—mostly

to avert risks that could arise from such activities. Many of the active fans I interviewed between 2010 and 2015 were well-connected and proudly displayed their professionalism: they carried business cards with their web spaces' addresses, they organised a continuous stream of information and online events for their website's followers in order to stay relevant for their audience. There was a market logic driving their endeavours that were no longer purely fan-communal, but also entrepreneurial in that they wanted to offer an entertaining service that they knew was competing with other services of a similar kind (Einwächter 2014a: 148 f.). Some openly stated that they had originally been interested in their fan object of choice, but then developed an interest in a certain form of success that was measurable through website traffic. This commercialisation and its relation to the availability of online statistics is still an under-researched topic. What Reißmann et al. remark in the context of fan fiction platforms equally applies to other online fan spaces: the metrification of fan cultural activities online requires an investigation "of how displaying and interacting with data and statistics (views, likes, rates, amount of comments etc.) shape culture and community ethics" (Reißmann et al. 2017: 23).

Fan cultural media have gained visibility and mainstream appeal through social networks. Practices such as the remix, deeply rooted in fan culture(s), are facilitated through digital software and media platforms, where they have become mainstream sources of entertainment, and it can be hard to tell if uploaded content originates from a professional or amateur source. Online platforms also facilitate contact between fans and celebrities or producers, who sometimes explicitly invite user feedback on their products and possible future developments of brands, products, or narratives. Media producers also actively monitor fan cultural practices and communication, as they are aware that fans' media and online discussion can be analysed for market research.

While digital media make the identical reproduction and large-scale distribution of creative works much easier, at the same time, fan cul-

ture gets more exposed to public and corporate scrutiny in social networks: YouTube's implementation of scanning software, for example, which checks for usage of copyrighted audio or video, resulting in sanctions such as temporarily blocking or closing down user accounts, has caused worries and confusion among fans, whether their practices are legal or not.

4. The Innovative Potential of Cultural Entrepreneurship

In my previous studies, I proposed a cultural economic interpretation of transformative practices as inherently *innovative*.

Early 20th century Austrian economist Joseph Schumpeter was the first to acknowledge that market innovation often stems from recombining existing resources to new ends—an innovative process—and that a person who allocates such resources and finds new purposes for them can be called an entrepreneur (Schumpeter 2006 [1912]: 158 f.). While the application of economic theory is not very common in Fan Studies, sociologist Richard Swedberg offers a more differentiated take on Schumpeter's theory, making it more applicable to the subject of fan cultural production. He claims that although both combine existing resources in innovative ways, an important distinction should be made between economic and cultural entrepreneurship:

> "[...] economic entrepreneurship primarily aims at creating *something new (and profitable)* in the area of the economy, while cultural entrepreneurship aims at creating something *new and appreciated* in the area of culture. While moneymaking is often a crucial component of cultural entrepreneurship, it does not constitute its primary focus" (Swedberg 2006: 269).

The notion of entrepreneurship—both as non-profit 'cultural entrepreneurship' and in its decidedly commercial form—has emerged in several cases I investigated through online ethnography or interviews.

Since fandom went digital, a significant number of successful fans found a wider than fan cultural audience for their 'new and appreciated' media which only later turned profitable when they made money with their initially purely fan cultural practices:

Emerson Spartz, founder of Muggle Net, the leading Harry Potter fan page since 1999 (which is still updated), made first steps towards commercialisation when he co-authored two books that took J. K. Rowling's Harry Potter novels as 'points of departure'. They speculated regarding the series' final instalment (MuggleNet.com's What Will Happen in Harry Potter 7) and provided theories and evaluations of major points in the plot and character developments (MuggleNet.com's Harry Potter Should Have Died: Controversial Views From The #1 Fan Site). Spartz then left active fandom for a career in social media where his early fan page success was a useful reference. In The New Yorker, Spartz, who now specializes in online virality, is quoted as saying: "As I became less motivated by my passion for the books, I got obsessed with the entrepreneurial side of it, the game of maximizing patterns and seeing how big my reach could get" (Marantz 2015: n. pag.).

Two important cases of fans-turned-entrepreneurs are E.L. James (author of the Fifty Shades of Grey trilogy) and Clarissa Clare (author of The Mortal Instruments saga, now Netflix series Shadowhunters). Both attracted much negative response within their respective fandoms. James had published her Twilight fan fiction 'Master of the Universe' on Fanfiction.net. On this site, the new combination (of basically the same protagonist couple and power relation, in a slightly different surrounding, replacing Twilight's fantasy elements with explicit BDSM[1]-inspired sex scenes) was read by several thousand users (estimations go up to 100,000) who provided 2, 000 reviews of it online (Jones 2014: 3.2). When she published a slightly altered version of her fan fiction as the Fifty Shades trilogy and pulled her fan fiction from the platform, she was heavily criticised by her former peers. While many fans and fan scholars stressed that this was against the values of the

community in which gift culture was deeply rooted (see e.g. Hellekson 2015), users took offence by James not acknowledging the contribution of her peers. They had unknowingly delivered unpaid editing services for work that was going to be an all-time bestseller with millions in revenue. Textual analysis with the plagiarism tool Turnitin had shown that 89% of the published books were identical with the fan fiction (Litte, quoted in Jones 2014: 3.3). In her analysis of the case, Bethan Jones quotes a fan who complained that the creative work was a collaborative effort: "As much as she fed us, we fed her with our comments AND suggestions in how far she could or couldn't take the story" (AlwaysLucky1 in Jones: 3.12).

With Cassandra Clare's writing, the criticism lay somewhere else: fans had discovered that, apparently, Clare had "reproduced concepts, rough scenes, descriptive phrases and dialogue from several fantasy novels" (Fanlore 2017: "The Cassandra Claire Plagiarism Debacle") in her fan fiction online, without crediting them. This was considered too transgressive by some, even within the context of 'appropriative' fan fiction.

Both Clare and James left their former fan communities when beginning their professional careers in writing, as Spartz left fandom to become a social media entrepreneur. This seems a necessary step considering that cultural and economic entrepreneurship calculate their gains and losses differently. As German sociologists Schmidt-Lux, Schäfer, and Roose (2010: 12) have noted, fandom can be regarded as "investments of both time and money into a passionate long-term relationship with an object" (my translation). Thus, from a pragmatic point of view, a bestselling author may simply no longer have the time to invest in such a relationship with a fan object because he or she is busy producing, promoting, and selling texts that become fan objects in their own right. However, leaving the bestselling type aside, we may also have to adapt our ideas of gift culture vs. commercial culture, and fan vs. professional author/celebrity, because as Reißmann et al. (2017: 23) note, in

the digitally networked sphere "boundaries between an ostentatiously non-commercial habitus and 'quasi-commercial' acting are fuzzy".

While Fifty Shades and Shadowhunters are cultural products that left an international impact, German Harry Potter fandom produced an interesting video phenomenon that made it to national TV and attests to an interesting blurring of mainstream and niche culture. Starting
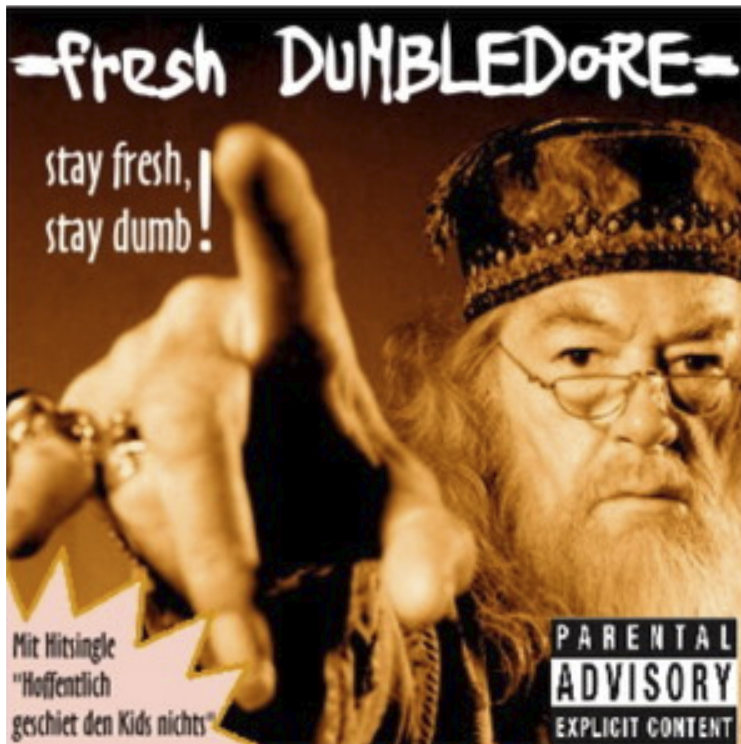

Fig. 1: Coldmirror (2008): "Fresh Dumbledore: Stay fresh, stay dumb!" [Album cover artwork]. Source: Coldmirror Wiki, http://wiki.coldmirror.net/w/images/DISTURBIA COVEROFFICAL.jpg [5.1.2018]

with a number of videos that presented a fan-dubbed, parodied version of Warner Bros.' Harry Potter movies, the YouTube channel of German fan Kathrin Fricke (aka Coldmirror) soon became one of the most subscribed German channels in the years 2006–2010 (Einwächter 2014a: 91 f.). While she made only minor changes in video editing, her fan dubs gave the films' visuals a completely different meaning. Coldmirror retold the story as an unfortunate, non-pc tale of mishaps that occur to young Harry at a boarding school led by 'Fresh D.', a self-proclaimed rapper with a shady criminal past and paedophile record. She completed her 'franchise' with a large number of audio remix tracks, rap songs featuring characters from her fan dubs (with most vocals performed by 'Fresh D.', i.e. K. Fricke, see fig. 1). The attention her YouTube account attracted during her fan cultural heyday was vital for Kathrin Fricke's first professional engagements. First she reviewed computer games for the Online Radio station YouFM, publishing the videos on her channel, where they reached their ideal audience—a young crowd of predominantly male 'nerds'. Later she got her own entertainment format on the digital national television channel Einsfestival, Coldmirror TV, which featured a number of shorter clips in her typical style that her fans recognised from her Harry Potter works. Transformative dubbing and lip-syncing still play an important role within her creative repertoire. She has dubbed a number of videos that visually consist of media material with a political context, featuring Angela Merkel (who in her interpretation also pursues a career in Hip Hop), Barack Obama, and Vladimir Putin. It is very likely that the decision to dub politicians was simply made because the national public broadcaster ARD that commissioned her has easier access to the rights of news material than to feature films from foreign countries.

The Coldmirror case shows that fan cultural practices can find a professional market without causing community backlash. It should be noted in this context that Kathrin Fricke received many positive comments on her YouTube channel, but no detailed reviews or other rel-

coldmirror - Folge 21 - Einsfestival

Fig. 2: Coldmirror TV (2012): "Episode 21" [appearance of 'Fresh D']. Source: Screen-
shot from ARD/YouTube.com, 2.8.2012, https://www.youtube.com/watch?v=GzK
Fr-Tdza8 [5.1.2018]

Misheard Lyrics "Ismail YK"

1.348.276 Aufrufe

Fig. 3: Coldmirror (2011): "Misheard Lyrics 'Ismail YK'". Source: Screenshot from cold-
mirror/YouTube.com, 3.2.2011, https://www.youtube.com/watch?v=wb3MT3W6_aU
[5.1.2017]

evant creative input from her followers. This makes it much easier to identify her as the sole originator of these transformative works.

However, it seems also important that traces from her former fan cultural activities still show up in her professional work, for example in the form of Coldmirror suddenly speaking with the voice of 'her' Professor McGonagall or 'Fresh D.' in episodes of Coldmirror TV. She sometimes even performs as the latter in her show, wearing a wig and a beard (see fig. 2).

Such hints serve as inside jokes that only her former followers will understand, signs that can be read as gestures of reverence to her early following, but also as proofs of authenticity — signalling that even on national television her humour is still as quirky and niche as ever. References to Harry Potter also appear in her popular 'Misheard Lyrics' videos, another transformative format first produced for Coldmirror TV. In this case, she deliberately misinterprets the lyrics of foreign language songs as German text, while illustrating her nonsensical versions with hyperbolic childlike drawings using a very basic illustration software. Her animated clip for a Turkish love song became a huge success: Fricke misinterpreted its refrain "git hadi git istemiyorsan" (in English "if you don't want to go"), rendering it in nonsensical, but funny German as "Keks, Alter Keks, ist der mit Ohr-Sand?" – which means "Cookie, old Cookie, is it with ear-sand?" in English (Coldmirror 2011a: n.pag.). The illustration for the refrain shows an annoyed-looking stickman holding a decayed cookie with a question mark and a huge ear next to him from which sand is pouring (see fig. 3). The video went viral and became so successful that Coldmirror was asked to make a number of these clips to be shown during the 2011 half-time breaks of the International Women's Football Tournament on German national television. They obviously provided a welcome humorous comment on cultural misunderstandings. When posting her clip for the Canadian team on her YouTube channel, she nonchalantly added the comment "This is Canada, with an Inuit song! Did we clear the rights for that? Not sure ... but the headline

'Coldmirror sued by Inuit over copyright' would be cool. I'm taking my chances!" (Coldmirror 2011b: n. pag.).

Comments such as these are also references to her fan cultural past, when her YouTube account was once almost deleted over her fan-dubbed videos. Her demonstratively nonchalant attitude towards copyright laws signals she may still know little about these important matters, thus averting possible accusations of 'selling out' to corporate or mainstream culture that pays a lot of attention to copyright regulations.

5. Navigating Copyright in Fan Cultural Practice(s)

Digital software and social networks may generally foster fandom's creative output. At the same time, they create new obstacles for everyday users, as the tremendous complexity of copyright law causes uncertainty and misconceptions about the overall legality of fan cultural practices.

Through their interviews with remixers who took part in the "shared activity of creating fanworks", Casey Fiesler and Amy Bruckman (2014: 1023 f.) realised that "'Can I do this?' is a question that many online content creators have to ask themselves in the context of using pieces of copyrighted works". In their research, they found that while most of their participants had at least a superficial knowledge of the Fair Use doctrine or "intuitions about an exception to copyright law" (ibid: 1025), they shared a number of misconceptions. One of these misconceptions was the understanding that the non-commercial nature of their activities was "the single most important factor in determining whether a use is fair" (ibid: 1026), which the authors saw as evidence of their acquaintance with the fan cultural norms of gifting rather than an expression of their legal expertise. Here, ethical judgments prevailed over legal rules, an observation that also helps explain the backlash that E.L. James faced from fans for her Fifty Shades novels. Fiesler and Bruckman (2014: 1028) noted that, with regard to the copyright of their own work, users mistakenly thought that there was some kind of "process required to receive a copyright in something (such as registering)".

Users also frequently resorted to disclaimers regarding ownership and attributions to the originators of the works used (ibid: 1029). These factors carry a lot of weight in the fan cultural 'appreciation economy', however, they are of little consequence in determining whether a work falls under the Fair Use doctrine (ibid.).

In a second study, the authors (in collaboration with Jessica Feuston) analysed online discussions in forums of creative online communities, focussing on how users understood or misunderstood the law, and in what way their understanding influenced their "creative activities and online interaction" (Fiesler et al. 2015: 117). According to their findings, users interpreted the law more strictly than necessary and often advised others to refrain from practices that they interpreted as illegal (ibid: 120). Their study stresses that online creative communities often produce stricter regulations than the law. For example, the authors quote a discussion about community-based rules in fan fiction writing that went beyond the letter of the law by requiring writers to ask other authors' permission before using their stories, to attribute the works used in their writing, *and* to accept that an author could at a later point still decide against his or her work being used in another person's work (ibid.: 124). They also found evidence of users being overcautious and refraining from certain creative practices, either to avoid copyright violations or in fear of other users illegitimately copying their work. The authors conclude that uncertainty over copyright ultimately leads to limiting creativity (or more specific: less creative content to be produced or shared online), which they address as a copyright-related *chilling effect*—the legal term for a discouragement of a lawful activity out of fear of legal consequences (ibid: 125).

Comparing the findings of Fiesler et al. (2015) and Fiesler and Bruckman (2014) with the results of my own ethnographic work with German and Scandinavian fantasy fans (Einwächter 2014a, 2014b, 2015), I can confirm some of their findings—in particular the widespread use of legally ineffective disclaimers, and self-regulative caution as a com-

monly adopted strategy of averting risk. I would also like to add a few more observations.

My findings cover the following fan cultural strategies for dealing with copyright uncertainty. While I found them to be commonly used strategies, they are evidenced by quotes from the aforementioned studies, obtained from interviews with two fan site administrators, two fan event organisers, and a fan fiction editor and writer.

1. Production and distribution of fans' creative works with a disclaimer stating no intended commerciality and the name of the (assumed) copyright holder.

Many fans hope these declarations would be held in their favour, should a lawsuit occur, e.g. interviewee Emil, owner and administrator of a top-ranked fan site: "So I have written a special note there, [...] I hope, if there is a problem, then the fact that I have so publicly said what my view is, it might be in my favour" (in Einwächter 2015: 13).

2. Contacting the copyright holder and reaching an agreement regarding the use of copyrighted content or omission thereof.

Interviewee Tobias, co-organiser of one of the biggest German fantasy fan clubs, follows the rule: "better ask one time too often, than one time too little" (translated from ibid.). He admits, however, that this may lead to hearing "answers you do not want to hear" (ibid.), a case that fan fiction editor Anette knows too well. She inquired about the possibility to name a fan convention she was organising after J.R.R. Tolkien's Silmarillion ('SilmarilliCon' would have been her favourite choice, and she had already ruled out 'TolkienCon' as too daring, when asking the Tolkien Estate). However, as she did not get permission, she had to change the name mid-planning and to hand over a web domain she had already acquired for the purpose.

3. Research of available/comprehensible legal literature and self-regulatory caution.

A group of German Twilight fans told me in 2010 that they had spent many days reading about copyright and its German equivalent, the

'Urheberrecht', and were very careful about handling original content responsibly. They also preferred exchanging data in a password-protected web space to be able to control the content their users spread (Einwächter 2014: 258). Another fan reported that his fan club distributed copyright information and legal guidelines for events and activities to its members (2015: 19), while his peer stated that any fan-organised event required 4–5 hours of legal preparation (ibid: 16).

4. Deviant practices: risk distribution among members of a fan group.

Well-known from any file sharing platforms, I also encountered this strategy among loyal followers of Coldmirror's YouTube channel. While she has taken her early Harry Potter fan dubs off her channel, there are a number of channels by anonymous YouTube users that still feature these videos—never forgetting to mention her name, as fans would criticise a lack of attribution harshly. On her own channel, Coldmirror created a playlist of these anonymously published copies of her works, ensuring her access to all the comments and her association with the material. Fan cultural logics of attribution are therefore fully in place, while many accounts featuring her material have been deleted and replaced over the years (ibid: 20).

5. Pragmatic productivity: encouragement and conscious production of original content.

Interviewee Anette, who publishes a print-based fan fiction zine, reports that the publication is very wary of possible transgressions: "We have to be careful. We are using pictures taken by us, drawings made by my co-organisers, drawings made by the artists I know. [...] And all the imagery or the designs have to be original, of course we cannot use anything from the movies or anything close to it" (ibid: 21). The above-mentioned fan club that offers legal guidelines to its members also maintains a database of photographs from every fan event organised by members, offering the pictures as free material.

My own research confirms Fiesler et al.'s findings that misconceptions and confusion over the applicability of legal regulations are in-

deed common. My interviews with German and Scandinavian fans furthermore revealed that American Fair Use legislation is well-known among these fans despite not being applicable to most of their works shared online in German or Norwegian web spaces. As fandom becomes increasingly international and transcends national border and legislation through digital networks, confusion and misconceptions are bound to increase.

6. Conclusion

"Some fans revel in the new opportunities presented by digital technologies, while others lament the digitally enabled encroachment of corporate power into every space of fandom", Roberta Pearson (2010: 84) notes. The new entrepreneurial possibilities that digital fandom holds are highly controversial in fan communities. Even in academic Fan Studies there are opposing views on whether anyone should ever be allowed to earn money with fan fiction. Those who oppose it, quote the gift culture inherent in fan fiction communities (Hellekson 2015), while those in favour stress that if fans do not allow their peers to make a profit from their work, they leave it to community-outsiders such as Amazon's Kindle Worlds to discover these markets, and thus miss a chance of being represented in the business (DeKosnik 2015).

Copyright need not be an obstacle to fan cultural entrepreneurship, as successful cases in Harry Potter and Twilight fandom have shown. Through their extensive self-regulatory measures, however, fans show how much they are still afraid of 'the powers that be'[2]. For researchers and legal experts, their everyday strategies to avoid legal consequences are of interest, because they show how users not professionally acquainted with the law navigate its possible implications by adhering to vicarious experiences, communal rules and advice from their peers.

In their different interpretations of copyright and fair use, clashes between fan and corporate cultures become apparent, while successful careers from fan to professional are often accompanied by a considera-

ble backlash from the community, which then again confirms and man-
ifests the rift between the two spheres.

Notes

1 Abbreviation of: Bondage and Disci-
 pline, Dominance (and submission),
 and Sadism/Masochism.

2 A common term for people and insti-
 tutions holding authority—in fan cir-
 cles used for 'official' producers and
 copyright holders.

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