

# Fan Fiction and Copyright: Outsider Works and Intellectual Property Protection

Aaron Schwabach

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**Aaron Schwabach : Fan Fiction and Copyright: Outsider Works and Intellectual Property Protection** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Fan Fiction and Copyright: Outsider Works and Intellectual Property Protection:

1 of 2 people found the following review helpful. Fun reading By E. Gardiner If you are curious about copyright

problems with fanfiction this is the book for you. It is written by an awesome professor of law who reads fanfiction (possibly written some as well) so it's not an outsiders look but an insiders one.

As long as there have been fans, there has been fan fiction. There seems to be a fundamental human need to tell additional stories about the characters after the book, series, play or movie is over. But developments in information technology and copyright law have put these fan stories at risk of collision with the content owners intellectual property rights. Fan fiction has long been a nearly invisible form of outsider art, but over the past decade it has grown exponentially in volume and in legal importance. Because of its nature, authorship, and underground status, fan fiction stands at an intersection of key issues regarding property, sexuality, and gender. In *Fan Fiction and Copyright*, author Aaron Schwabach examines various types of fan-created content and asks whether and to what extent they are protected from liability for copyright infringement. Professor Schwabach discusses examples of original and fan works from a wide range of media, genres, and cultures. From Sherlock Holmes to Harry Potter, fictional characters, their authors, and their fans are sympathetically yet realistically assessed. *Fan Fiction and Copyright* looks closely at examples of three categories of disputes between authors and their fans: Disputes over the fans use of copyrighted characters, disputes over online publication of fiction resembling copyright work, and in the case of J.K. Rowling and a fansite webmaster, a dispute over the compiling of a reference work detailing an author's fictional universe. Offering more thorough coverage of many such controversies than has ever been available elsewhere, and discussing fan works from the United States, Brazil, China, India, Russia, and elsewhere, *Fan Fiction and Copyright* advances the understanding of fan fiction as transformative use and points the way toward a safe harbor for fan fiction.

'Aaron Schwabach takes readers from Aang to Zorro, exploring the intricacies of copyright in characters and the many ways in which fans respond creatively to existing works, using the characters and situations to tell new stories to themselves and others. His wide knowledge of popular culture and careful examination of existing case law and non-litigated disputes involving fans and authors makes this book a unique resource for those interested in the intersection of law and literature.' Rebecca Tushnet, Georgetown University, USA 'Aaron Schwabach tackles a complex topic with great clarity and not a little wry humour.' *Managing Information* 'The book's strength is its fairly careful discussion of important cases and controversies in a field where there is relatively little case law.' *Times Higher Education* 'Aaron Schwabach's *Fan Fiction and Copyright* is the first book to address the legal issues surrounding "outsider works" and to describe how the law is struggling to adapt to these products of the internet age.' *Times Literary Supplement* 'Fan Fiction and Copyright is a very useful introduction to a marginal but emerging area of intellectual property law.' *Law Library Journal* 'Eminently readable and engaging, bringing a depth of analysis that has so far been lacking in other shorter treatments of this issue, and littered with helpful examples and illustrations, the book reaches a typical legal conclusion: fan works probably don't infringe copyright, but, well, it depends. The value in this book, as with most legal analysis, isn't in the answer so much as in the reasoning that gets you there. This book's value in that respect is considerable.' *Transformative Works Cultures* About the Author Aaron Schwabach is Professor of Law at the Thomas Jefferson School of Law, where he teaches subjects including internet law. His previous books include *Intellectual Property: A Reference Handbook* (ABC-CLIO, 2007) and *Internet and the Law: Technology, Society, and Compromises* (ABC-CLIO, 2005).