

**Defining authorship in user-generated content : copyright struggles in The Game of Thrones**

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**Copyright and re-use policy**

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## Defining authorship in user-generated content: copyright struggles in *The Game of Thrones*

The notion of authorship is a core element in antipiracy campaigns accompanying an emerging copyright regime, worldwide. These campaigns are built on discourses that aim to ‘problematize’ the issues of ‘legality’ of content downloading practices, ‘protection’ for content creators and the alleged damage caused to creators’ livelihood by piracy. Under these tensions, fandom both subverts such discourses, through sharing and production practices, *and* legitimizes industry’s mythology of an ‘original’ author. However, how is the notion of authorship constructed in the cooperative spaces of fandom? The paper explores the most popular fandom sites of *A Song of Ice and Fire* the book series that inspires TV-Show *Game of Thrones* and argues that the notion of authorship is not one-dimensional, but rather consists of attributes that develop across three processes: community-building, the creative, and the industrial/production process. Here, fandom construct a figure of the ‘author’ which, although more complex than the one presented by the industry in its copyright/anti-piracy campaigns, maintains the status quo of regulatory frameworks based on the idea of a ‘primary’ creator.

### **Introduction**

Digital content is at the centre of structural, technological and regulatory changes, globally. The capacity to reach targeted audiences, and the possibility of these audiences to gather, share and further transform content (Jenkins, 2006; Scott, 2014), give rise to new regulatory and cultural questions (*Author*). The space historically ‘occupied’ by the public is transformed into, what Nielsen calls, a ‘two-way causal influence between Twitter and TV-viewership’ (Nielsen, 2013) this is, a reciprocal influence between TV ratings and the amount of related

published tweets. These findings update the interest of exploring expressions of the public such as Fandom. Fandom has long been considered a productive practice: Fiske (2002:30) saw it as a form of ‘shadow cultural economy’, a form of reproduction of cultural capital; but these practices also embody a field of tensions including debates on digital free-labour and precarious professionalism or the ownership of creation rights.

This article shows that the understandings of authorship by fans are operationalized across three axes: the community-based process, the ‘creative’ process and the industrial process. As we will see, this debate closely reflects and reinforces the normative justifications for copyright regulation, based on notions of natural rights and rewards (Bently & Sherman, 2004).

The political economic territories of fandom and fan-financed endeavors (Scott, 2014) are founded in fans’ roles as ‘grassroots campaigners, promoters, and sometimes even public relations officers, acting as liaisons between media producers, celebrities, or industry insiders and fandom in general’ (Chin, 2013). The industry ‘takes fandom seriously’ (Fiske, 2002:41) encouraging audiences to be ‘close’ to the creative process, while at the same time refraining from recognising ‘ownership’<sup>1</sup> over the content they produce (*Author*). Often, fans’ work remains obscure and unpublishable ‘for reasons that have nothing to do with nebulous assessments of literary quality, and everything to do with the fact that fanfiction is often so deeply embedded within a specific community that it is practically incomprehensible to those who don’t share exactly the same set of references’ (Tosenberger, 2014:5).

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<sup>1</sup> Eg “We do not claim ownership to your User Generated Content; however, you grant us a non-exclusive, sublicensable, irrevocable and royalty-free worldwide license under all copyrights” (The Walt Disney Company, 2014)

De Certeau's metaphor of textual poachers 'Readers are travellers; they move across lands belonging to someone else, like nomads poaching their way across fields they did not write' (1984:174) was reinterpreted by Jenkins into 'like the poachers of old, fans operate from a position of cultural marginality and social weakness... fans lack direct access to the means of commercial cultural production' (1992:26). However, as Booth (2008:516) states, in the digital economy 'new fans use digital technology not only to create, to change, to appropriate, to poach, or to write, but also to share, to experience together, to become alive with the fan's community'. Often understood as 'a space for marginalized voices to speak back to mainstream media texts, producers and industries (Bacon-Smith, 1992; Fiske, 1989; Jenkins, 1992) through the production of transformative works (fan fiction, fan video, fan art)' (Scott, 2014:1), fandom grows as 'another way to create meaning: through the cultural, communal relationships of members of a fan community' (Booth, 2008:517); as a form of marginal cultural creation (Jenkins 1992), and as a place of power in relation to what De Certeau described as 'totalizing discourses' (1984:38) owned by the industry.

The dynamics between transmedia and fandom reflect tensions between intellectual property control and freedom of expression (Tushnet, 2007). At the intersection between fans as a community (Booth, 2008), 'not only storybuyers but also storytellers' (Scott, 2014, p. 5), and the crossmedia productions industry, an uncertain territory around 'who is author' emerges as unresolved struggle (*Author*). This question entails assumptions of legitimacy about who is – or should be- rightfully recognized as author, who may occupy a negotiating position regarding the fate of content, and claim ownership rights.

Assuming that 'from a semiotic perspective there is no difference between bottom-up (fandom) and top-down (media industry) generated texts'(Scolari, Bertetti, & Freeman,

2014:3), we study authorship as understood by the users. Law and the industry, situate the ‘author’ within the notional context of the individual, rather than of a multilevel social process (Woodmansee, 1992). This dominant understanding of authorship is central in content legislation (Latonero & Sinnreich, 2014). However, Tushnet (2007, 2010) argues that there is an urgent need to address the intersecting area of industry-led and fan-based content production, as ‘fanworks offer a working model of hybridity in creative production, one the law would do well to recognize’ (Tushnet, 2010:10). Scholars, such as Litman (2005) challenge the legitimacy of copyright by arguing that the law is only product of the negotiations of stakeholders others instead, consider copyright as an opportunity abused by the industry (Boyle, 2010). Here, we aim to shed light to the discursive and thereafter social construction of this tension.

#### *A Song of Ice and Fire and Game of Thrones*

We studied the fan-fora of *A Song of Ice and Fire*. It reached first place in the list of most devoted fan-bases in 2012 (Adalian et al., 2012). The series of seven novels written by George R.R. Martin (GRRM) include *A Game of Thrones* (1996), *A Clash of Kings* (1998), *A Storm of Swords* (2000), *A Feast for Crows* (2005) and *Dance with Dragons* (2011) and *The Winds of Winter* and *A Dream of Spring*. In 2011, produced by HBO, it premiered under the title of *Game of Thrones*. Notably, it was the *most pirated* tv-series of 2012, of 2013 and of 2014 (Ernesto, 2014; Greenberg, 2012) and it will be, again, in 2015 (Ernesto, 2015). The crossmedia production includes three prequel novellas, also adapted to comic books, videogames, board games extending to a full multisensorial experience with smellscapes, food and soundscapes (Puren, 2012). All operations recognize one single author, GRRM, who has written a full episode of each season, approves the work of the directors of the TV-series

David Benioff and D. B. Weiss and responds to fans from his blog. HBO integrated participatory culture and used fan-reaction videos to promote the DVD/Blue Ray box and created the ‘fanart challenge’. HBO clarifies that ‘no royalties of any kind now or in the future’ will be waived by the entrants ( HBO, 2013). As the findings show, ‘contributing’ to *Game of Thrones* franchise is considered an award/reward by participant fan-authors who become prosumers and producers (see *Authors*). It is under the blurring lens of authorship rights that the paper questions, whether new participatory fan cultures challenge media industries’ preferred view of copyright and authorship.

## **Methodology**

This article is based on the analysis of the fan board *A Forum of Ice and Fire*, part of *Westeros.org* – the most important fan-coordinated network discussing GRRM’s work and the TV-show and other Westeros-related content for *A Song of Ice and Fire* and *Game of Thrones* fans. To simplify the bottom up principles of the grounded theory approach we point at two ‘moments’: data collection and data analysis. The data collection included materials from March 1- May 13, 2013. A timeframe that precedes the TV-premiere of Season III (31 March 2013) and until the end of the season. Fans expecting the new season were eager to talk about it online, triggered by trailers and teasers. At the end of the research period the board mounted 61.420 registered members. From March 1, 2013 over 12.800 people posted on the boards. In February 2014 it counted over 77.700 registered members (not all active). Ten of them are board-moderators.<sup>2</sup> The board is divided into five sub-forums: *Information*, *A Song of Ice and Fire (ASoIaF): The Novels*, *Game of Thrones: The HBO TV Series*, *Related Projects* and *Miscellaneous*. Responses were selected from *Hot Topics*, including the sub-forums *General (ASoIaF)*, *General (GoT)*, *Brotherhood without Banners*, *Objects of Ice and Fire*, *Wiki of Ice*

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<sup>2</sup> Numbers extracted from board search function.

*and Fire and Literature*. All *Hot Topics* were previewed for discussions of authorship, creation and ownership. When not dealing with the selected topics of interest, the material was removed from the corpus. The analysis of the data was organized in three waves of coding: an initial open coding, its merging into families and the identification of three logics of operation that we describe later as community building, creation process and industrious profitmaking. The first wave of analysis (preview) indicated that many topics related to fanfiction and fan-creation were locked before becoming *Hot Topics*. Consequently, and following the premises of Grounded Theory, according to which ‘data analysis occurs concurrently with data collection and the specific research focus or problem emerges as the analysis proceeds (Wuest, 2010:229), non *Hot Topics* were also previewed. These were found with keyword searches. Additionally, through the board’s search function we retrieved discussions that may have not been detected during the pre-view phase. The collected material added finally to 800 pages (pdf prints) of discussions.

The data was analysed using the software *Atlast.ti*. The grounded theory approach was useful to deal with questions about understandings of creation, authorship, membership and industry by the participants without providing the analyst’s apriorisms. The purpose was to identify and ‘to explore processes of definition [of authorship, and of membership] in relationships [between the members of the fan community] with changes of conditions either ‘internal or external to the process [of definition] itself’ (Strauss & Corbin, 1994:278). The notion of author, far from being stable, depends on who is considered as such. These changing conditions must be traced in parallel to the use of concepts.

Data was coded on a line-by-line basis, paying attention to uses of ‘author’ (Wuest, 2010:229). The first wave of more than 2000 posts raised 52 different codes and 260 quotes.

These initial codes were merged in families in a second wave of analysis. These clusters formed a system of seven codes that could be finally articulated in a code network (Figure 1). The third wave of analysis showed three main logics behind those seven codes: community building, creation process and industrious profitmaking.

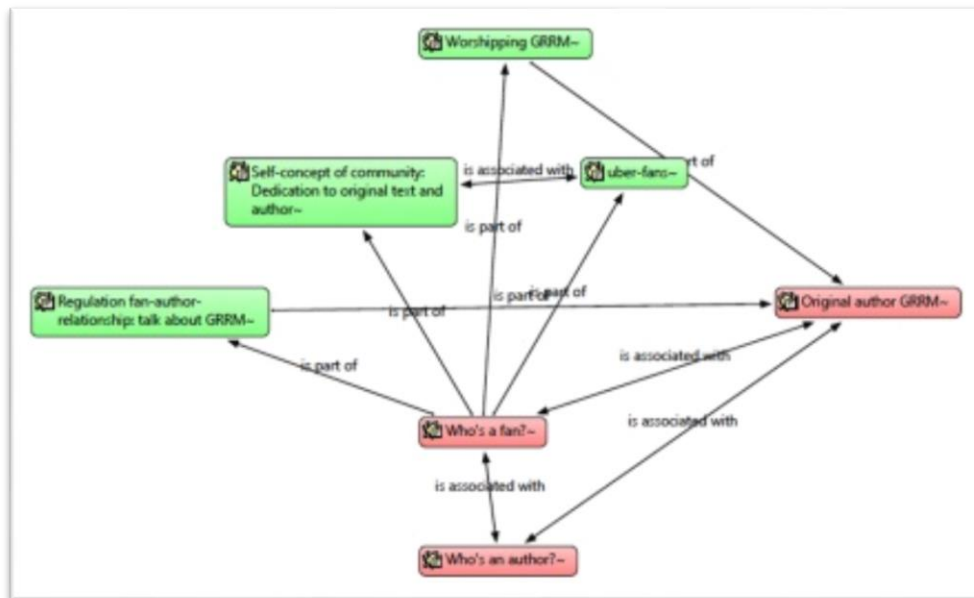


Figure 1.

Before moving on to the findings, the next section provides the context of regulatory frameworks of cultural production in relation to authorship.

### Regulating the Bards

New York City's 2011 campaign 'Piracy doesn't work in NYC'<sup>3</sup> (OFTB, 2011); and the video Stop Piracy in NYC (2010) points to alleged loss of jobs through the practices of downloading copyrighted books, music and films. These piracy panic narratives (see Arditi, 2013) enter a public sphere, in which the author/creator personifies the alleged damage users' downloads cause. This way, institutions, corporations and other actors seek to legitimize

<sup>3</sup> In a recent 'antipiracy' campaign, MTV depicts the 'push and pull' between users and the industry through a download bar (Lowe, 2012)



policy changes in copyright as these become increasingly focused on individual behaviour. Campaigns present a polarized view of intellectual property rights and are silent about a core concern among critiques of copyright regimes, namely the ways in which copyright laws undermine cultural productivity, knowledge dissemination and generation of innovation by inhibiting incentives for further cultural production (Aufderheide & Jaszi, 2011). They fail to represent the full spectrum of the debate about control over cultural content, not only by naturalising proprietary relations over content, as opposed to ideas and practices of gift economies (Litman, 2004). They also present innovative practices by users that are widespread across the world and generations (Latonero & Sinnreich, 2014) under a light of criminalisation and wrong-doing. Industry campaigns aim to instil a sense of fear and guilt among users as a countering mechanism to practices that disregard copyright control.

Moving beyond the discussion about the legitimacy of copyright as a regulatory frame with no underlying principle (Litman, 2005), copyright regulation has been historically built on an idealized notion of an author-creator and the remuneration for her/his work. As Bently & Sherman (2004) argue, three categories of justification are activated: that copyright is a natural right, a reward and an incentive. Even if these three categories of justification root their origins in diverse historical moments, they form a homogenous discursive repertoire (Wetherell, Taylor, & Yates, 2001:247) for the interpretation of copyright regulation. First, copyright as a natural right assumes that intellectual productions emanate from within the mind of the author and consequently, by natural right, these productions are her property; hence, every copyright violation infringes the persona of its creator (Hughes, 1988). The second category constructs copyright as the legal expression of gratitude to an author for her/his creative effort. The third approach presupposes that the production and dissemination of cultural works is optimized when controlled and rewarding the investment in time and

labour, according to their popularity. Arguably, these statements are reductive – but also contested by technology, social conditions and the complex economic process of creation. Nevertheless, campaigns utilize all three forms of justifications without pointing either at the effectiveness of copyright laws (Patry, 2009) or at the imbalance of either rewards or incentives in favour of producers.

Copyright regulation has tended to protect publishers, to commodify culture and lead to complex systems of rights licensing. Arguably, ‘copyright has the potential to inhibit the public’s ability to communicate, to develop ideas, and produce new works.’(Bently & Sherman, 2004:32f.). ‘Neighbouring rights’ counter the inhibitive role of copyright through three distinct ‘conditions’: moral rights, fair use doctrine and the creative commons initiative (European Parliament, 2001). The notion of moral rights, connected to the ‘natural rights’ dimension of copyright and with roots in the 18<sup>th</sup> century, assumes that intellectual work is the outcome of one person and is attached to the concept of the romantic author (Newlyn, 2000; *Author*; Woodmansee, 1992). Moral rights have historically marked the difference between European continental copyright and Anglosaxon traditions, although, Article 6 of the Berne Convention (1886), which applies to all its signatories, describes moral rights as independent of any economic rights, granting an author the right to objection to any distortion or mutilation of the original work. The Fair Use doctrine was introduced to enable usage of copyrighted material for non-commercial purposes (Aufderheide & Jaszi, 2011; Lessig, 2004:172). Fair Use does not extend the legal frame of authorship, but differentiates between amateur (non-commercial) authors and professional (commercial) authors (Newlyn, 2000). Lastly, the Creative Commons initiative was designed as a response to the increasing control effected through law and technology ( Lessig, 2004). However critics have doubts about the capacity of Creative Commons to deal with new notions of authorship and culture-making as

it is based on traditional copyright systems (Dvorak, 2005). That is, Creative Commons' strategy is left with the single unifying principle which empowers authors to govern their own work (Elkin-Koren, 2006:2).

Copyright regulation, originally aimed to protect printing-shops from illegal printers (Lessig, 2004; Rose, 1993), represents a complex array of struggles over content. However, with the rise of a new participatory culture, the 'bardic role' (Hartley, 2009) went global, often free from market constraints: setting an outlaw territory of free-labour and open concurrency that confronts the rights-free volunteer driven fandom work with the lowered wedge professional creative sector resulting in an increase of its precarity (Banks & Deuze, 2009; Gill & Pratt, 2008; Stanfill & Condis, 2014). Ordinary users became public performers, producers of cultural tales and bearers of aesthetic values. 'The conflict between these two paradigms --- the corporate-based concept of media convergence and the grassroots-based concept of participatory culture --- will determine the long-term cultural consequences of our current moment of media in transition' (Jenkins, 2003). Booth (2008) refers to the 'Digi-gratis economy' as the online interactions between fans and media producers emerging somewhere 'in between', as a mash-up between a market and a gift economy.

As creativity is mostly found outside the commercial sector, media industries are eager to gain access to and benefit from it (Lessig, 2004). These draw more intensively upon the question of monetising new narrative styles and practices generated by publics/users, while ringfencing them through legislatively controlling the user-bard. The strategy to promote entry points for fan-participation on digital platforms, interfaces or do-it-yourself applications is common practice tapping into users' labour (Author, Scott, 2014). Also Scott explores this area of commercial driven and unauthentic fan practice with the seinfeldian concept of 'regifting

economy' that explores the industry's operation of providing a fannish culture 'to a general audience unfamiliar with fandom's gift economy' (Scott, 2009). Fan-fiction and fan-related production is considered by the same fan-communities as 'honest', only when driven by non-commercial intentions. Attempts to commercialize fan fiction, as the project FanLib, fail to attract potential customers (De Kosnik, 2009).

Dealing with notions of online piracy as an important cultural momentum, Condry (2010) explored the impact of fan 'subs' on copyright wars in Japanese Anime dubbed or subtitled by American fans. The Anime fan-community knowingly breaks copyright laws, clearly challenging ideas of commodification, however 'although fans feel little compunction about breaking the law, they [...] tend to maintain a deference to ideas of promoting markets, at least up to a point' (Condry, 2010:195). Condry calls this payback force of (inter-media) activities that expands fandom 'dark matter' – a social dynamic that cannot be translated into economic value (Condry, 2010).

### **Power is where Martin is**

Moving into the territory of fan action, the fan-fora, it becomes clear that there is a complex system of governance based on demarcations among participants that determine the degree of legitimacy their views will hold in public. This in itself has a regulatory effect upon the forum, which subsequently frames the debate around the question 'who is considered an author'. We argue that this dimension is important within the broader legislative debate on authorship and copyright. The categories of analysis show that in the *Game of Thrones* fora three axes of debate scaffold the understandings of authorship: membership of the fan-community, originality on the creation process and authorisation by the law and the industry.

The level of ‘community’ shows sub-social-groups defined on hierarchical demarcations between members and non-members. Along the fora, community authority is assigned, and further distinctions are underlined i.e. between professional and non-professional views and topics and debates are governed by, for example, rendering topics non-debatable. Several discursive operations remind participants of their presence in the community (self-awareness), while setting rules for belonging, such as competence about the books and *World of Westeros* or the use of ‘peer’ language. Membership is sorted and conditioned upon proof of *interest in* and *dedication to* the original source: the books. TV-show actors and other ‘less dedicated’ participants, then, fall outside the fan community because their ‘lack of interest’ is considered disrespectful towards the community and the ‘Authority’ of the *author*: ‘... it seems almost insulting that only a few people on stage actually have read the books.’ (Congokong, 2013b)

The mechanisms of inclusion/exclusion are permanently negotiated within the fora: several participants take the view that to earn ‘member status’ fans must demonstrate genuine interest in the original work, whereas for others this is an elitist form of discrimination: ‘All you're really trying to say is that you think you could do a better job, and yet you've probably never written anything in your life that has been published or made available for the public at large to consume’ (Khal-a-bunga, 2013). Dedication ‘sorts’ the community between more active fans that have a sense of power and control and less active fans. For instance, the TV-series creators David Benioff and Daniel B. Weiss (called D+D in the forum):

‘I don't think there's any way D+D can be considered fans in the same way we are. So far as I can tell they simply liked the series and were immediately looking at what can

be cut before hand. I don't think they have any of the prior dedication necessary for a truly faithful adaptation, which is why we didn't get one' (protar, 2013).

High level of activity is associated with a sense of ownership over the object of fandom (*A Song of Ice and Fire*) and the perception of directly contributing to the generation of stories over time (Harris, 1998, p. 48). Knowledge of the 'original source' (the books) becomes the 'test' of legitimacy for membership, constructing complex power structures of varying degrees of legitimacy: for example, the so-called book-*purists* enjoy a privileged position in negotiations but are often criticized for elitism, or even for censorship.

'I also have a beef with book readers who for some strange reasons feel like having read a bunch of books entitles them to be assholes and ruin the series for non-book readers. It happened to me and it's happened to a few of my friends.' (Head of the Ned, 2013).

This hierarchy is topped by the so-called *uber-fans* who enjoy enough knowledge of the world of Westeros to be 'authorized' to finish GRRM's work. The '*uber-fans*' are *administrators and moderators* of the board, *fact-checkers* and *official co-authors with GRRM* (Garcia, Antonsson, & Martin, 2014).

'if not maester Martin, then Elio and Linda - nobody else has the sufficient knowledge and skills' (Aerys Blackfyre, 2013)

The community complex diversity is topped with the persona of the author and highest authority who represents the highest ranked fan. This community structure, however, involves more than the strict knowledge of the published (and unpublished) books. It promises also the

possibility to reach the top of the community to those who dedicate enough of their resources (time, labour, purchases) and be *rewarded* by meeting personally with the author. Overall, the environment within which this participation takes place is highly regulated and aims at protecting GRRM's privacy and prescriptions. The community cannot debate any 'death of the author' – not even mentioning his physical death.

'We're not allowed to talk about GRRM's health or his... (sic) so this will be locked' (King of Winters, 2013, omitting the word "death" saves the comment from being deleted).

Parallel to the development of a community, the fan-fora generate an extensive debate about the *process of creation*. In this second axis about authorship, the 'community' emerges around *values* that impact on the creative process. Here, the 'legal argument' serves rather as a mechanism to prevent commercial profit of fan-creation by fans than as a matter of legitimacy.

'You might want to get off the forum, it's like that in every thread. Plus GRRM has nothing to do with "what if" scenarios: these being fan-fiction, any poster has as much authority on his fiction as GRRM has on his story, what matters is merely to be consistent with the interpretation you have of the world... and discussing interpretations, that's what the forum is for anyway. What were you here for, by the way? (Errant Bard, 2013).

This argumentative operation spreads across two strands: fans' work, extending from fan-art to collective community based projects, such as the Wiki; and GRRM's authorship. The

collective process of interpretation combined with fans' contribution to the development of the World of Westeros is in tension with the *authority* of the published work and with the praised figure of GRRM. This tension challenges dominant understandings of the creative process and of the notion of authorship in regulatory terms ringfencing published works. There, the argument of moral rights functions to prevent further collective creation or fan fiction leading to the eventual expulsion or shutting down of conversations by the administrators. 'Reminder: writing hypothetical POV passages is considered fan fiction (I already asked the moderators). Don't do it or this thread will be locked. I've already seen two so far' (Ordos, 2013).

The connection of interpretation and authorship is found in several practices, the most common of which being the interpretative work based on already existing material. In it fans exchange links, plausible interpretations and readings stimulating further discussions and members' involvement, functioning as a 'proof' that earns members' respect:

'This is a brilliant theory nice job in all the work done into it. It sounds plausible however it does have flaws for example Bael the Bard wasnt the father of Joramun...'  
(The Prince of Ice, 2013).

Users, as 'Westeros detectives', try to pick up Martin's breadcrumbs and to piece them together, solve his riddles and try to make sense of the many prophecies and visions that one encounters in the books. They make fun of this over-investigative behavior in mock-threads treating obvious 'facts' -like Sandor and Gregor Clegane being brothers (Stannis Eats No Peaches, 2013)-, as if they would be highly controversial theories -like the question of Jon Snows parentage (MyLittleDirewolf, 2013).



But there are also other activities like the so-called *re-creation*: this is fan-art which enriches the periphery of the original work, but does not alter it. This includes individual fan-art projects as well as smaller group projects using any medium i.e. extending the narrative world as User Generated Content in the Transmedia Storytelling experiences. Furthermore, the fans also engage in collective fan projects related to the original text. These projects are community based and organized (in contrast to individual fan-art). It includes the Wiki (<http://awoiaf.westeros.org/>) and the ‘The World of Ice and Fire’ (Garcia et al., 2014). These are the active forms of creativity in the fora that, in a way, provide another dimension to the community. The creative acts are, in general, welcome and supported by the moderators and the administrators of the forum; but not without limits. *Any intent to monetize fan-art by fans themselves is immediately banned.*

Yet, the most contested dimension in the forum seems to be the creation of *alternative narratives* or *fanfiction*. This is the reason why in several occasions, participants in the forum apologize upfront for interpretations that could lead to the belief that there is a subjacent story deviating from the one published in the books: ‘Now I don't like the (sic) fictionally speculate in case anyone accuses me of fanfiction, but let's say Raymund hadn't slit her throat and just took her prisoner as was planned’ (Lordstoneheart, 2013). What more, changes to the written word are accepted only by non-purists: ‘If I wanted exactly what was in the book, I'd read the damn thing. For the TV series, I'd like to see something a little different’ (King of the Road, 2013).

But for others, changes must be limited, paying homage to and illustrating the book content. Especially book purists do not want commercial authors to change the story or try to 'be better writers' than GRRM:

'I said they did it because they wanted to. What that means is they want to flex their writing muscles and "make it their own," rather than simply "copy, paste, cut" GRRM's work...' (Congokong, 2013a).

In the cases of changes to the book, thus, HBO have to credit the approval of GRRM, as the ultimate authority. His figure is worshipped and attributed with many of the 'divine' traits enjoyed in the romantic notion of authorship (Newlyn, 2000), including 1) the idealization of the act of creation:

'...The hardest, the most difficult, the most challenging task in any creative process is – starting from the blank page.... Compared to that, every other task is considerably easier' (Miodrag, 2013).

2) the solitude and the isolation of the creator, and 3) his superior geniality: 'I hope he isn't influenced by the fans because he is above all of us' (unSonofStannis, 2013).

The romantic author, thus, provides the frame for legitimising GRRM's authority, blocking out recognition for authorship on the fans side, subsuming fans interpretation to His Word. This hierarchy favours dominant copyright justifications by existing regulation and the industry. Indeed, the pyramidal structure topped by the presence of the ultimate author GRRM is identified in the axis of the creative process.

‘GRRM spent years carefully building these clues into his stories. Astute (read: obsessed) fans like us come on the internet and post them, so they seem so obvious, but the vast majority of his readers have not figured them out. His writing is subtle and these twists and surprises are masterfully crafted and hidden, so well, that even those of us who have read each book five or six times and come on here to argue about it- because even after so many re-reads, we STILL are not 100% sure about the answers to our questions’ (Young Nan, 2013).

These three ways of taming creativity operationalize the idealized forms of authorship and exclude fan-generated production from the possibility of reaching monetary rewards.

The third axis identified is the industrial process. Not only is fan-generated content outright excluded or channeled towards inoffensive territories, but also any spaces for the development of new products (and profit) are strictly regulated and separated from fan-universe. ‘Yep, fanfic for ASOIAF is not allowed on this forum. This will get locked soon’(Kittykatknits, 2013).

Under a watchful eye, the official site Westeros.org hosts a gallery of artistic production created by fans, building certain artistic reputation: ‘Wow you were the guy who did the ramsay pic, ur like a celeb!?’ (Anderson Homeu, 2013).

Although fanartists usually do not expect monetary compensation, participants do not ignore that these artists have copyrights for their work:

‘Your ‘children of the forest’ was my desktop background for a month, sorry if that's unlawful.’(SerStinger, 2013).

Reply: ‘Nah man, don't worry about it being lawful. I like the idea of sharing stuff like this with people. As long as they don't claim it as their own I am good. I am sure some day I will find a way of making money out of it, but not quite yet’ (Cellio, 2013).

However, in other occasions the artist will be reminded of GRRM’s copyrights and the thread will be closed:

‘Is your for-sale screen print an officially licensed-from-GRRM product? If not, in creating it without permission and license you are in violation of Martin's international copyright and intellectual property rights...’ (Ser Kennos of Kayce, 2013)

or be reminded in a friendly spirit by co-participants that GRRM and his wife are shadows that patrol his reign:

‘...and he strictly controls all the rights to for-sale products created from his Ice and Fire series. Be aware that his wife Parris is a member of this forum and looks for this kind of thing. She'll know about this print very quickly, if permission and a license has not been granted’ (Ser Kennos of Kayce, 2013).

This aura of copyright is enforced through self-regulation and peer-surveillance. Yet, not all fan contributions are discussed as such: the collaborative fan-projects, such as the Wiki or the *World of Ice and Fire* (Garcia et al., 2014) (the subforum promises that people can participate with content suggestions) are not addressed in the context of authorship or legal rights of

participants. Instead, discussions are content-oriented or technical. Legal advice is limited to the rights of GRRM - not to the rights of the Wiki-author.

‘A review of a book usually contains a summary / synopsis as well. Nothing wrong with that; you are allowed to discuss a book or tv-series. That includes quoting from it. For quotes the trick is to see where it could infringe on the copyright. For instance on this wiki we took the position that we cannot quote the complete text of a song.’ (Scafloc, 2013).

Such concerns about copyright infringement are tied to the copyrighted work by GRRM, but not of the HBO series, possibly because the show is not directly Martin’s work. Any sign of fanfiction or unlicensed fanart leads to a closed topic, allowing a certain amount of discussions around unauthorized downloading of the TV-series. Users refer to digital piracy by pulling terms from the books:

‘I’m paying the iron price for it and watching it online, before downloading or buying the season. Get it? Iron price? Because it’s piracy! Gods, what a knee-slapper!’ (Pinkie Baelish, 2013).

One user playfully mocks another person who said that s/he has no other option than to wait for the DVD box:

‘Oh my sweet summer child...’ (BlackTalon, 2013).

**One to rule them all**

The analysis of the Westeros.org forum contributions identified the approaches to the notion of 'authorship' by fans, who are involved in a process of generating content. Three distinct axial processes, the community-building process, the creative process and the industrial process are at work in the construction and negotiation of defining 'authorship' and determining 'who is the author'. The 'author' is a community member, a creator and a 'property' owner of rights. These axes ultimately concretise a power structure of a 'best fan', an 'original source' and of a higher 'authority', the Author revolving around GRRM. Those fan discussions and practices fit with the myths about the 'mythical' romantic author as also found in copyright and intellectual property regulation. As Silbey (2008:342) argues, 'copyright may be most obviously structured around an origins myth, because original creation is the touchstone of copyright protection', the apparently undefined notion of author available in the Copyright Act, 'the author as divinely gifted is an active metaphor in copyright case law' (ibid:343). The qualities of god-like work constitute an ideology that enhances a specific authority in the world of crossmedia storytelling, whereby, *albeit clear that under the same criteria others occupy the role of author, they are not recognized as such*. The term fan originally referred to religious membership 'of or belonging to the temple, a temple servant, a devotee' (Jenkins, 1992: 12). ~~Indeed, fans~~Fans -who create, originate and generate content themselves- seem to reproduce largely uncritically a machinery, which praises GRRM's authority at the exclusion of themselves as a community.

In this sense, fandom fora function as spaces that reinforce copyright regimes. Fans, the analysis has shown, don't portray themselves as creators; but they still produce elaborated interpretations. They become thus labourers *and* 'privileged' consumers of the produced materials, but not interlocutors in the creative process. Scholars insist that fans are crucial in

culture industries recouping their marketing costs for stars and texts in return for limited access (Harris, 1998, p. 51). Control over the product remains in the hands of the industry. A system of imposed and self-applied disciplining is through highly surveilled and self-censored practices, repeated instructional reminding of regulatory constraints, ringfencing of permitted practices including exclusion, or the threat thereof. From this point of view, the idealized ‘free and subversive’ fan community emerges rarely in spurious comments about copyright as a restriction to be overcome: ‘Oh, summer child’.

The author at the center of the crossmedia-universe has either to share ‘his’ power or to enhance its mythological persona. In contrast to the figure of the creator, the fans do not define themselves as meaning-makers, but as interpretative *receptors*, whose sense of ownership only extends to collective works like the Wiki project but *not* their contributions to the storyline. Despite moments of subversion and rejection of proprietary models of culture, fandom plays a fundamental role in reproducing dominant assumptions about authorship associated with proprietary logics. Our findings cannot support the claim that ‘Fans reject the idea of a definite version produced, authorized, and regulated by some media conglomerate’ (Jenkins, 2006: 256). As an underexplored dimension of Media Governance, the forms of authorship constructed by the fans reinforce the basis of current copyright regulation normatively by reproducing its myths. Community public debates repress attempts to influence or resist the “divine” creative process; the limits of authorized creation are firmly set by the industry rather than cultural forces (*Author*). These practices have a *regulatory* value. They set rules, a code of conduct and a precedent for further regulatory measures, functioning arguably as a mechanism of repression against any effort to negotiate, to discuss, to confront, to challenge or to alter the dynamics of the creative process and that of the

production; and the industry is finally represented by the ‘one who sets the rules of the Game’.

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