



Axanar Tries to Rally Fan Films to Its Proposed Guidelines

See also: [Backlash: Fan Producers Disavow Axanar's Guideline Effort, Peters Accuses Guidelines Leaker](#) and ['Intrepid' Suspends Production](#)

With CBS and Paramount reportedly drafting guidelines for fan films, Axanar producer [Alec Peters](#) has reached out to at least nine fan productions for their support of rules Peters wants the studios to accept, and isn't having much luck.

Among the rules included in Peters' proposal were a time-limit on fan films' running time, an end to crowdfunding via platforms such as Kickstarter and Indiegogo, restrictions on perks that could be offered to donors and the ability to pay professional cast and crew who work on fan productions.

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Other Fan Productions

UPDATE Following initial publication of this article, Peters told pro-Axanar blogger Dave Heagney Jr. that he contacted almost every major fan film producer seeking suggestions on guidelines. Eight joined a private Facebook chat group to discuss Peters' first draft.

“I just felt that all the active fan films should be able to share their thoughts together in a constructive way,” Peters said. “Most of them don’t speak to CBS, and clearly we are communicating with them regularly, so it felt like the right thing to do.”¹⁾

Included among the group of fan producers Peters contacted was James Cawley, leader of the long-running and well known Star Trek: New Voyages, who stated in a post on Trek author Dave Galanter’s Facebook page that he rebuffed Peters’ efforts:

BACKLASH In a list of [public statements](#), fan producers publicly disavow Axanar’s attempt to use its draft guidelines to bolster its settlement negotiations. [Read more](#) »

And now, like clockwork, Alec is texting and trying to make nice, so we will all join him in creating guidelines to give to CBS. I politely declined and received several insults.... sigh.²⁾

In the blog posted following **AxaMonitor**’s publication, Peters stated:

“Unfortunately, James Cawley of Star Trek: New Voyages said no without even hearing a proposal. He was the only one who declined. Everyone else wanted to at least see what a set of proposed guidelines would look like.”³⁾

Participating Productions

UPDATE Peters appeared to have contacted more productions than those previously named, using the names of the prominent fan producers and actors to attract others to participate.

Transcript of Peters' Invitation (click to view)

Tue [May 24]

Alec Peters: Hey, with the lawsuit in the home stretch thanks to JJ Abrams, CBS has said they are coming up with guidelines. I want all of us fan film makers to get together and submit our suggested guidelines.

Already spoken to Todd Haberkorn (STC), Mike King (Valiant), John Atkin (Yorktown), Ryan Husk (Renegades).

James Cawley is being a pain and submitting his own guidelines.

Producer: I’ve been open with mine. No one likes them but me. And that’s fine.


1. No crowdsourced funding
2. No selling of fan film merchandise
3. No paying of cast and crew (you can pay an electrician, a plumber, or for pest control, but you can’t pay for a grip, gaffer, director, etc.)

I don't see the point of time limits.

Alec Peters: OK, cool

*The producer, who spoke to **AxaMonitor** on condition of anonymity, never heard from Peters again about participating.*

The people contacted by Peters comprised larger, well-known productions as well as smaller fan films. They included:

- Todd Haberkorn of Star Trek: Continues
- John Broughton of Farragut
- John Atkin of Yorktown
- Nick Cook of Star Trek: Intrepid
- Jim Bray of Star Trek: Anthology, who did not participate⁴⁾
- Michael King of Starship Valiant
- Scott Johnson of Starbase Studios (who produces several small Star Trek fan films)
- Greg Lock of Star Trek Ambush
- Ryan Husk. Husk has been associated with Star Trek: Renegades and a number of  other fan films, but insisted he was not representing any production in these circumstances.⁵⁾

'You do all realize that Star Wars does not allow crowdfunding? And there is no way CBS will allow it to move forward.' — Axanar producer Alec Peters to fan film producers

About half participated in the Facebook group chat, Peters told the blog.

One source connected to CBS who asked not to be named reported that of the other fan productions [few have endorsed](#) Peters' effort.

Proposed Guidelines

AxaMonitor obtained copies of Peters' proposed guidelines from multiple sources who spoke on condition of anonymity. The document read:

PROPOSED STAR TREK FAN FILM GUIDELINES

1. There must be the following disclaimer at the end of each episode and in all promotional and marketing materials, on all fan production websites:

Star Trek and all related marks, logos and characters are solely owned by CBS Studios Inc. This fan production is not endorsed by, sponsored by, nor affiliated with CBS, Paramount Pictures, or any other Star Trek franchise, and is a non-commercial fan made film intended for recreational use. No commercial exhibition or distribution is permitted.

2. Fan productions may not sell, or give away as perks, any item with a Star Trek mark, logos or character, including, but not limited to, the words "Star Trek," the Enterprise insignia chevron, images of the U.S.S. Enterprise, or any Star Trek trademark.
3. Fan Productions may not use Kickstarter, Indiegogo, or any other commercial crowdfunding platform to raise money.
4. Fan productions may take donations, but all donations must go to the production of the fan film and may not be used to pay any of the principals.
5. Fan Productions may pay professional cast and crew for their time working on the production.
6. If a production uses a SAG member, it must become a SAG New Media Signatory.⁶⁾
7. Finished fan films may be no longer than 50 minutes in length, the approximate duration of TOS episodes.
8. Fan film makers give to CBS an unlimited, unrestricted license to use their films, or any portion thereof, in any format CBS should deem appropriate.

Revisions

The producers' discussions on the private Facebook group chat continued throughout the week, with a number of changes in later versions. The guidelines above reflect additional rules.

Crowdfunding Preserved

Peters' proposal, Item 3, to end crowdfunding was not well received by some of the fan producers, according to a transcript of their conversation obtained by **AxaMonitor**, as they worked to revise Peters' first draft.

"Nix #3," one of the producers told Peters. "Rule #3 [ending crowdfunding] would basically END fan films. Why would we want to do that?"

Another producer agreed: "I would take out #3 and let them [CBS and Paramount] decide if they want that stopped."

"I well remember many fan films don't fundraise," Peters said. "We can nix it. ... But you do all realize that Star Wars does not allow crowdfunding? And there is no way CBS will allow it to move forward [but] it is done."



Gary Graham reprises his role as Soval in the '[Vulcan Scene](#),' from the legally entangled and otherwise unproduced *Axanar* feature film.

The crowdfunding ban was removed from version 2 of Peters' proposal.

Licensing

A later version of the document, made public by Axanar following the publication of this article, included the final guideline regarding licensing.

Professional Actors in Fan Films

At least one of the fan producers also disagreed with Peters' proposal that fan films using actors who are SAG-AFTRA members be forced to become signatories to the actors union's New Media Agreement.

"I would also remove #6. ... New Media is still something that actor unions are ironing out today," that producer told Peters. "That isn't something that can really be enforced at this time, so I wouldn't include it in the rules."

Peters disagreed: "Disagree on SAG. That is important. ... And New Media is what we all are. SAG is putting a lot of effort behind it. Would be naive to ignore."

The rule remained in version 2 of the proposal.



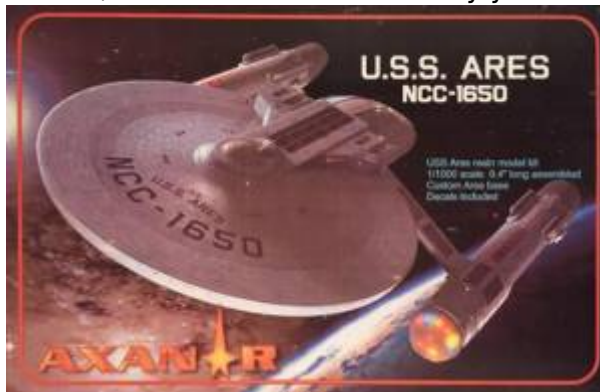
The following sections, **Analysis of the Proposal** and **Court of Public Opinion**, include opinion and/or informed speculation.

Analysis of the Proposal

This is a brief analysis of each guideline in Peters' proposal:

1. **Disclaimer** — Similar disclaimer language has been in use by most fan productions, including

Axanar, at CBS' insistence for many years.



FOR SALE The Ares is only one of several starship model kits offered at Axanar's "Donor Store."

2. **Perks** — The prohibition against Star Trek marks reflects the packaging practices Axanar has long used in its full line of [merchandise](#); it does not address visual representations of Star Trek copyrighted elements either in the packaging or the actual physical merchandise, however, just the removal of the words "Star Trek."
3. **Crowdfunding Ban** — This is arguably the most controversial plank in Peters' proposal. Since wouldn't likely be retroactive, it would leave Axanar with the hundreds of thousands of dollars it has left from [three crowdfunding campaigns](#), while precluding other fan films from seeking such funding in the future.
4. **Donations** — This guideline would still allow productions to solicit direct donations without the reach offered by Kickstarter and Indiegogo. It would also preclude productions from paying their "principals," a term not actually defined in Peters' proposal. If it means producers or some other [above-the-line employees](#), it would exclude the kind of payments Peters previously made to himself using donor funds, such as a \$38,000 salary as producer, and \$3,099 in dues and fees for Peters' membership in the actors' union, SAG-AFTRA.
5. **Paying Cast and Crew** — Axanar is not the only fan film that has paid professional actors and select crew members for working on its production. Peters has previously made the case that the high quality delivered in *Prelude to Axanar* and promised for *Axanar* is not possible without compensating professionals who contribute to the films.
6. **Actors' Union** — In most respects, this guideline is superfluous. Under SAG-AFTRA's [Global Rule One](#), no actor who is a union member may work on any kind of film, television or Internet production that is not a signatory to its applicable agreements.
7. **Running Times** — It's not clear what the implications of adhering to this 50-minute rule would be on the planned feature-length production of *Axanar*. Does proposing such a limit mean *Axanar's* running time would be substantially cut? Or would Peters attempt to make an end run around his own rule by splitting *Axanar* up into multiple "episodes," much as he proposed in the film's most recent Indiegogo campaign?⁷⁾
8. **Licensing** — This guideline mirrors the status granted by LucasFilm to works submitted to its Star Wars fan films contest. Note, however, that apart from the five-minute entries in its contest, LucasFilms offers no guidelines for the larger body of fan works.

Court of Public Opinion

Peters' guidelines are, of course, nothing more than a suggestion likely to be part of settlement negotiations with CBS and Paramount as they follow up on their statement that they were "also working on a set of fan film guidelines."⁸⁾

That came on the heels of a surprise announcement by Star Trek producer J.J. Abrams and director Justin Lin at the *Star Trek Beyond* Fan Event on May 20 that the [copyright infringement lawsuit against Axanar](#) Productions and Peters was “going away” within weeks.

Bargaining Chip

It is likely that Peters believed he might hold a stronger bargaining position in settlement negotiations if his proposed guidelines carried the imprimatur of other prominent fan productions.

According to sources at those fan productions, corroborated by another source connected to CBS, all of whom spoke under condition of anonymity, Peters has not been successful at getting most of those productions to rally behind him.


Fan Film Mailing Lists

Even so, Peters appeared to believe that vocal public support like that which resulted in Abrams’ and Lin’s public intercession on Axanar’s behalf might further help him press his case in settlement negotiations.

To that end, he reminded the fan producers he contacted, “But seriously, everyone has their mailing list, and we will be able to use that moving forward.”

What Happens Next?

Very little is publicly known about the process by which CBS and Paramount are drafting their fan film guidelines. Unanswered questions include:

- Is this a formal part of the settlement negotiations?
- Will a settlement be contingent upon Axanar’s agreeing to the guidelines?
- How will the guidelines be enforced?
- Are other fan productions being consulted as part of the process?
- Which studio will take the lead in dealing with fan productions?
- What are the ramifications on the guidelines drafting process of the possible split-up of CBS and Paramount as joint plaintiffs?⁹⁾
- What legal relationship would these guidelines create between the studio(s) and the fan productions? Would it be a formal license? Would a payment of some kind be required? Would fan producers instead cede their rights of ownership to CBS or Paramount in exchange for permission to produce their films? 

Keywords

[news](#), [fan films](#), [guidelines](#)

1)

“Forging Fan Film Guidelines,” Hubcap Dave blog, 5/27/16.

2)

 [James Cawley post on Dave Galanter's Facebook page](#), 5/25/16.

3)

"Forging Fan Film Guidelines," Hubcap Dave blog, 5/27/16.

4)

[Interview on Tribbles in Ecstasy podcast, "Take 219: No Win Situations"](#), released 5/31/16.

5)

Private Facebook message from Ryan Husk to AxaMonitor editor Carlos Pedraza, 5/27/16.

6)

SAG refers to the professional actors' union [W SAG-AFTRA](#). The union's New Media Agreement allows films to be produced at reduced daily actor wages when those films are intended for online, non-theatrical distribution.

7)

[Axanar Indiegogo campaign page](#), retrieved 5/27/16.

8)

[Twitter](#) [Buzzfeed reporter Adam Vary's tweet of a statement by Paramount and CBS](#), 5/20/16.

9)

[1701News.com, "Will CBS Continue Axanar Lawsuit On Its Own?"](#), 5/26/16.

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