



Analysis

Why CBS Shut Down Fan-Made Enterprise-D 3-D Simulation

By James Hams
[Treksphere](#)

A fan-produced recreation of the Enterprise D from Star Trek: The Next Generation has shut down following a cease and desist from CBS legal.

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Stage 9

Stage 9 (not to be confused with the Stage 9 Productions, based out of Kingsland, Ga.) spent the last two years painstakingly recreating the interiors and the exterior of the famous Galaxy Class Starship that featured in the live action Star Trek series.

This reproduction was in fact so comprehensive not only was it a more



or less a complete duplicate of the entire ship right down to the exterior but it featured objects you could interact with, even fire a phaser.



TREKSPHERE

 This article, written by James Ham, originally appeared on [TrekSphere](#) on September 27, 2018, and appears on **AxaMonitor** courtesy of TrekSphere.

Creators Explain

In a video posted to Stage 9's YouTube September 26, 2018, the head of the project, Rob Bryan explained he had no choice but to end all future production on the reproduction and wipe their social media accounts after lawyers from CBS refused to budge on their cease and desist.

« Throughout all of this we knew it could end at any point. » — *Rob Bryan, Stage 9*



Stage 9

WHAT HAPPENED Stage 9 project head Rob Bryan explains how his 3-D Enterprise was shut down by CBS. [YouTube video/Stage 9](#)

So what went wrong for Stage 9? Not knowing the exact details of the items CBS found objectionable it is hard to determine. However, after looking into this further we have picked up on what we think might be some of the issues that they faced.

Star Trek: Bridge Crew



Screencaps from Star Trek: Bridge Crew Images/Ubisoft/CBS

In 2017, Ubisoft released a VR game that allows the player to “explore space in Virtual Reality as a member of the Federation and take place on the bridge in a Starfleet ship”.

Although Bridge Crew is essentially only a bridge sim, the fact Stage 9 offered not only PC support but support for virtual reality headsets like Oculus Rift and HTC Vive would have just hit too close to home for Ubisoft, as Bridge Crew was designed for this purpose with PSVR, Rift, Vive, support from day one and then Windows when the TNG DLC dropped this year.

Ubisoft would have paid CBS for the rights to create this game, and the exclusive rights to be the only one to produce anything like this. For CBS not to do anything about Stage 9 would have exposed CBS to possible legal action by Ubisoft.

Did Use of Actors' Likenesses Cause CBS To Act?



Actor likenesses reproduced in Stage 9: Brent Spiner (Data) Chief O'Brien (Colm Meany) and Patrick Stewart (Capt. Picard).Images/Ubisoft/CBS

Back in April a fan film called “Temporal Anomaly” faced a very similar issue, having used the likeness of the Star Trek actors in its trailer. CBS does not own the likeness of any of the actors.

When an actor signs on to do a TV series or film, their contract gives the studios limited rights to what they can be done with the actor’s image. For example, in a normal contract the actor allows a studio the rights to use their image for promotion, merchandise, trailers, and what they have filmed. What the studios do not have is the right to allow third parties to reproduce, copy or alter their likeness in any way.

Contractual agreements are complex, long and binding as to what is allowed and what is not. With that said, what CBS had here was not only a fan using its intellectual property in in the form of the Enterprise, but also depicting the likenesses of at least four Star Trek actors.

Money Raised?



REVENUE The Stage 9 website included PayPal Donate buttons throughout. *Click image to view full*

Size Image/Stage-9.co.uk via Archive.org

This might have drawn CBS's attention to this production, however, monetary gain is not! a key factor in determining Copyright Infringement, you do not have to make any money at all for it to be deemed infringement, in fact, the only time money comes in to play is, if or when any damages are determined.

Although this fan reproduction did indeed receive donations from fans through a direct PayPal link situated on their website, it is highly unlikely that they raised anywhere near a dollar amount that would raise eyebrows, that said, making money off an IP you do not own is a big no-no and majorly frowned upon by any IP owner.

Only A Fan Production

Fan productions exist at the grace of the IP holders,. When you create a fan production — be it a fan film, art, fan fiction, models, fan websites, audio or video dramas, games, posters, etc., — the simple fact is all these are derivative works of a copyrighted IP, and that does not grant you automatic copyright on your work, even though you are the artist. If the rights holders do not like what you are doing they can and will lawfully shut you down at any point.

Fair Use

Unless you change the meaning for example for parody, educational or reporting which would possibly fall under [fair use](#), all use of a protected IP is [infringement](#) regardless whether money is made or not.

Disclaimer

Even having a disclaimer does not protect you from committing copyright infringement, although this does help show that you do respect the official rights holder's ownership.



Enterprise-D Walkthrough

In conclusion, we at Treksphere feel the pain the team at Stage-9 must be feeling, as it is never easy seeing your work come to an end due to factors that are not in your direct control, we fully recognize CBS's action in this matter and to be honest we can not blame them, after all it is their IP and they have to protect it.

Nevertheless, regardless of the reasons CBS chose to shut down this production, we are saddened by what has transpired and we wish Rob and the team at Stage 9 all the best for their future endeavours and who knows what the future holds.



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