

**“Please don’t sue!”: *Regulation, Control and Ownership in Fan (Fiction) Communities.***

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“Those who do not want to imitate anything, produce nothing.”

– Salvador Dali

“When we look over this terrain, we can see the economic pressures driving down the value of content are very powerful. Arguments over rights and wrongs seem little more than a disguise for self-interest.”

– James Murdoch, speech given at University College London’s new Centre for Digital Humanities.

“Language [is a] system and the aim of the movement being, romantically, a direct subversion of codes—itself moreover illusory.”

– Roland Barthes, *The Death of the Author*

“Free Cultures are cultures that leave a great deal open for others to build upon... Ours was a free culture. It is becoming less so.”

– Lawrence Lessig, *Free Culture*

“Literature is a luxury; fiction is a necessity.”

– G.K. Chesterton

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## Abstract

In 2008, J.K. Rowling and her publishers instigated a lawsuit against one of her biggest fans. The *Warner Bros. et al V. RDR Books et al* lawsuit successfully enjoined the publication of a secondary work which would have competed directly with author J.K. Rowling's future project, a *Harry Potter* encyclopaedia. This incident is utilized in this thesis as an example of a larger issue. That issue is whether a society founded on an industrial economic framework of property rights should continue to strengthen a culture of corporate creative monopolies, and whether it is prudent to re-examine notions of ownership and creativity to incorporate emergent methods of information dissemination.

This thesis seeks to document modern fan practices while simultaneously identifying many of the reasons why they are under threat. This thesis will incorporate recent theory on user-generated media content and attempt to relate them to the activities of fan communities. It examines the deconstruction of notions of authorship and property in these communities in order to facilitate fans' non-market knowledge economy.

There are two very important questions which drive this research; what are the legal and social concerns surrounding intellectual property and moral authority in the process of fan creativity and publishing? How do online fan communities negotiate their enthusiasm for popular media under the threat of legal prosecution? With the aforementioned lawsuit as a case study, this thesis will address the changing roles and relationships between producer and consumer. It will argue that fan creativity is deserving of greater legal protection and acknowledges that there is an important distinction between 'derivative' and 'secondary' works.

## Declaration

NAME: SARAH ALICE OAKY

PROGRAM: MASTER OF ARTS

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