



***STAR TREK*** Fan Film Guidelines  
Focus Group Report

Prepared for  
**CBS and Paramount**

Submitted by Organized Fans  
**August 2016**

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## **Executive Summary**

Shortly after the announcement of the new Guidelines for *Star Trek* fan films released by CBS and Paramount, concerned fans gathered together to sign petitions, threaten boycotts, and express their disapproval of a move by the studios that appeared so restrictive as to threaten to eliminate all but a tiny handful of non-commercial fan productions intended simply to celebrate and support the franchise.

However, one group, directed our energies in a more constructive direction, not simply demanding that the studios eliminate all the new guidelines or completely start over with all new ones. Instead, this group formed with the intention of seeking compromises, accepting these guidelines as a solid foundation and a positive move by the studios that may have simply reached a little too far.

Led by Jonathan Lane, a former freelance *Star Trek* fan consultant employed by Viacom Consumer Products for several years (and therefore familiar with the legal and financial concerns of the studios), this group of more than 1,200 *Star Trek* fans began going through the new guidelines one at a time, taking surveys and discussing not only our concerns but also possible compromise solutions. Mr. Lane, who spent twelve years as a creative director working on projects for Disney, Nestle, Transamerica, Tenet Healthcare, and even Paramount Pictures (along with a long list of others), has had extensive experience in setting up, operating, and analyzing focus group discussions.

It was the group's hope that CBS and Paramount would be open to looking at the data collected from hundreds of engaged participants. Our ultimate goal is to provide a framework for the studios to revisit and hopefully revise some of the more problematic and/or confusing (at least to fans who have to follow them) guidelines. Through a series of brief red-line recommendations, we have attempted to leave the vast majority of the guidelines intact, with an eye toward protecting the studios' interests. At the same time, we're seeking to modestly ease a few of the most restrictive of the rules to allow for fan films to remain creative and fun endeavors for fans to show their love and support of *Star Trek*.

## **Brief Overview of the Results**

After a month of discussion, debate, and daily polling of hundreds of *Star Trek* fans, nearly half of the guidelines were considered fair and acceptable. Another quarter of the guidelines were determined to be either somewhat confusing or not-specific enough. After hearing all the guidelines later explained in a podcast interview on StarTrek.com by John Van Citters, Vice President, Product Development at CBS Consumer Products, our group realized that a few might have been inadvertently worded in a way that did not adequately communicate the intended meaning of the studios.

In a few of those cases, the group composed recommended revisions that might better clarify specific guidelines, protecting both the studios' interests while also allowing fans more peace of mind in conforming their projects to those guidelines.

And yes, as was likely inevitable, there were a few guidelines that drew passionate resistance from the fans. Even here, though, attempts were made to try to find common ground and compromise. For the most controversial guidelines, the group can only share the depth of our concerns and hope that CBS and Paramount might respect our perspective on these matters in the hope there might be a middle ground where some of the most restrictive of the guidelines might be loosened—if only just a little. In this way, the studios can reach out to the fan community with a message of cooperation and back-and-forth constructive communication.

## Summarized Results for Each Guideline

GUIDELINE	FAN POLLING REACTION	FAN RECOMMENDATION
<p>1. The fan production must be less than 15 minutes for a single self-contained story, or no more than 2 segments, episodes or parts, not to exceed 30 minutes total, with no additional seasons, episodes, parts, sequels or remakes.</p>	<p>Deeply concerned</p>	<p>Fans earnestly request that fan productions be allowed to exist as ongoing series (to remove the last part of this guideline).</p> <p>If a time-limit must be imposed, please consider increasing the permitted length to at least 30 minutes or, if possible, 45 minutes.</p> <p>And if a 15-minute time limit must be adhered to, then fans request the removal of the 2-part/segment cap and that fan productions be allowed to tell longer stories as shortened "webisodes," a format not being employed by either studio and therefore not something that would be confused with official Star Trek studio releases.</p>
<p>2. The title of the fan production or any parts cannot include the name "Star Trek." However, the title must contain a subtitle with the phrase: "A STAR TREK FAN PRODUCTION" in plain typeface. The fan production cannot use the term "official" in either its title or subtitle or in any marketing, promotions or social media for the fan production.</p>	<p>Guideline is fair and reasonable.</p>	<p>No changes needed other than perhaps clarifying the phrase "plain typeface" to read "a non-stylized typeface distinct from any typeface used in the title/logo."</p>
<p>3. The content in the fan production must be original, not reproductions, recreations or clips from any Star Trek production. If non-Star Trek third party content is used, all necessary permissions for any third party content should be obtained in writing.</p>	<p>Somewhat confused - guideline is acceptable but needs some clarification.</p>	<p>Fans request some rewording of the guideline to address the following questions:</p> <ul style="list-style-type: none"> <li>- Can fan films use established races and planets from Star Trek?</li> <li>- Can fan films use established starships/classes from Star Trek?</li> <li>- Can fan films use established characters from Star Trek?</li> <li>- Can fan films use characters, ships and plots established in officially licensed Star Trek publications other than the TV series and films?</li> <li>- What would constitute a recreation or reproduction of a Star Trek production?</li> </ul>
<p>4. If the fan production uses commercially-available Star Trek uniforms, accessories, toys and props, these items must be official merchandise and not bootleg items or imitations of such commercially available products.</p>	<p>Somewhat confused - guideline is acceptable but needs some clarification.</p>	<p>Fans recommend rewording the guideline to read as follows:</p> <p>"A fan production is welcome to create their own Star Trek uniforms, accessories, and props from scratch and even pay to have these items custom made. However, if such items are purchased from a commercial manufacturer or seller, such items must be official merchandise and not bootleg items or imitations of such commercially available products."</p>
<p>5. The fan production must be a real "fan" production, i.e., creators, actors and all other participants must be amateurs, cannot be compensated for their services, and cannot be currently or previously employed on any Star Trek series, films, production of DVDs or with any of CBS or Paramount Pictures' licensees.</p>	<p>This guideline is unenforceable under California state law. Section 16600 of the California Business and Professions Code states:</p> <p>"[E]very contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void."</p>	<p>In addition to being unenforceable under California labor law, the guideline carries with it a possible risk of liability for the studios. If anyone on a fan production is injured or killed due to the production not hiring a skilled professional (such as an electrician, lightning director, or stunt coordinator), it could be argued that the guidelines create an implied contract, and the contract led to an unsafe working environment because of the use of the too-general word "participant" in the guideline.</p> <p>Fans recommend the removal of this guideline for the mutual benefit of both the studios and of fan productions. Its inclusion within the guidelines does not reflect well on the studios from both fans and industry professionals.</p>

## Summarized Results for Each Guideline (continued)

GUIDELINE	FAN POLLING REACTION	FAN RECOMMENDATION
6. The fan production must be non-commercial:	No issues	No changes needed.
6a. CBS and Paramount Pictures do not object to limited fundraising for the creation of a fan production, whether 1 or 2 segments and consistent with these guidelines, so long as the total amount does not exceed \$50,000, including all platform fees, and when the \$50,000 goal is reached, all fundraising must cease.	Deeply concerned	<p>If it were up to fans, there would be no limit placed on fundraising for a fan production. However, this decision is up to the studios. Therefore, if a cap must be placed on public funding, the fans respectfully request the maximum amount be raised higher than the current \$50,000.</p> <p>Fan participants indicated a slight majority supporting a limit of \$150,000...higher if possible.</p>
6b. The fan production must only be exhibited or distributed on a no-charge basis and/or shared via streaming services without generating revenue.	Guideline is fair and reasonable.	No changes needed.
6c. The fan production cannot be distributed in a physical format such as DVD or Blu-ray.	Somewhat confused - guideline is acceptable but needs some clarification.	<p>Fans recommend rewording the guideline to read as follows:</p> <p>"The fan production cannot be distributed in a physical format such as DVD or Blu-ray in any way that involves the exchange of money, either for direct sale, a perk offered in exchange for a donation, or someone simply paying the cost for the blank media and shipping. Physical copies of the fan production can only be created for single-use activities, such as contest entries, and cannot be distributed in mass quantities (even for free) except to individuals who worked directly on the production."</p>
6d. The fan production cannot be used to derive advertising revenue including, but not limited to, through for example, the use of pre or post-roll advertising, click-through advertising banners, that is associated with the fan production.	Guideline is fair and reasonable.	No changes needed.
6e. No unlicensed Star Trek-related or fan production-related merchandise or services can be offered for sale or given away as premiums, perks or rewards or in connection with the fan production fundraising.	Somewhat confused - guideline is acceptable but needs some clarification.	<p>Fans recommend rewording the guideline to read as follows:</p> <p>"No unlicensed Star Trek-related merchandise or services can be offered for sale or given away as premiums, perks or rewards or in connection with the fan production fundraising. Star Trek-related items would include anything featuring characters, logos, uniforms, alien races, starships, tools and/or weapons, or environments immediately recognizable as originating from the Star Trek universe or Star Trek intellectual property."</p>
6f. The fan production cannot derive revenue by selling or licensing fan-created production sets, props or costumes.	Guideline is fair and reasonable.	No changes needed.

## Summarized Results for Each Guideline (continued)

GUIDELINE	FAN POLLING REACTION	FAN RECOMMENDATION
<p>7. The fan production must be family friendly and suitable for public presentation. Videos must not include profanity, nudity, obscenity, pornography, depictions of drugs, alcohol, tobacco, or any harmful or illegal activity, or any material that is offensive, fraudulent, defamatory, libelous, disparaging, sexually explicit, threatening, hateful, or any other inappropriate content. The content of the fan production cannot violate any individual's right of privacy.</p>	<p>Somewhat confused - guideline is acceptable but needs some clarification.</p>	<p>Fans recommend rewording the guideline to read as follows:</p> <p>"The fan production must be family friendly and suitable for public presentation. Although fan productions may depict a limited amount of profanity, obscenity, drugs, alcohol, tobacco, or harmful/illegal activity, any such depiction must occur in a manner that is respectful of and consistent with how similar material has been historically displayed in the Star Trek franchise. CBS/Paramount reserves the right to determine what is considered respectful and consistent with the franchise in this context. Fan productions may not include any material that is pornographic (containing nudity or sexually explicit content), fraudulent, defamatory, libelous, disparaging, threatening, hateful, or that could appreciatively damage the integrity and reputation of the Star Trek brand or any of its established characters. The content of the fan production cannot violate any individual's right of privacy."</p>
<p>8. The fan production must display the following disclaimer in the on-screen credits of the fan productions and on any marketing material including the fan production website or page hosting the fan production:</p> <p>"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. No alleged independent rights will be asserted against CBS or Paramount Pictures."</p>	<p>Guideline is fair and reasonable.</p>	<p>No changes needed.</p>
<p>9. Creators of fan productions must not seek to register their works, nor any elements of the works, under copyright or trademark law.</p>	<p>Guideline is fair and reasonable.</p>	<p>No changes needed.</p>
<p>10. Fan productions cannot create or imply any association or endorsement by CBS or Paramount Pictures.</p>	<p>Guideline is fair and reasonable.</p>	<p>No changes needed.</p>

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## **Background of the Focus Group and Participant Profile**

This group of concerned *Star Trek* fans makes no claim to be a traditional focus group. We were not recruited by either studio to participate in any organized discussions of the new fan film guidelines, nor were our own discussions and polling conducted in typical focus group fashion (see “Methodology” section on the following page). However, our group still represents a healthy sampling of more than 1,200 *Star Trek* fans from around the world, although primarily within the United States. Our make-up is over 80% male, all adult, and skewing generally to an age group 35 and over. However, due to the nature of our discussion and survey platform (Facebook), accurate sampling of demographic make-up is difficult to ascertain due to different user profiles containing incomplete personal information such as age, place of residence, education level, etc.

For the purposes of determining the basic demographic breakdowns listed above, we used first names and photos to determine gender and estimated age. When possible, we also used data such as high school/college graduation date...although this can be inexact in determining precise age. Most member profiles do list where the person was born and/or where they currently live. In the case of our group, nearly all fifty states are covered (including Alaska), and there are also members of the group from Canada, various countries in Europe (especially the United Kingdom, Germany, and even a few from Iceland), a small amount from South America, and a few from Southeast Asia, notably Japan and South Korea.

While it is impossible to know precisely how many *Star Trek* fans across the world are aware of fan films and concerned with the guidelines, one would assume that our 1,200 members are merely a small sampling. Not every fan actively uses Facebook, and our marketing outreach was limited in scope. So for every engaged member of our group, there are likely dozens or even hundreds more out there who might not be aware that we’re here. Nevertheless, having a sampling of reactions from even just 1,200 fans could prove quite valuable to the studios.

The group itself, called “Project: Small Access” was initially created as a protest against the new fan film guidelines. But instead of threatening a full-on boycott of the new *Star Trek* film and/or television series, the idea was actually to watch the new *Star Trek* series on All Access but to do so in groups. A “designated subscriber” would pay the subscription and host a viewing party for friends who, in turn, would pay for dinner to reimburse/share subscription costs. In this way, potential revenue for CBS All Access could potentially be impacted by an average of \$50/year per member of this group. With 1,200 members, we would represent a mere \$60,000 a year revenue hit. But if we expand to 10,000 members, that impact increases to a half million dollars a year.

But the idea of “Project: Small Access” was not to somehow destroy *Star Trek* or threaten the studios with financial ruin (we’re hardly the size to make much of a dent). Instead, the idea was to get the studios’ attention long enough to share our concerns, begin a dialogue, and potentially convince CBS and Paramount to revisit and revise some of the more controversial guidelines.

While some fans and fan groups were making demands for the complete elimination of the guidelines or replacing them with ones written entirely by the fans instead of by the studios, the Small Access group realized that a lot of hard work, careful thought, and obvious conviction on the part of the studios went into the development of these guidelines. So rather than asking for a “repeal and replace,” we set our sites instead on “revisit and revise.”

To facilitate that goal, operating under the belief that we might ultimately “get the studios’ attention,” the Small Access group set out to go through the Guidelines one at a time, discussing and debating and ultimately voting on whether a particular guideline was fair and reasonable as written, needed clarification, or was problematic enough to justify a potentially different approach. In short, we wanted to prepare a set of red-line recommendations for CBS and Paramount and respectfully submit them for consideration.

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## **Methodology**

A traditional focus group typically gathers 5 to 20 people into a room for a specified period of time, has them look at a product or package design or communication message (or a series of them), and then the group discusses their reactions on both a visceral and intellectual level. Usually, a facilitator guides the discussion, although he or she must be careful not to steer reactions to any specific conclusion. Often, tools such as white boards are used to gather thoughts or reactions. Other times, written survey forms are distributed to record feedback anonymously to be graphed and analyzed later.

In the case of our group, we had everything we needed except for a room and a white board. Our members were scattered across the planet in nearly all time zones and could not be brought together in one place physically. But this is the modern world of social media, and Facebook gave us the perfect tool to conduct our own focus group and collect data not just from 5 or 20 people at a time...but from literally hundreds.

Using the Facebook polling functionality, each of the fan film guidelines was separately given its own time in the discussion spotlight. During a first-round of exploration, we simply asked, one guideline at a time, if the guideline itself was agreeable as written. This allowed us immediately to eliminate four full guidelines and half of a fifth guideline from any further discussions, as those were deemed acceptable by the majority.

This left about half of the guidelines still to discuss, and these were tackled one-by-one through a combination of both discussions and follow-up surveys. Each new topic, whether a posting inviting discussion or an actual poll of a specific question, was left “pinned” to the top of the group Facebook page for a minimum of 24 hours. The following day, a new discussion topic and/or poll would be posted and pinned to the top. The previous posting would not disappear, however. Older polls and discussion topics would simply move down the web page, with the oldest postings toward the bottom.

In general, the vast majority of responses were collected within the first 24 hours, although each poll is still live and open to additional voting. As such, the data presented herein is a snapshot of each poll’s results as of July 31, 2016. For the sake of brevity in this report, we have omitted specific comments to focus primarily on the hard numerical data instead. However, the appendix of this report contains hyperlinks to each poll and all the subsequent comments added our members.

The following report will present the data grouped by guideline, even though our members went through all ten guidelines once and then started over again drilling deeper into each one. It should be noted that the earliest polls were conducted with fewer members in our group. But we grew quickly to 1,000 before we began revisiting each guideline in greater detail. Also, polls conducted during certain days of the week seemed to have more participants than weekend polls when members might be away or traveling (including Independence Day weekend). Nevertheless, this can still be considered very valuable representative data—even with sample-sets only in the hundreds—to provide insights into the thoughts and concerns of active and engaged *Star Trek* fans around the world regarding these new guidelines.

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## **Guideline #1**

*The fan production must be less than 15 minutes for a single self-contained story, or no more than 2 segments, episodes or parts, not to exceed 30 minutes total, with no additional seasons, episodes, parts, sequels or remakes.*

### **Overview of fan reaction**

Of all the guidelines, fans felt the most strongly and negatively about all three aspects of this first one:

- A 15-minute time limit,
- No more than 2 segments/parts,
- No additional episodes within the same branded fan series.

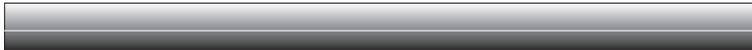
Indeed, this guideline seemed to eliminate the possibility of a fan “series” entirely. Fan films could conceivably spend tens of thousands of dollars building sets, sewing costumes, etc.; bring on actors to play characters; and begin to develop these characters in dramatic and creative ways. And then, once a half hour of story was completed, it would all need to be abandoned completely. The actors playing these characters, if they wanted to do additional fan production work, would be required to play new characters in different settings. While not an impossible task, it would certainly be a creatively stifling rule to follow.

Fans seemed at a loss to understand why such restrictions were being imposed when the guidelines themselves began with the statement that CBS and Paramount are “big believers in...fan creativity, and, in particular, want amateur fan filmmakers to showcase their passion for *Star Trek*.” Must that creativity and passion be so limited? As the multiple seasons all of the televised *Star Trek* series can attest, *Star Trek* is strongest when allowed to develop slowly and sequentially over a number of either episodic or serialized missions and story arcs. While fans understand that CBS and Paramount want to be the ones to produce the hour-long television episodes and the 2-hour-long blockbuster films, it seems unnecessarily restrictive to limit fans to 15 minutes **and** to just two parts **and** to no ongoing series.

Loosening one or more of these three restrictions would go a long way toward easing fan frustration with and resistance to these guidelines.

### **Poll #1.0**

*What, if anything, do you think should be changed about Guideline #1? (Check as many as you want.)*

“less than 15 minutes for a single self-contained story”		169
“no more than 2 segments, episodes or parts, not to exceed 30 minutes total”		161
“with no additional seasons, episodes, parts, sequels or remakes.”		154
Nothing needs to be changed; it looks fine as is.		3

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## **Guideline #1 (continued)**

It was clear from the polling on the previous page than fan reaction was strongly negative regarding this first guideline, and all three aspects were equally controversial. However, in an attempt to try to see if there might be any room for a compromise, we decided to explore the three aspects of this guideline separately.

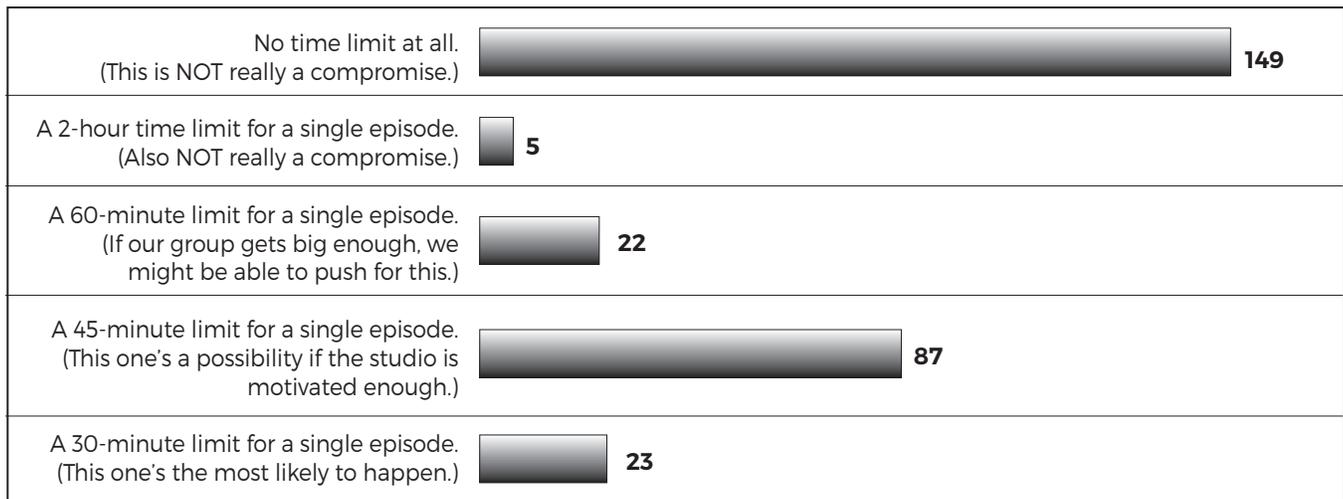
This is where Jonathan Lane began acting somewhat more as a facilitator. If given no polling guidance whatsoever, the members of the group would likely have voted simply to get rid of every guideline, resulting in data that would have little to no value to CBS or Paramount. So Mr. Lane endeavored to advocate at least somewhat for the studios' perspective. It's likely that such editorializing skewed the data a bit. But without it, most of the polls would probably have been nothing more than angry *Star Trek* fans venting their frustrations.

The next poll on Guideline #1 focused solely on the first part of the rule: the 15-minute time limit....

### **Poll #1.1**

*CBS/Paramount want a 15-minute time limit. I'm going to editorialize a bit on each of these options below (apologies in advance), but here's the question:*

*How do we find a COMPROMISE between what the studios want and what we fans want? (Select one and discuss.)*



### **Quick analysis**

With more than half of respondents wanting no time limit at all, this was obviously a very unpopular guideline. However, the other half of the fans appeared to be sensitive to the concerns by the studios that fan films not be full hour-long productions or 2-hour feature films. For them, although a 15-minute limit was unreasonably short, a 30-minute limit was also too short, and a 45-minute limit was preferred by nearly a third of respondents.

The question that remained unanswered (but would be answered with poll #1.4 on page 11 of this document) is how might these responses change if fans thought the other two aspects of Guideline #1— no more than 2 segments/ parts and no additional episodes within the same branded fan series—might be eased, as well.

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## **Guideline #1 (continued)**

Despite editorializing somewhat in favor of a compromise, over half of respondents voted that they would prefer no time limit restriction at all. However, from the comments, it appeared that the three aspects of guideline #1—the 15-minute time limit, no more than 2 segments/parts, and no additional episodes within the same branded fan series—were intertwined in members' minds. Members voting for no time limit at all were also indicating that this was because fan films were now limited to a one-shot (or 2-part) self-contained production and could not be extended out as series.

Because of the holistic nature of the three aspects of Guideline #1, we decided instead to tackle the final part of the guideline first and work backward. Therefore, the next poll dealt with the part of the guideline which stated “*with no additional seasons, episodes, parts, sequels or remakes.*”

Assuming that a simple “yes or no” vote on this idea would likely result in a resounding call to eliminate this restriction entirely, it was decided to introduce yet another possible compromise concept: limiting the number of fan production releases allowed per year...assuming that the restriction on having a continuing series were to be lifted.

### **Poll #1.2**

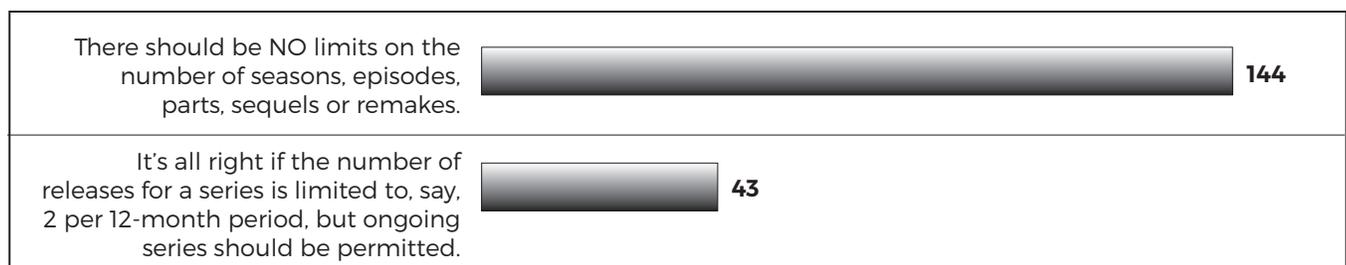
*We are now going to work BACKWARDS on Guideline #1, starting with the LAST part first: “...with no additional seasons, episodes, parts, sequels or remakes.”*

*This is the part that makes it impossible for any fan series to be a series, keep and expand sets, develop characters, etc. However, it also keeps fans from taking a 2-hour movie and simply chopping it up into eight parts (that plus the 2-part rule, which we'll talk about tomorrow). So again, how can we COMPROMISE on this seemingly deadly guideline?*

*Yesterday, a member suggested a possible solution: allow for a series to exist, but limit the number of continuing sequel releases in a 12-month period to two. In that way, if a fan film wanted to chop a 2-hour movie-length film into eight parts, it would take FOUR YEARS to finish (if they kept the 15-minute rule).*

*This compromise MIGHT be enough to persuade the studios stand down on the “no-series” rule. Or we could just say, “Our way or the highway,” but they might choose the highway.*

*What do you think? (Select one.) And as always, feel free to discuss other alternatives if you have any ideas.*



### **Quick analysis**

Fans felt strongly that ongoing series should be permitted with no limits on number of releases per year, but about 25% were at least open to the idea of a compromise solution of limiting releases to a certain number per year.

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## **Guideline #1 (continued)**

We next moved “backwards” to the second part of Guideline #1: *“no more than 2 segments, episodes or parts, not to exceed 30 minutes total..”*

It was important that poll-takers keep in mind that this particular restriction was independent of the other two, and any of the three might change. On the previous day, fan members had already indicated quite clearly and strongly the intensity of their distaste for eliminating any possibility of an ongoing fan series. So this new poll proceeded from the assumption that continuing series might be allowed, and also that minimum time limits might be lengthened.

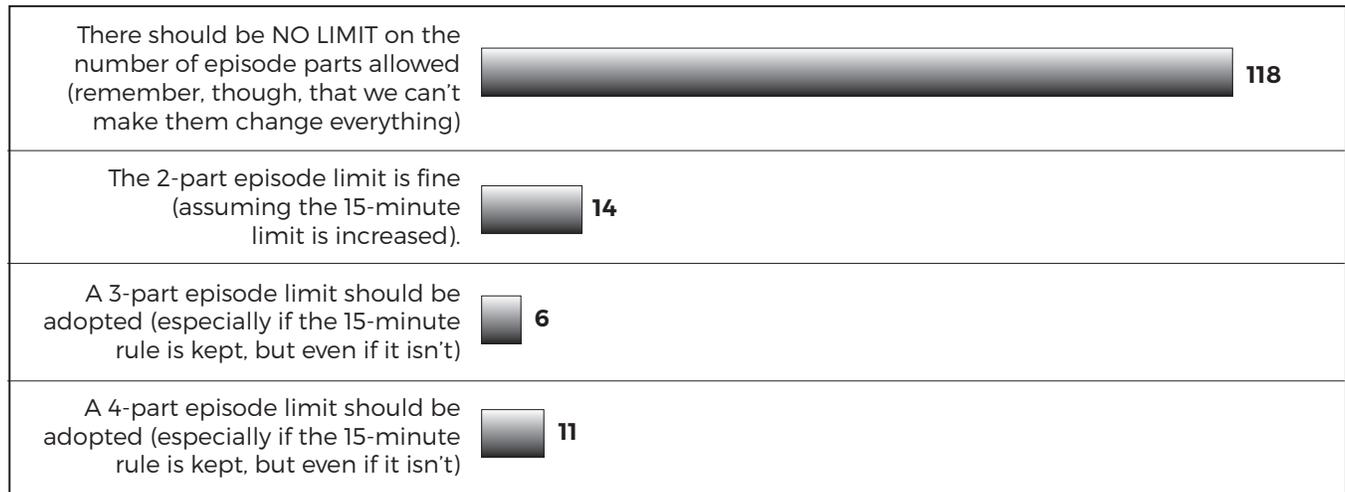
Again, if left to a simple “yes or no” vote, there was an expectation that fans would simply vote to eliminate the 2-part limit entirely...which would not be conducive to a compromise approach. So options were provided for keeping such a limit, but increasing it slightly to 3 or 4-part episodes.

### **Poll #1.3**

*Yesterday, the members spoke quite clearly that the “no series” rule should be completely eliminated with no yearly maximum to replace it. Fair enough. But now we need to figure out what to do about the “no more than 2 segments, episodes or parts” rule.*

*Let’s remember that we’re still going to talk about the “15-minute time limit” tomorrow. So assuming that we can argue for lengthening that to at least 30 or 45 minutes (that’ll be Friday’s poll), are we okay with the 2-part limit?*

*Remember that the more amenable we are to accepting SOME compromises, the less likely we’re going to be dismissed out of hand as unreasonable. That said...what should be done about the “no more than 2 segments, episodes or parts” rule? (Select one and discuss.)*



### **Quick analysis**

There was very little ambiguity in these results. Fans feel *very* strongly there should not be limits placed on the number of parts of a fan film production. However, we would still be trying to seek some compromise options, and we would have two more polls to find some potential common ground solution.

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## **Guideline #1 (continued)**

Now that we had covered the last two parts of the first guideline, we returned to the first part to vote on it again. This time, we began with the assumption (hope?) that the studios could be convinced to remove the restriction on continuing fan series and lift the maximum of 2 parts per episode rule. Granted, this is asking for a significant concession from the studios, but there is very strong solidarity among fans concerning their opposition toward all three aspects of Guideline #1 (much more than for nearly any other guideline).

So the question now became: would the assumption that two of the three aspects of Guideline #1 might disappear be enough to change the fans' intense resistance to the first part (the 15-minute rule)? We revisited the idea of increasing the time limit slightly (see page 8 of this document), eliminating the lowest vote-getters from the previous poll (the 60 minutes and 2 hours options). Would the percentages for and against a time limit change?

### **Poll #1.4**

*We're going to revisit "the fan production must be less than 15 minutes for a single self-contained story" rule.*

*This time, we are going to assume that we can somehow convince CBS and Paramount to drop the other two parts of the first guideline completely (the "2-part limit" AND the "no series" rules) because that's how you folks voted.*

*ASSUMING we can do that, we really should consider a COMPROMISE somewhere. The 15-minute rule is our last opportunity for doing that on Guideline 1.*

*In our previous poll on this earlier this week, the 2-hour limit and 1-hour limit were both the bottom finishers. So this time, we're going to include only three options. Remember, think: COMPROMISE.*

*What kind of time limit for a single self-contained story would be acceptable? (Select one and discuss...)*

No time limit at all. (This is NOT really a compromise.)		<b>96</b>
A 30-minute limit for a single episode. (This one's the most likely to happen if we push to eliminate the other parts of guideline 1.)		<b>50</b>
A 45-minute limit for a single episode. (Realistically, the studio won't be thrilled with this length.)		<b>35</b>

### **Quick analysis**

The answer is no, percentages didn't change appreciatively. There was still a roughly 50-50 split between those opposing any time limit and those willing to accept one. The only surprise was that, this time, more fans were amenable to a shorter 30-minute time limit rather than holding out for a 45-minute limit (the opposite of the result for poll # 1.1). But the 50% wanting no time limit at all remained consistent.

As a recommended compromise for the studios to make with the fans, adjusting the time limit up to 30 minutes from 15 minutes (while also allowing for ongoing fan series) might be worth considering. Some fans will still remain openly resistant to any time limit, but raising the limit even slightly would still be a positive goodwill gesture for the studios to make.

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## **Guideline #1 (concluding page)**

One final poll was conducted on Guideline #1. This poll began with the assumption that the studios were simply unwilling to increase the 15-minute time limit in any way. However, to soften the blow, the poll also assumed that ongoing series would be allowed with no limit on the number of parts of a story line. In this way, fan films/series could become like “webisodes”—short chapters in a longer story arc—which have been produced for other television series like *Battlestar Galactica* but has never been done for *Star Trek*.

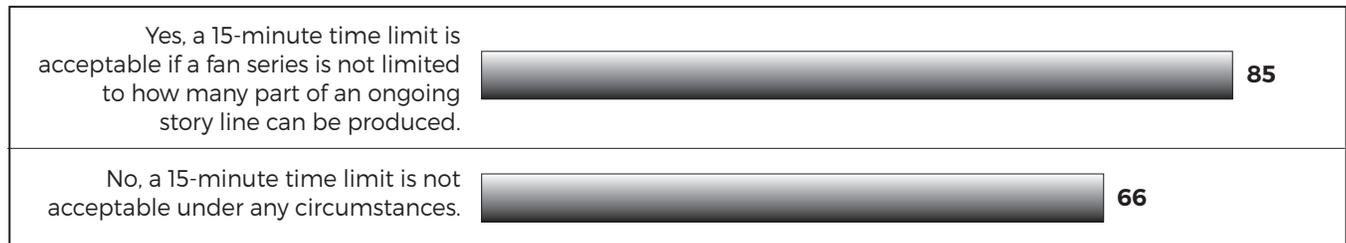
### **Poll #1.5**

*Let's assume that Paramount and CBS simply WILL NOT BUDGE on the 15-minute time limit. Now WHAT IF the studios allowed a fan series to produce multi-part story lines in webisode format with each segment limited to 15 minutes but with NO CAP on the number of segments to the story line?*

*This would change Guideline #1 to read as follows: “The fan production must be less than 15 minutes for a single episode or webisode. Ongoing story lines are permitted as long as no segment exceeds the 15-minute limit.”*

*What would then be REMOVED from Guideline #1 would be the second part of the original version: “...a single self-contained story, or no more than 2 segments, episodes or parts, not to exceed 30 minutes total, with no additional seasons, episodes, parts, sequels or remakes.”*

*If the limitation on continuing story lines and ongoing series were to be removed, could you accept a 15-minute time limit imposed on every Star Trek fan film release? (Yes or No)*



### **Quick analysis**

Based on previous responses, one would have expected the resistance to remain at about 50% to *any* time limit, especially 15 minutes. But in this case, the fans actually had a majority willing to accept a 15-minute time limit if *both* of the other restrictions of Guideline #1 were removed so fan productions were allowed to be continuing series with no restrictions on the number of parts for a story line.

Of all the results to any of our polls, this was the most surprising and encouraging that there might be a compromise solution. So our group of fans offers up this second potential recommendation of allowing for continuing webisode series (a production format *not* being employed by either CBS or Paramount) as another opportunity at a goodwill gesture by the studios seeking a win-win solution.

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## **Guideline #2**

*The title of the fan production or any parts cannot include the name "Star Trek." However, the title must contain a subtitle with the phrase: "A STAR TREK FAN PRODUCTION" in plain typeface. The fan production cannot use the term "official" in either its title or subtitle or in any marketing, promotions or social media for the fan production.*

### **Overview of fan reaction**

As you can see from the polling results below, fans generally found this second guideline to be acceptable (much more so than the first guideline).

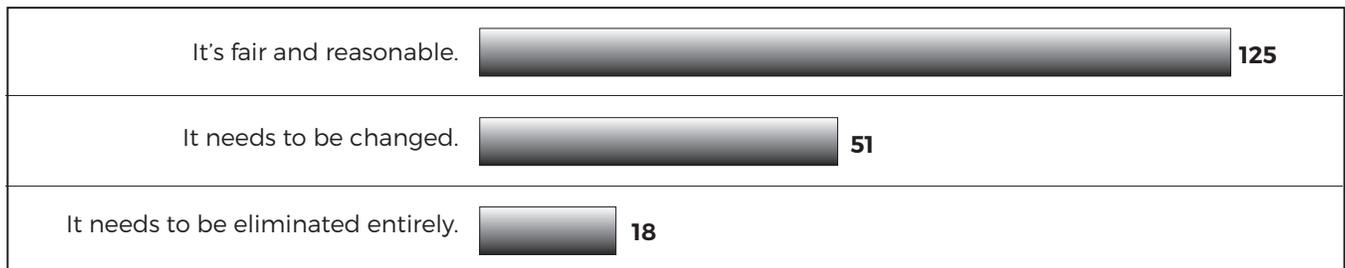
From the comments section (not included in the document), it seemed that the main aspect of this guideline that fans wanted clarified was the meaning of "plain typeface." Perhaps changing the wording to "a non-stylized typeface distinct from any typeface used in the title/logo" might be clearer.

### **Poll #2.0**

*Our poll moves on to Fan Film guideline #2:*

*"The title of the fan production or any parts cannot include the name "Star Trek." However, the title must contain a subtitle with the phrase: "A STAR TREK FAN PRODUCTION" in plain typeface. The fan production cannot use the term "official" in either its title or subtitle or in any marketing, promotions or social media for the fan production."*

*How do you feel about this guideline?*



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### **Guideline #3**

*The content in the fan production must be original, not reproductions, recreations or clips from any Star Trek production. If non-Star Trek third party content is used, all necessary permissions for any third party content should be obtained in writing.*

### **Overview of fan reaction**

Fans found Guideline #3 to be somewhat confusing. The first poll was taken before John Van Citters clarified the guideline somewhat in his podcast interview. So the results of the first poll show a desire by fans to reword/clarify both parts (sentences) of this guideline. However, later discussions indicated that most fans agreed that the second sentence was acceptable as written, but the first was still ambiguous.

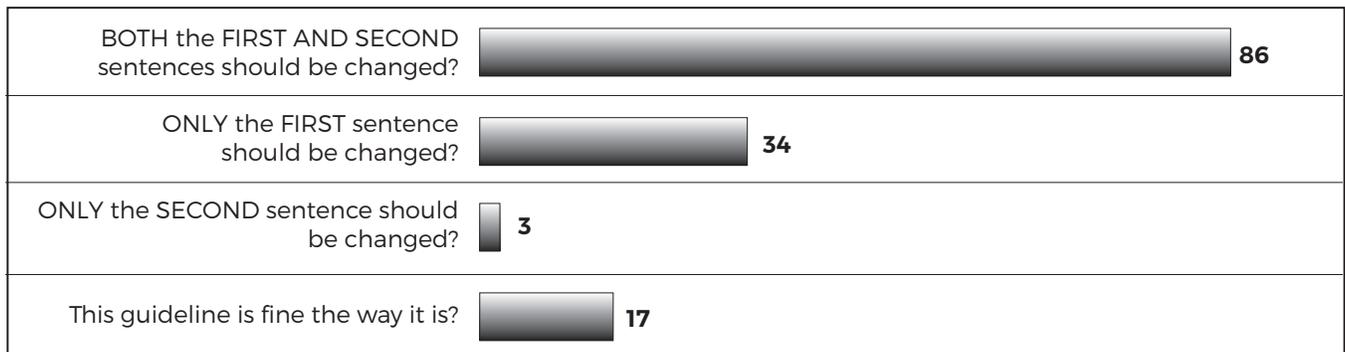
### **Poll #3.0**

*Guideline #3 is, in my opinion, ambiguously worded in the first sentence. Nevertheless, we still need to vote on whether it needs to be changed, even if simply to clarify. Here's the text of it...*

*FIRST SENTENCE: "The content in the fan production must be original, not reproductions, recreations or clips from any Star Trek production."*

*SECOND SENTENCE: "If non-Star Trek third party content is used, all necessary permissions for any third party content should be obtained in writing."*

*Do you think (check only one):*



### **Quick analysis**

In discussions and comments following the poll, fans would request written clarification from the studios on the following questions:

- Can fan films use established races and planets from *Star Trek*?
- Can fan films use established starships and starship classes from *Star Trek*?
- Can fan films use established characters from *Star Trek*?
- Can fan films use characters, ships, and plots established in officially licensed *Star Trek* publications other than the TV series and films?
- What would constitute a recreation or reproduction of a *Star Trek* production?

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## **Guideline #4**

*If the fan production uses commercially-available Star Trek uniforms, accessories, toys and props, these items must be official merchandise and not bootleg items or imitations of such commercially available products.*

### **Overview of fan reaction**

As happened with Guideline #3, the initial poll for Guideline #4 was taken before John Van Citters' podcast interview clarified a number of points. Because of this, the results of the first poll on whether this guideline was acceptable or unacceptable were ignored in favor of a second poll.

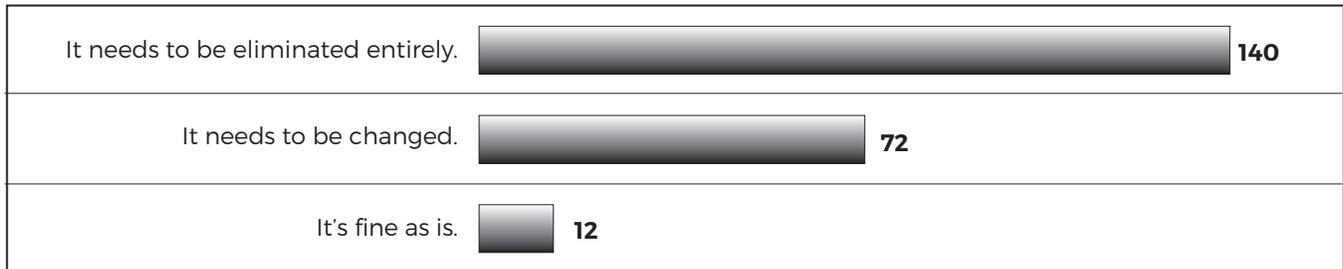
As such, the results below are included simply as an official record but do not reflect the ultimate state of fan reaction to this guideline. A more accurate result is presented on the next page of this document.

### **Poll #4.0**

Today's poll deals with the "let's make some \$\$\$ for our licensees" guideline:

*"If the fan production uses commercially-available Star Trek uniforms, accessories, toys and props, these items must be official merchandise and not bootleg items or imitations of such commercially available products."*

*How do you feel about this guideline?*



### **Quick analysis**

Not fully understanding the reasons behind this guideline, fans were quick to conclude that the studios were trying to force all fan films to buy their props and costumes from licensed vendors rather than making the items themselves. This misperception led to a strong opposition to the guideline. Once clarified, fans were much more accepting of the concept, as can be seen on the next page of this document.

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## **Guideline #4 (continued)**

After Mr. Van Citters explained that fan productions were welcome to create their own props and costumes—they simply could not purchase pre-made items from unlicensed bootleggers—acceptance of the guideline expanded dramatically.

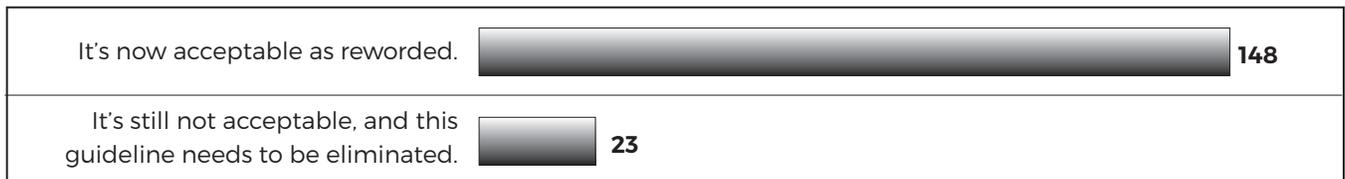
This led our group to a discussion of clearer ways to phrase this guideline to avoid confusion and misunderstanding. We came up with the following recommended revision for the studio:

*A fan production is welcome to create their own Star Trek uniforms, accessories, and props from scratch and even pay to have these items custom made. However, if such items are purchased from a commercial manufacturer or seller, such items must be official merchandise and not bootleg items or imitations of such commercially available products.*

To make sure we had buy-in from our group, we presented the proposed revision in a poll the following day...

### **Poll #4.1**

*What do you think about the new proposed wording for Guideline #4? (Select one.)*



### **Quick analysis**

Rephrasing the guideline to essentially repeat what Mr. Van Citters had said verbally in his podcast interview, the buy-in to this guideline increased significantly. We would strongly recommend the studio adopt this revised wording.

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## **Guideline #5**

*The fan production must be a real “fan” production, i.e., creators, actors and all other participants must be amateurs, cannot be compensated for their services, and cannot be currently or previously employed on any Star Trek series, films, production of DVDs or with any of CBS or Paramount Pictures’ licensees.*

### **Overview of fan reaction**

With the exception of the first guideline, no other guideline has been met with more negativity and resistance than Guideline #5. However, it quickly became evident, especially after discussions that included practitioners of law, that this guideline was not enforceable under California state labor law. Additionally, this guideline carried a risk of legal liability for both CBS and Paramount.

The group decided not to take a poll for Guideline #5, as its removal would actually serve the best interests of the studios as well as fans, professionals, and industry unions. We would like to take this opportunity to expand on our statements above concerning the legal issues inherent in this guideline.

### **A violation of California labor law**

Section 16600 of the California Business and Professions Code states:

*Except as provided in this chapter, every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void.*

(We invite the studios to confirm our findings by consulting with their own employment and labor practices attorney.)

The ten guidelines perform the function of an implied contract. Even if not signed by both parties, the promise not to litigate if the production follows these rules serves as an agreement between parties. And in such a situation, any clause by which an individual is prevented from working and/or being compensated for that work is considered void in the state of California.

Moreover, the risk to an employer (in this case, CBS and Paramount) in trying to restrict the business opportunities of its current and former employees are greater than simply having an unenforceable clause in its agreements. A clause that is void under section 16600 may also violate California’s Unfair Practices Act set forth in sections 17200 et seq. of the California Business and Professions Code. Therefore, CBS and Paramount risk not only having Guideline #5 declared unenforceable, but they also risk being found to have committed an unlawful business practice.

A number of former employees of CBS and Paramount have stated publicly that they never signed a non-competition agreement with the studio(s)—and such a clause would be considered unenforceable within the state of California regardless—and therefore feel it inappropriate for the studios to dictate which productions they are and are not allowed to work on. It sets a disturbing precedent that might even violate union agreements, as a number of fan productions, such as *Star Trek Continues* and *Starship Farragut*, were Screen Actors Guild signatories.

Of course, any legal action by the studios against a fan production would be for copyright infringement, which is federal law and supersedes state law. However, if a fan production were to follow all of the other guidelines and only violates #5, it is conceivable that the case would be dismissed based on all enforceable conditions of the agreement being followed. Likewise, a counter-claim for unlawful business practices would only serve to make the initial complaint by the studio even less attractive to pursue.

For this reason alone, the retention of Guideline #5 may be more trouble than it is worth.

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## **Guideline #5 (continued)**

### **Legal liability for the studios?**

Note that the guideline specifies that “all other participants...cannot be compensated for their services” in working on a fan production. Now imagine the following scenario:

A small fan production builds their bridge set inside a wooden building such as a warehouse. They install hundreds of blinking lights, computers to run them, and they set up studio lights and fans to the best of their abilities. With wiring and extension cords running everywhere, and being unsure of the capacity of the electrical system inside the building, the fan production contacts a local electrician. He is not a fan, and is not willing to work for free. Indeed, no electrician in the small town is willing to do any labor for free. But the guidelines specify that no *participant* can be compensated for services.

So the fans, left to their own devices, do their best to set up the wiring...and an electrical fire breaks out in the building. Some members of the production are severely burned, and one dies. A lawyer for the deceased family would likely sue the building owner, of course, and perhaps the show-runner for the production (unless that was the individual who was killed). And then the lawyer would be shown the guidelines, specifically #5, take a look at the deep pockets of two major Hollywood studios, and bring forth a claim.

CBS and Paramount could argue that the guideline was meant to apply only to “above the line” production personnel and not general tradesmen. However, “all other participants” is a very clear phrase. Whether or not this was the intended meaning by the guideline authors, it remains a reasonable interpretation if “above the line” versus “below the line” participants are not specified and defined for the purposes of guiding the production.

However, let’s look into the possibility of not having an above the line professional, such as a stunt coordinator. Several fan productions have featured choreographed fights, jumps, falls, and even limited pyrotechnics. In a few cases, a stunt coordinator who used to work on *Star Trek: Voyager* agreed to supervise certain fan productions. Of course, under Guideline #5, she could no longer be a part of the production due to her employment history working on a *Star Trek* series. Other stunt coordinators might be contacted, but if they all turn out to be unwilling to work for free, or if those that are willing to charge nothing have a history with *Star Trek*, then once again, the fan production would be stuck without a specialist experienced in keeping actors and stunt people safe. If someone ends up hurt or killed, are the studios partially liable?

That would be for a judge or jury to ultimately decide, and it is possible that the fan production itself could be ruled culpable for attempting the elaborate stunt in the first place without an experienced professional present. Perhaps such a case could be quickly settled out of court, as well. But imagine if two or more such incidents happened, and the media got wind of it. Suddenly, the studios would need to start defending themselves in the court of public opinion.

### **Recommendation**

In his podcast interview, John Van Citters indicated that Guideline #5 was intended to “level the playing field” so that some fan productions did not have “an unfair advantage” over other fan productions in terms of quality and notoriety attained from employing professional actors, VFX artists, and the such. But in the weeks following Mr. Van Citters’ public comments, a good number of small fan productions came forward to announce that they had never complained to the studios about an unfair playing field. Indeed, many smaller productions cheered on the bigger ones and hoped to someday use professionals, even if only in a small capacity, themselves. In other words, assuming there is no other objective reason for including this restriction, Guideline #5 is seeking to fix a problem that does not exist.

Considering how many other potential problems this guideline actually creates for the studios and its unpopularity among both fans and industry professions, we fans would strongly urge the studios to remove Guideline #5 entirely.

## **Guideline #6**

*The fan production must be non-commercial:*

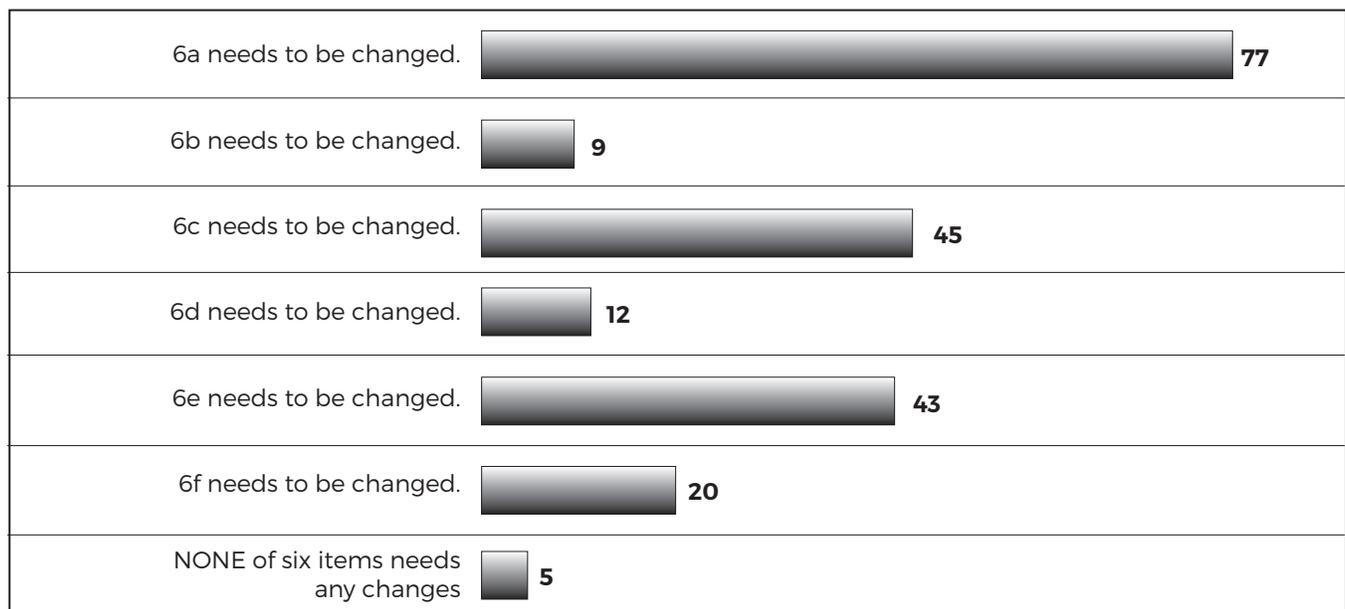
- 6a CBS and Paramount Pictures do not object to limited fundraising for the creation of a fan production, whether 1 or 2 segments and consistent with these guidelines, so long as the total amount does not exceed \$50,000, including all platform fees, and when the \$50,000 goal is reached, all fundraising must cease.*
- 6b The fan production must only be exhibited or distributed on a no-charge basis and/or shared via streaming services without generating revenue.*
- 6c The fan production cannot be distributed in a physical format such as DVD or Blu-ray.*
- 6d The fan production cannot be used to derive advertising revenue including, but not limited to, through for example, the use of pre or post-roll advertising, click-through advertising banners, that is associated with the fan production.*
- 6e No unlicensed Star Trek-related or fan production-related merchandise or services can be offered for sale or given away as premiums, perks or rewards or in connection with the fan production fundraising.*
- 6f The fan production cannot derive revenue by selling or licensing fan-created production sets, props or costumes.*

### **Overview of fan reaction**

Because Guideline #6 was divided into six separate bullet points covering a wide range of parameters, the group needed to ascertain first which points needed more discussion and which were acceptable as written. From the polling results, we decided to concentrate on items 6a, 6c, and 6e.

### **Poll #6.0**

*Which of the above points do you feel need to be discussed further by this group? (Check all that apply.)*



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## **Guideline #6a**

*CBS and Paramount Pictures do not object to limited fundraising for the creation of a fan production, whether 1 or 2 segments and consistent with these guidelines, so long as the total amount does not exceed \$50,000, including all platform fees, and when the \$50,000 goal is reached, all fundraising must cease.*

### **Overview of fan reaction**

After Guidelines #1 and #5, Guideline #6a was unquestionably the most controversial. Although some fans perceived it similarly to the “no professions” rule—designed to keep fan productions from “looking too good”—other fans felt more confused than angered after hearing John Van Citters’ podcast interview.

During Mr. Van Citters’ comments, he mentioned that a fan producer with a “rich Uncle Alfred” who was willing to put in a million dollars was welcome to do so. The \$50,000 limit applied only to crowd-funding. This left fans scratching their heads. CBS and Paramount were okay with a million dollar fan film (as long as it was only 15-30 minutes long and had no professionals, of course). Conceivably, the studios would even be okay with a ten million or even one hundred million dollar fan film...as long as the funding came from a single rich uncle?

So if it were acceptable for one person to give more than \$50,000...why was it unacceptable for multiple people to give more than \$50,000 combined? The logic escaped most fans, and so the initial resistance was strong. In an attempt to see if fans would accept some kind of compromise rather than just voting to eliminate this guideline entirely, the first poll also offered the option to vote for a limit higher than \$50,000.

### **Poll #6.1**

*Axanar raised \$1.2 million and would likely have tried to break \$2 million were it not for the lawsuit. Renegades raised over \$800,000. Star Trek Continues made it to nearly \$500,000 combined.*

*So if you vote to say that there should be NO LIMITS AT ALL on fan film fundraising, you’re pretty much opening the door (potentially) to a \$10 million or even \$50 million fan film. Unlikely? Perhaps. But five years ago, a single fan film raising more than a million dollars in donations would have seemed crazy.*

*Now, you might say, “What’s wrong with a \$50 million fan film???” But put yourself into the mindset of CBS for a moment. They’re fine with fan films to a point...and it’s their point to set. We might be able to convince them that \$50K is too low, but we’re unlikely to ever get them to remove all funding limits whatsoever.*

*So think about this CAREFULLY before you check one of the following three options (and we will continue with Guideline 6.1 tomorrow, as well, based on how voting goes today):*

I think it’s okay to have SOME LIMIT on fundraising for fan films BUT NOT AS LOW AS \$50,000.		148
I think there should be NO LIMIT AT ALL on fundraising for fan films.		95
I think the \$50,000 limit for fan film fundraising for 15 minutes is acceptable.		5

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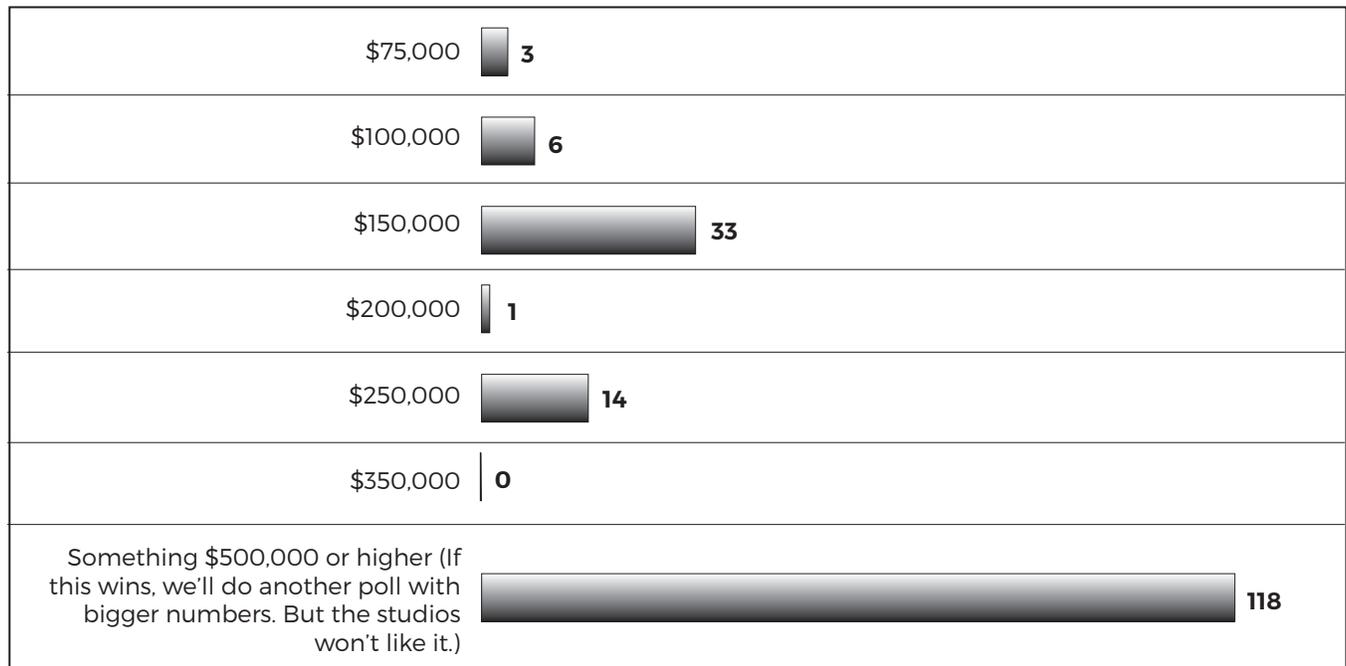
## **Guideline #6a (continued)**

Despite a third of fans polled feeling that there should be no limit at all placed upon public fundraising for fan productions, nearly two-thirds were willing to try to find a number higher than \$50,000 that they could live with. But which number would that be?

### **Poll #6.2**

*Yesterday we voted for some kind of fundraising limit above \$50K. Of course, if we tell CBS and Paramount just that, they'll say, "Fine, \$50,001. Now be quiet." (Okay, maybe they won't say exactly that...)*

*So let's come up with a number that we think would be fair assuming that the time limit is ALSO raised to either 30 or 45 minutes for an episode. IF that happens, what do YOU think would be a fair cap for public fundraising for a Star Trek fan film? (Select one.)*



### **Quick analysis**

Despite the seeming willingness from the previous day's poll for fans to accept a higher fundraising limit, it appeared that most fans were thinking about a *much* higher limit. There does seem to be some acceptance by fans for a limit of \$150,000 (three times the amount currently set), but the vast majority seem to feel that even \$500,000 (ten times the current limit) is not high enough.

A follow-up poll providing even higher limit options appears on the next page.

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## **Guideline #6a (continued)**

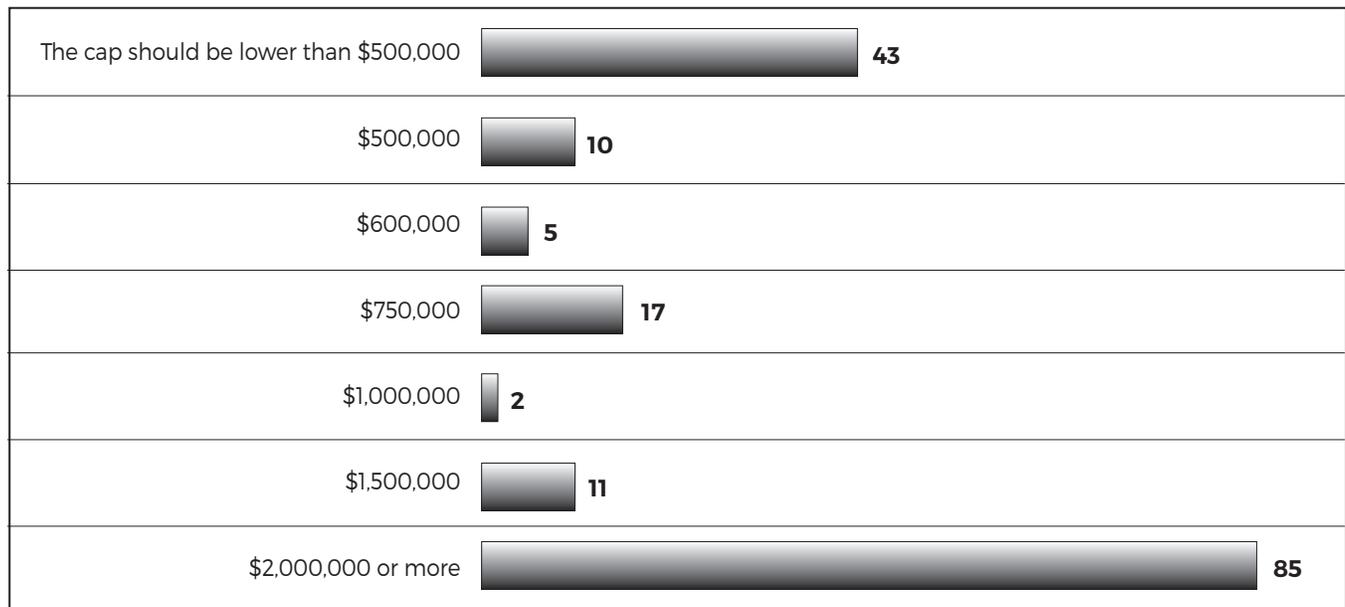
As the vast majority of the fans felt that a fundraising limit of even \$500,000 was not enough, a new poll was presented with even higher options. And as validation check for the previous day's results, an option was also included for survey-takers to indicate their preference for a limit under \$500,000.

### **Poll #6.3**

*Yesterday, a vast majority of members voted that a fan filming funding cap should be at least \$500,000 or more. Spoiler alert: CBS and Paramount are unlikely to agree. But hey, I promised a follow-up poll to include some higher numbers if that one option won. So here we go...*

*Assuming that the time limit is raised to either 30 or 45 minutes for an episode, what do YOU think would be a fair cap for public fundraising for a Star Trek fan film? (Select one.)*

*NOTE: IF YOU VOTED FOR ONE OF THE LOWER CAPS YESTERDAY, PLEASE DO NOT VOTE FOR A HIGHER ONE TODAY (it corrupts the data).*



### **Quick analysis**

Although having the option for a limit lower than \$500,000 got about a quarter of the votes, over half wanted a limit over \$2,000,000...which we can interpret as being equivalent to wanting no fundraising limit at all (which was not provided as an option but probably should have been).

The only definite conclusion is that fans do not find the \$50,000 limit to be realistic, fair, or acceptable. Granted, this limit is the studios' to set, as they are the ones issuing the guidelines. But even raising the limit just to \$150,000 would most likely be viewed as a good faith gesture by a fair portion of the fans. When huge studio-produced blockbusters have budgets in the hundreds of millions, and the highest fundraising total of any fan film to date has been just over a million dollars, the difference between \$50,000 and \$150,000 is negligible in comparison. However, the positive impact that raising the guideline limit would have on fans' opinion of the studios and willing acceptance of the guidelines make the decision to raise the limit at least worth considering.

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## **Guideline #6c**

*The fan production cannot be distributed in a physical format such as DVD or Blu-ray.*

### **Overview of fan reaction**

Fans mostly understood the rationale behind this guideline. If copies of fan productions were burned onto DVDs or Blu-rays and then given away as perks in exchange for donations, that would be the equivalent of selling and distributing the fan film via a format other than posting for free viewing on the Internet via YouTube or Vimeo.

However, fans felt that the restriction contained in this guideline was so absolute as to preclude certain situations where a hard copy of the film might be necessary for an activity that did not necessarily involve any money changing hands. Some examples might include:

- Providing a DVD/Blu-ray to a fan film competition that requires submissions in hard format
- Giving DVDs/Blu-rays away to people who worked on the project
- Utilized as a professional "reel" to send to potential employers to display a fan filmmaker's skills
- Private distribution to an individual who might potentially be interested in working on the next project
- Having a hard copy to show on-site at a venue such as a convention where no Internet streaming is possible

As such, we included in our poll an option for clarifying Guideline #6c, along with keeping it as is or removing it entirely. Here were the results:

### **Poll #6.4**

*Concerning Guideline 6c ("The fan production cannot be distributed in a physical format such as DVD or Blu-ray"), which of the following options do you support? (Select one.)*

Keep the guideline BUT with clarifications.		<b>86</b>
Get rid of this guideline entirely.		<b>14</b>
Keep the guideline as is with no changes..		<b>1</b>

### **Quick analysis**

With the vast majority wishing clarification, might we recommend the following revision to clarify Guideline #6c:

*The fan production cannot be distributed in a physical format such as DVD or Blu-ray in any way that involves the exchange of money, either for direct sale, a perk offered in exchange for a donation, or someone simply paying the cost of the blank media and shipping. Physical copies of the fan production can only be created for single-use activities, such as contest entries, and cannot be distributed in mass quantities (even for free) except to individuals who worked directly on the production.*

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## **Guideline #6e**

*No unlicensed Star Trek-related or fan production-related merchandise or services can be offered for sale or given away as premiums, perks or rewards or in connection with the fan production fundraising.*

### **Overview of fan reaction**

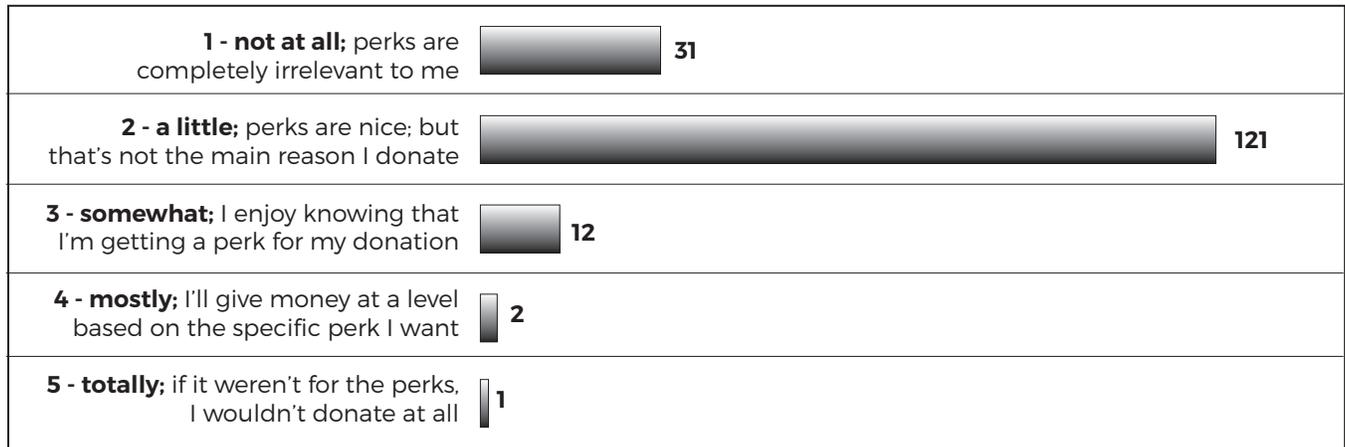
Nearly all members of our group listened carefully to John Van Citters' podcast interview. The one thing that produced an almost universal reaction of "huh?" was Mr. Van Citters' claim that many fans were donating to crowd-funding campaigns just to get the perks.

Now, perhaps Mr. Van Citters and the executives at CBS and Paramount truly believe that. But one has to wonder what, if any, hard data the studios have to support their supposition. Although our group does not represent all fan film donors, we are a good representative sampling, as hundreds of us have, in fact, donated to at least one if not more crowd-funding campaigns in support of fan productions.

So when we arrived at Guideline 6e, instead of starting with a discussion of the guideline itself, we ran a poll of our members to see how important perks actually were to their decisions to donate and how much to give.

### **Poll #6.5**

*Let's discuss perks and donations today. If you've ever donated to a fan film offering perks, on a scale of 1 to 5, how important were the perks to your decision to donate (and how much you donated)? BE HONEST!!!*



### **Quick analysis**

The results are stunningly clear. Perks mean very little to those contributing to fan productions. Comments made by poll participants underscored this conclusion. However, many commented that they did enjoy having something that thanked them for their support, even if it were simply a DVD or Blu-ray of the finished production they helped to fund. However, since Guideline 6c now forbids such a practice, most fans said they could live without perks but would still prefer campaigns be allowed to thank backers with at least something, whether it be a mention in the credits or a patch or pretty much anything that wouldn't upset the studios or their licensees.

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## **Guideline #6e (continued)**

Our group members believe that perks are a fun and engaging part of fund-raising, whether it be a tote bag from PBS at pledge time, those free label sheets with one's name and address next to the American flag on each one, or the T-shirts that participants receive for doing the walk for a cure for various charities.

But fans also realize that CBS and Paramount have valid concerns about having unlicensed merchandise that uses their intellectual property being distributed. Such practices dilute the *Star Trek* brand and diminish the value of purchasing a license in the first place.

We may have come up with a fair compromise. What if perks are allowed only as long as they feature no intellectual property of *Star Trek* whatsoever? A logo that says "Renegades" or "Continues" without any noticeable *Star Trek*-style lettering or imagery certainly wouldn't represent a threat to the brand or to actual licensees.

After some discussion, the group came up with the following suggested revision:

***No unlicensed Star Trek-related (TAKE OUT "or fan production-related") merchandise or services can be offered for sale or given away as premiums, perks or rewards or in connection with the fan production fundraising. Star Trek-related items would include anything featuring characters, logos, uniforms, alien races, starships, tools and/or weapons, or environments immediately recognizable as originating from the Star Trek universe or Star Trek intellectual property.***

To make certain we had buy-in from the group, we polled our members.

## **Poll #6.6**

*What would you think about the above revision(s) to Guideline 6e? (Select one.)*

I could live with it / I like it.		<b>84</b>
I still think the entire Guideline 6.5 should be eliminated.		<b>17</b>
I think Guideline 6.5 is fine the way CBS and Paramount wrote it.		<b>5</b>

## **Quick analysis**

This seems like another perfect opportunity for the studios to make a goodwill gesture toward fan productions, showing a willingness to compromise, while still protecting the *Star Trek* brand. As long as perks are entirely unbranded without any *Star Trek* I.P., allowing their distribution by fan production campaigns would not seem to damage the studios or the franchise in any way.

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## **Guideline #7**

*The fan production must be family friendly and suitable for public presentation. Videos must not include profanity, nudity, obscenity, pornography, depictions of drugs, alcohol, tobacco, or any harmful or illegal activity, or any material that is offensive, fraudulent, defamatory, libelous, disparaging, sexually explicit, threatening, hateful, or any other inappropriate content. The content of the fan production cannot violate any individual's right of privacy.*

### **Overview of fan reaction**

Like some of the other earlier guidelines, fans misunderstood the meaning and intention behind Guideline #7 and initially felt extremely negative toward it. However, John Van Citters' podcast explanation softened fan reaction quite a bit, and by the time our group voted our opinion, a majority of fans were willing to entertain a revision rather than an outright removal of this guideline.

### **Poll #7.0**

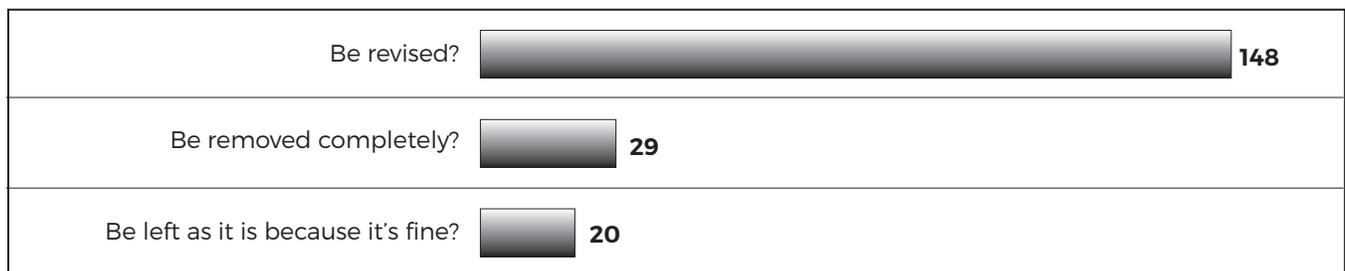
*As written, this guideline seems to stifle all potential for drama and creativity. But after John Van Citters' explanation, it seems more like a suggestion...even if it doesn't read that way.*

*Here it is:*

*"The fan production must be family friendly and suitable for public presentation. Videos must not include profanity, nudity, obscenity, pornography, depictions of drugs, alcohol, tobacco, or any harmful or illegal activity, or any material that is offensive, fraudulent, defamatory, libelous, disparaging, sexually explicit, threatening, hateful, or any other inappropriate content. The content of the fan production cannot violate any individual's right of privacy."*

*The studios aren't going to want to let this one disappear (legally, they really can't), but I'm still going to let the group have elimination as an option to vote for. However, I'd strongly request a vote for "revise" rather than "remove" simply to show the studios that we're reasonable. But it's YOUR choice.*

*Should this guideline...*



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## **Guideline #7 (continued)**

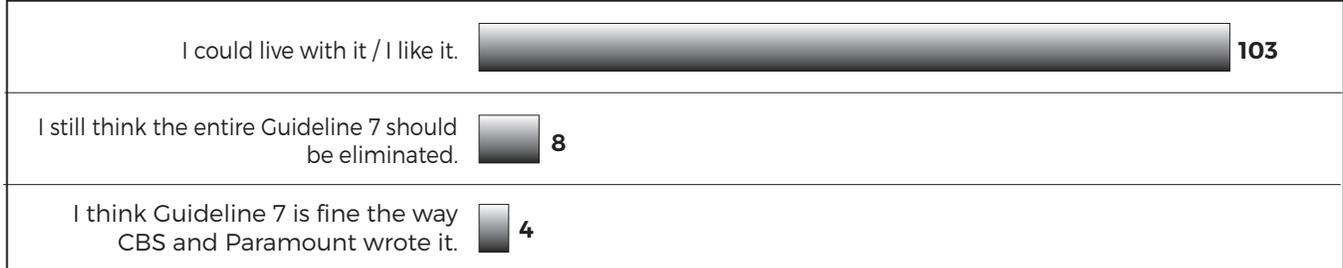
The group spent a couple of days trying to compose a revision that would clarify Guideline #7 enough to provide more creative flexibility for fan productions while at the same time protecting the interests of the studios. While no wording will ever be perfect, and ultimately a subjective judgment by the studios will be the ultimate determination, we feel the following proposed revision communicates more precisely the intent of the studios as explained by Mr. Van Citters in his podcast interview:

*The fan production must be family friendly and suitable for public presentation. Although fan productions may depict a limited amount of profanity, obscenity, drugs, alcohol, tobacco, or harmful/illegal activity, any such depiction must occur in a manner that is respectful of and consistent with how similar material has been historically displayed in the Star Trek franchise. CBS/Paramount reserves the right to determine what is considered respectful and consistent with the franchise in this context. Fan productions may not include any material that is pornographic (containing nudity or sexually explicit content), fraudulent, defamatory, libelous, disparaging, threatening, hateful, or that could appreciatively damage the integrity and reputation of the Star Trek brand or any of its established characters. The content of the fan production cannot violate any individual's right of privacy.*

To make certain we had buy-in from the group, we polled our members.

### **Poll #7.1**

What would you think about the above revision to Guideline #7? (Select one.)



### **Quick analysis**

What began as one of the most controversial of all the guidelines (when first announced) became almost unanimously acceptable when revised with the proposed rewording above. We would strongly urge the studios to consider adopting this revision to Guideline #7.

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## **Guideline #8**

*The fan production must display the following disclaimer in the on-screen credits of the fan productions and on any marketing material including the fan production website or page hosting the fan production:*

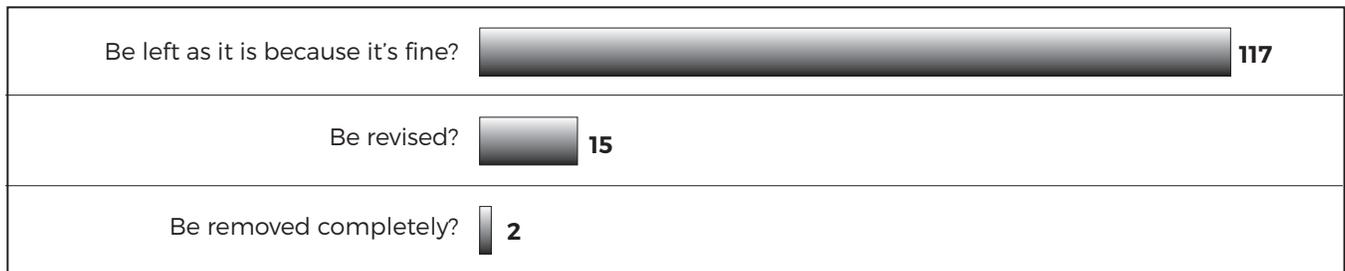
*“Star Trek and all related marks, logos and characters are solely owned by CBS Studios Inc. This fan production is not endorsed by, sponsored by, nor affiliated with CBS, Paramount Pictures, or any other Star Trek franchise, and is a non-commercial fan-made film intended for recreational use. No commercial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

## **Overview of fan reaction**

As you can see from the polling results below, fans generally found Guideline #8 to be acceptable.

### **Poll #8.0**

*Should this guideline...*



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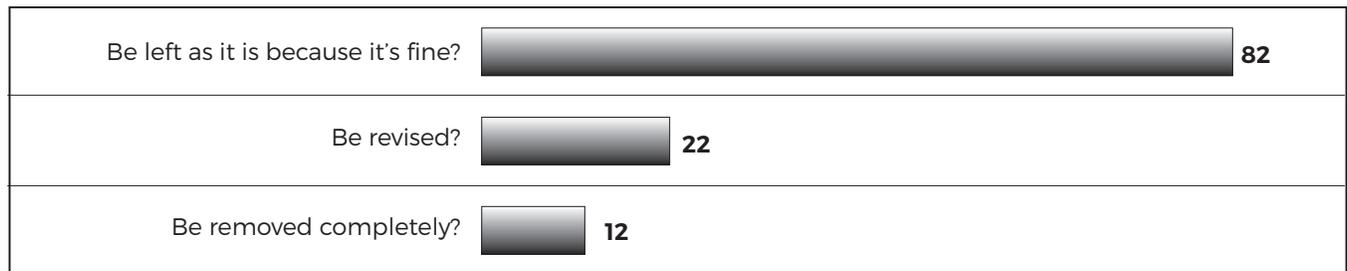
## **Guideline #9**

*Creators of fan productions must not seek to register their works, nor any elements of the works, under copyright or trademark law.*

### **Overview of fan reaction**

Although not as overwhelming as the reaction to the previous guideline, fans generally found Guideline #9 to be acceptable.

### **Poll #9.0**



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## **Guideline #10**

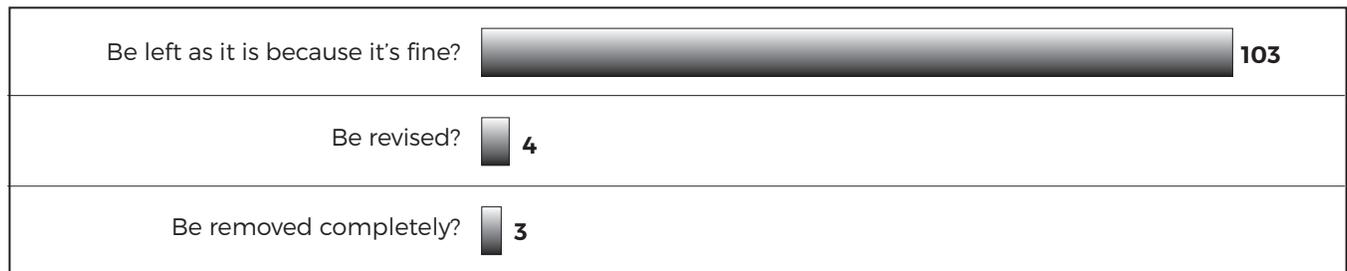
*Fan productions cannot create or imply any association or endorsement by CBS or Paramount Pictures.*

### **Overview of fan reaction**

This guideline seemed like a no-brainer to fans and met with nearly unanimous acceptance.

### **Poll #10.0**

*Should this guideline...*



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## **Conclusion**

*“All of this is definitely a conversation. We hope very much that this helps settle things with Star Trek fan films, that it provides some clarity for everybody, and that we can see what is working and what is not working...and we can follow up accordingly with that.”*

- John Van Citters, Vice President, Licensing at CBS Consumer Products Inc.  
(from *Engage*, the Official *Star Trek* podcast, June 29, 2016)

The spirit of Mr. Van Citters' comment above seems to be that there is room for adjustment in these new guidelines, and fans welcome that open-minded philosophy.

Our group, with over 1,200 *Star Trek* fans from around the world, is stepping forward to begin this conversation that Mr. Van Citters refers to. We aren't looking to issue ultimatums or harsh demands. Instead, we have simply red-lined the guidelines, suggested a few relatively simple revisions in places where clarification appeared to be called for, and provided some guidance where compromises might be instituted to make the guidelines slightly less restrictive for fan filmmakers while still respecting and protecting the interests of the studios.

Considering the intensity of fan reaction to these guidelines—especially coming during the height of the celebration of the 50th anniversary of *Star Trek*—any public gesture by the studios to show that they are, in fact, listening to the concerns of fans would go a long way toward easing the tense mood among many *Star Trek* fans at the moment.

As we conclude our focus group report, we would like to touch on three points which we feel should be kept in mind as the studios consider our recommendations.

### **Headwinds and Tailwinds**

Why not wait? The guidelines were only released a couple of months ago, and their impact has barely been felt. Yes, the long-running fan series *Star Trek: New Voyages* has already announced it will be shutting down due to the new guidelines. And *Star Trek: Renegades* can no longer give the actors who played Chekov and Uhura a final swan song for their iconic characters. But for the vast majority of fan films, things are still settling. So why not wait?

Morale.

As 2015 drew to a close, *Star Trek* fans were feeling euphoric. The 50th anniversary year was approaching; a new feature film was going to end a three-year drought of studio-produced content; and fan films were reaching tens of thousands, hundreds of thousands, and even millions of views on YouTube. The anticipation fans had for the next twelve months and beyond was palpable.

Then a lawsuit was filed against one of the most popular of the fan films, and Trekkie euphoria turned into anger against both the studios and other fans. Social media, instead of being filled with fans gushing over plans to celebrate their love of *Star Trek*, overflowed with malice and vitriol as agitated and fearful Trekkies took sides in this copyright infringement case.

Six months later, the studios released a set of guidelines that appeared, at least at first, to spell the end of *Star Trek* fan productions as we knew them. Although that was certainly not the intent of the studios, the damage had nevertheless been done, and fans were once again turning to social media with anger, fear, and frustration. In short, by the summer of 2016, it was no longer fun to be a Trekkie.

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Then *Star Trek Beyond* debuted in theaters to a less-than impressive \$59.3 million opening. In its second week, domestic revenue dropped a disturbing 58.2% and then another 59.5% in week three. Needing an estimated \$340 million to cover costs, *Star Trek Beyond* was at a \$129 million deficit worldwide as it ended its domestic run.

Should this disappointing performance be blamed on the fan film guidelines? Hardly. Despite threats of a boycott by some fans and even certain members of our focus group, many factors likely contributed to the underwhelming box office returns of the new film. But having many *Star Trek* fans feeling frustrated and miserable certainly didn't help boost revenue. In business parlance, the current mood of *Star Trek* fandom would be considered a "headwind."

It wasn't always this way for *Star Trek*. For most of the 50-year history of the franchise, Trekkies were a reliable tailwind. Indeed, fans brought *Star Trek* back from cancellation in the 1960s and refused to let the property fade into obscurity during the 1970s. Even after the first feature film fell somewhat flat in 1979, eager fans still came out in droves to support the second feature...leading to a dozen more blockbusters beyond that. Fans remained supportive through four additional television series spanning an amazing 25 seasons and more than 600 episodes. Fans happily and enthusiastically turned *Star Trek* licensing into a multi-billion dollar franchise.

Of course, it wasn't only hardcore Trekkies watching these TV series and movies and buying merchandise. There were casual fans and even curious onlookers tuning in and buying movie tickets. Trekkies didn't carry *Star Trek* alone. But they sure helped!

For decades, Trekkies formed the loyal and consistent foundation upon which the franchise's popularity could build. No other sci-fi property other than *Star Wars* had such a dedicated and fanatical following. And that's why no other sci-fi property other than *Star Wars* (and perhaps *Doctor Who*) has enjoyed the unparalleled longevity and financial success as *Star Trek* has. Imagine what those other franchises and studios would give for the tailwind of loyal fan support that *Star Trek* has enjoyed for 50 years.

But the recent actions taken by both CBS and Paramount regarding fan films have turned a tailwind into a headwind. Fans who could have been dancing in the streets in their Starfleet uniforms and Klingon make-up instead were sitting at their computers typing up incensed blogs and arguing with each other on Facebook. For a potential new *Star Trek* fan wanting to check out this legendary franchise for the first time, happy fans celebrating and talking enthusiastically about their love for *Star Trek* would have seemed quite inviting. But instead, when these same young people saw news stories about studio lawsuits against the fans and restrictive new guidelines being imposed, they likely had second thoughts about jumping onto the warp-powered bandwagon. And the angry fans shouting at each other across the pages of Facebook might well have scared away many possible new fans who might have otherwise added to the fan base.

Again, this was probably not the only contributing factor to the headwinds facing *Star Trek Beyond*. But we'll never know the positive, or at least mitigating, effect that an enthusiastic and upbeat fan base would have had instead. It's too late now for *Star Trek Beyond*, but the new television series *Star Trek: Discovery* could potentially be helped by turning the current headwinds back into tailwinds. Adopting our recommendations to revise and soften the guidelines for the benefit of the fan filmmakers (while still protecting studio interests) could, as a good faith gesture, go a long way toward turning the winds once again into a favorable direction

### **And the Doldrums**

In today's world filled with television, movies, video games, music, YouTube, social media, and countless other distractions all screaming for our attention, it's more challenging than ever to build a loyal and engaged audience for any media property. Commercials, billboards, movie trailers, online ads...these provide momentary awareness of your brand before fading into the cacophony of background noise. And yet, Paramount reportedly spent over

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\$100 million marketing *Star Trek Beyond*, and one would assume that CBS will likewise put a sizable financial initiative behind the campaign for the new *Star Trek* television series on All Access.

So how can fan films help with a marketing and publicity campaign for *Star Trek*? The answer is: quite effectively!

The “big budget” *Star Trek* fan productions like *Star Trek: Renegades*, *Star Trek: Of Gods and Men*, *Prelude to Axanar*, and *Star Trek: Horizon* have each generated YouTube views well into the millions. Other series like *Star Trek: New Voyages* and *Star Trek Continues* have hundreds of thousands and sometimes over a million views for each of their many episodes. None of these fan productions could exist under the new guidelines--they are either too long in duration, generate too much public-funding, feature professional actors and production crew, distribute perks, or simply have the words “*Star Trek*” in their title.

On the other hand, a fan production like *Project: Potemkin*, filmed for the last five years in Georgia and Alabama, pretty well conforms to most if not all of the new guidelines. Their actors and crew are amateurs, the episode lengths are nearly all under 15 minutes, their budgets are minuscule, they do no crowd-funding or perk distribution, and they’ve never had the words “*Star Trek*” in their title. But their YouTube viewing totals are usually in the low thousands per episode. A rare few have reached the 5-digit range for viewings.

Looked at solely from a marketing perspective, the big-budget fan films with the millions of Internet views would seem to be a windfall for the studios and their legacy franchise. In a world where tens or hundreds of millions of dollars can be spent to generate impressions that last a matter of minutes or even just seconds, these high-end fan productions have supporters interacting with the brand for hours at a time. And it’s not limited to just the time it takes to watch an episode of this or that fan series. These productions spend months building up excitement before launching their crowd-funding campaigns...which in turn last one or two months and are filled with additional marketing and PR blitzes via social media, blogs, podcasts, and even the occasional coverage in major news outlets like *The Wall Street Journal*, *Newsweek*, or *CNBC*. Most of these projects utilize their websites and Facebook pages to post frequent video and photo updates during production. The finished films are then typically released with major fanfare at conventions, generating even more excitement and buzz. All of this is followed by months of social media chatter as these fan films are discussed, debated, reviewed, and fawned over. And finally, just as the furor is dying down, the time comes for the next Kickstarter, and the whole cycle happens all over again.

Many of these productions have tens of thousands of backers, and many of those backers reach out to dozens of friends and family via Facebook, showing their support publicly. For the studios to purchase this amount of brand interaction reaching hundreds of thousands of people or more, lasting for months at a time year after year, the costs would be incalculable. Few ad campaigns could ever have a hope of producing this amount of exposure, enthusiasm, and participation with the franchise by such a large number of fans. And yet, the actual cost to the studios is **zero** for the brand awareness and interaction generated by the larger fan productions.

But with the new guidelines in place, most if not all future *Star Trek* fan productions will be more like *Project: Potemkin*. And while that fan series is still fun to watch and a laudable effort, one would expect similar types of fan productions to generate comparable online views in the 4 or 5-digit range at most. Hundreds of thousands or millions of viewers would be a virtual impossibility.

And thus would tailwinds turn into doldrums. Fan films would still exist, but their value as ongoing free marketing and publicity for the franchise and studios would likely shrink to a point of vanishing almost completely.

Is the trade-off worth it? Do the guidelines need to reach such levels of restriction that they risk choking off the benefits that have been provided over the decades by countless fan productions? If left in place as originally written, the new guidelines would effectively turn fan film tailwinds into doldrums.

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## **Why Not Monetize Fan Productions for the Studios?**

There was one final idea discussed during the time the group was actively polling. And although this idea itself was never voted upon, we feel it worth mentioning as something for the studios to consider.

Fan productions could, relatively easily, be turned into a source of millions of dollars of positive revenue for the studios at a cost the fraction of a single employee's salary.

How?

The process would be relatively simple and straightforward. Fan productions wishing to operate under less restrictive guidelines (longer duration, higher crowd-funding cap, use of professionals, etc.) could be offered the opportunity to do so if they agree to distribution solely by CBS and Paramount via direct digital download. Such fan productions choosing this option would not be allowed to post their films on YouTube or Vimeo for free. Instead, the studios would make them available to fans for \$1.99 or \$2.99 via a special download website (and/or via All Access). Each fan film would be clearly marked as a fan production and declared officially non-canon.

Imagine a fan film like *Star Trek: Horizon*, currently approaching 2.5 million views on YouTube since February 2016. If even 15% of the fans who watched *Horizon* for free were willing to pay three dollars each for a digital download, there's a million dollars of revenue right there. Since nearly all fan productions tend to create their films for no profit regardless, a relatively small percentage of that revenue (perhaps as low as 10% or less) could be offered to the productions and they would be quite appreciative.

At most, perhaps two dozen *Star Trek* fan films are made each year. So this program could be supervised by a single employee in licensing on a part-time basis. And if a fan production contained questionable content, the studios could easily refuse to approve it for distribution until such content was corrected or removed. Then the only other costs would be the set-up and maintenance of the downloading/streaming service, the creation of a contract for participants to sign, and minor annual accounting for a handful of qualifying fan productions.

It should be mentioned that CBS already has a precedent in place for this kind of distribution arrangement with fans producing their own amateur *Star Trek*. The "Strange New Worlds" anthology series from Pocket Books accepts short story submissions from fans and prints the best ones in a licensed publication, generating revenue for both the publisher and the studio while compensating the author(s) modestly, as well. Some of those amateur authors have even gone on to write full-length *Star Trek* novels.

So if the studios feel the guidelines are important enough not to revise or loosen, then we invite CBS and Paramount to consider the option of adding a separate "tier" where the guidelines can be made less restrictive in exchange for controlled, monetized distribution of fan-produced content by the studios.

As fans, we understand and respect that *Star Trek* remains the intellectual property of CBS and Paramount. We have loved and supported this franchise in all its many iterations for five decades, and our greatest joy is being allowed to "play in the *Star Trek* sandbox." We absolutely appreciate that rules are a necessary and even positive thing, so we are by no means asking for a return to the "wild west" of *Star Trek* fan productions. We simply feel, as John Van Citters himself said, that there is room for a conversation and follow-up. We would like to begin that conversation here with this document, and we sincerely hope the studios will consider our concerns and perspectives in this matter as fans and patrons of your brand.

Focus Group Report compiled and written by **Jonathan Lane**  
Contact: [Guidelines@FanFilmFactor.com](mailto:Guidelines@FanFilmFactor.com)

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## **Appendix - Hyperlinks to All Cited Fan Participant Online Polls**

All of the polls were conducted via the Facebook group “Small Access” during the months of June and July, 2016. The results contained in this document are a snapshot of the results as of July 30, 2016. However, the polls remain live and accessible via the Facebook group (there is no way to officially close a poll without deleting it).

Each of the polls can be viewed along with all posted comments at the following web locations:

### **Guideline #1**

Poll #1.0

<https://www.facebook.com/groups/smallaccess/permalink/301898413484198/>

Poll #1.1

<https://www.facebook.com/groups/smallaccess/permalink/306845082989531/>

Poll #1.2

<https://www.facebook.com/groups/smallaccess/permalink/308080029532703/>

Poll #1.3

<https://www.facebook.com/groups/smallaccess/permalink/307194576287915/>

Poll #1.4

<https://www.facebook.com/groups/smallaccess/permalink/307603802913659/>

Poll #1.5

<https://www.facebook.com/groups/smallaccess/permalink/316997751974264/>

### **Guideline #2**

Poll #2.0

<https://www.facebook.com/groups/smallaccess/permalink/302345293439510/>

### **Guideline #3**

Poll #3.0

<https://www.facebook.com/groups/smallaccess/permalink/302821013391938/>

Poll #3.1

<https://www.facebook.com/groups/smallaccess/permalink/309068656100507/>

### **Guideline #4**

Poll #4.0

<https://www.facebook.com/groups/smallaccess/permalink/303265240014182/>

Poll #4.1

<https://www.facebook.com/groups/smallaccess/permalink/309496092724430/>

### **Guideline #5**

*No poll conducted.*

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## **Appendix - Hyperlinks to All Cited Fan Participant Online Polls (continued)**

### **Guideline #6**

Poll #6.0

<https://www.facebook.com/groups/smallaccess/permalink/304209466586426/>

Poll #6.1

<https://www.facebook.com/groups/smallaccess/permalink/310417042632335/>

Poll #6.2

<https://www.facebook.com/groups/smallaccess/permalink/310983742575665/>

Poll #6.3

<https://www.facebook.com/groups/smallaccess/permalink/311495955857777/>

Poll #6.4

<https://www.facebook.com/groups/smallaccess/permalink/312524399088266/>

Poll #6.5

<https://www.facebook.com/groups/smallaccess/permalink/313521365655236/>

Poll #6.6

<https://www.facebook.com/groups/smallaccess/permalink/314037088936997/>

### **Guideline #7**

Poll #7.0

<https://www.facebook.com/groups/smallaccess/permalink/304689619871744/>

Poll #7.1

<https://www.facebook.com/groups/smallaccess/permalink/316435565363816/>

### **Guideline #8**

Poll #8.0

<https://www.facebook.com/groups/smallaccess/permalink/305151223158917/>

### **Guideline #9**

Poll #9.0

<https://www.facebook.com/groups/smallaccess/permalink/305634433110596/>

### **Guideline #10**

Poll #10.0

<https://www.facebook.com/groups/smallaccess/permalink/306054766401896/>