

Restoring Balance to the Force (of Fandom): An IP Management Strategy for Walking the Fine Line Between IP Protection and Fan Engagement

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Multimedia franchises approach intellectual property (IP) enforcement and management in relation to their fans and fan-made works in different ways. Some are strict, and clamp down on even small shops or events. Some take a more liberal stance to alleged infringement and, to some extent, embrace the productive tendencies of their hardcore fans. These differences highlight the difficulty of determining when it is actually necessary to pursue fans to protect IP, and when letting go may be better for the business overall. It is undebatable that an IP owner has the right to ensure proper use of its IP considering that there are fan-generated content that can bring harm to the IP content owner. The Essay asks — when it comes to fans and IP infringement, when should the multimedia empire strike back, and when should it just let it go?

This Essay aims to balance the force of fandom with the necessities of IP protection and enforcement. This is achieved by pinpointing observations on what factors *should* influence IP management and enforcement strategies in relation to fan-made merchandise and works. As a limitation, this Essay narrows down the scope of IP laws it discusses to that of the Philippines', and the IP laws of the United States (US), since Philippine IP law is heavily influenced by US IP law. The Author also introduces “The Force Model” — an attempt to encapsulate all considerations that must be taken into account when choosing to enforce IP rights against fans, and how to determine when fan labor teeters too far into the dark side for the comfort of IP owners, and when it leans towards the light. In the end, this Essay concludes that a balanced approach to the force of fandom is the best way forward.