Copyright Meets Fandom

Understanding the Cultural Influence of Manga and Anime: Through Fan Translations and Copyright Laws

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Introduction

The worlds of Anime and Manga have had a large influence on the youth pop culture of America. With a greater extent of young people turning away from soft and safe American comics and cartoons. In favor of weightier topics, more violent, and the graphic nature that Anime provides. Enjoying unique and odd High School and Boy Gender and Age do not matter either. Leading watchers of Anime are both male and female ages 12-40. Who Are They?

Fans
- Fans of Manga and Anime cover a wide range of people. Young teenagers, college students, hipsters, businessmen and even parents.
- Gender and Age do not matter either.
- In fact the leading purchaser of manga today, is young woman between the ages 13-30.
- Leading watchers of Anime are both male and female ages 12-48.

Fan Translators
- Manga Fan Translators call themselves Scanners.
- Anime Fan Translators call themselves Fansubbers.

How Do They Do It?

Manga
- Scanning starts with acquiring raw Japanese manga chapters, 3 main ways
  1. Step Unloading Finished Manga Chapter
  2. Step Translation
  3. Step Editing the Script
  4. Step Proofreading
  5. Step Redrawing
  6. Step Encoding the Video File

Anime
- Fansubbing is whole different ballgame. Uses a lot of different software and needs certain levels of technical skill.
- They take any written translation from the video and place its English translation in its place. So any letters, SMS messages and even
- Purchase physical or digital copies
- Sent copies for a friend in Japan
- Slept up jobs, so there’s no miscommunication or work pile up.

The Copyright Laws

Japanese Copyright Laws
- Two Types of Rights of protection for Authors and Creators
  1. Moral Rights
  2. Economic Rights

American Copyright Laws
- Fan Translations are considered Derivative Works
  1. Derivative Works: are made up from preexisting copyrighted works, that are changed into new works. Such as translations, musical arrangements, movies based off of novels, or plays.
  2. U.S. Copyright Laws has ‘Fair Use’ Clause, which Japanese doesn’t
    - In section 107 of the Copyright Act, allows for the freedom of expression by permitting the unlicensed use of copyright-protected work in certain circumstances. Examples: News reporting, Research, and in parodies of works.
    - But to be able to use Fair Use Clause in your favor, your work must pass 4 criteria.
      1. What is the purpose and character you’re using, this includes if it is for commercial or nonprofit educational purposes.
      2. What is the nature of the copyrighted work, is it a novel or musical number.
      3. How much and which part you are using, in relation to the whole work.
      4. How will your use of the impact the original potential market or value of that copyrighted work.

The Problem
- Most fan translators like to use ‘Fair Use’ as protection from U.S Copyright Lawsuits. They don’t take into account that the U.S. has to uphold other countries copyright laws, because of the Berne Convention.

Berne Convention
- Berne Convention for the Protection of Literary and Artistic Works, is an international agreement governing copyright. Was signed between 188 countries in 1886.
- Because of this agreement, any country that has signed treaties with the U.S., the U.S. must protect their copyrighted works in the U.S. as well.
- The only distinction that the Berne Convention makes regarding fan translation, is found in Article 2. Stating that translations, adaptations, any changes to the format of the work, and other alterations of literary or audio works shall be treated as independent. As if they are original work without prejudice to the copyright in the original work. This doesn’t mean that fan translation are original creations, just that they can be considered independent of the original work.

Berne Convention
- Any Video or Audios stay copyrighted.
- But any Anime’s translated by a group of people may be considered independent of the original Anime they translated from.

Website Proposal

This poster is an example of the website I would like to develop. I would like to provide all the knowledge about how fan translations are created. Explaining fully all the various aspects of the copyright systems work in U.S. and Japan. As well as give some background on how Anime and Manga fandoms began in America. Hopefully, provide insight into how they have gained such a grip on the youth culture today. They are gaining ground, and I don’t foresee it stopping any time soon.

Stakeholders

Here are just a few examples of the Stakeholders that I would work with to spread the word about the impact Fan Translations have on the Manga and Anime Industries.

Professional Translation and Publishing Companies
- American
  - Crunchyroll, Funimation, TOKYO POP and Viz Media etc...
- Japanese
  - Kadokawa, Toei Animation, Studio Ghibli etc...

Fan Translation Groups
- Red Hawk, Manga Daisuki, Omanga, Zoenic Scanlations etc...

Authors of Manga and Anime
- Satoshi Okudera, Author of TV Anime
  - Makoto Shinkai, Author of TV Anime
  - Satoshi Kon, Author of TV Anime
  - Makoto Shinkai, Author of TV Anime
  - Satoshi Kon, Author of TV Anime
  - Satoshi Okudera, Author of TV Anime
  - And many more...

RESOURCES