

FOR LOVE AND MONEY:

PROFESSIONALISM AND COMMUNITY IN ANIME

AND MANGA ARTISTS' ALLEYS

A ten thousand square foot warehouse of a room, gridded with a system of skirted tables, exhibiting both the vast complexity and the orderliness of ancient Roman urban planning. Booths greet passersby with ten-foot-high PVC pipe displays covered in full-color glossy posters. A vendor counts out dollar bills from a four-inch wad, then stuffs them back into a steel cashbox.

The scene resembles many professional venues staffed by typical corporate representatives – a career fair, an industry exhibition, a trade show convention – but some things are different. The goods being bought and sold are mostly paper printouts and handmade trinkets. Instead of suits and ties or company polo shirts, most vendors and buyers alike are dressed in outlandish costumes with carefully coiffed, brightly-colored wigs. And despite the up to hundreds of dollars that are changing hands, everything in the room is going on without the attention or permission of the IRS.

Welcome to the world of the artists' alley, a staple at many fan conventions for popular culture. At science-fiction, comics, and Japanese animation events, one room is often dedicated to the market of art – much of it fanart, or original artwork that utilizes copyrighted properties or trademarks not owned by the artist.

Fanart is one of many types of fan-created derivative works based on media properties. Anime fanart, a specific subset involving the reproduction and reimagination of characters, settings, and concepts from Japanese anime, presents its own interesting set of issues separate

from those of other popular culture fanart. Anime fanart created in North America only compounds the matter. Because the original properties come from a country on the other side of the globe, the fanartists generally have even less contact with the copyright holders than usual. The culture of anime fanart in Japan versus the United States differs greatly, due to differences in the history of the respective fan communities as well as differences in culture. Attitudes towards fanart vary vastly between the two countries. And, as most fanartists in the United States are not of Japanese descent, questions of race arise in the creation of what some fans and critics consider a very nationally-typed art form.

Copying and Creativity

Fanart inherently depicts scenes or characters that are protected by copyright law. Although simply using an idea that coincides with an original work does not constitute unauthorized use of copyrighted material, depiction of an actual character often does. *Nichols v. Universal Pictures Corp.* created precedent for the character delineation test, which states that a “distinctively delineated” character can warrant copyright protection, and therefore, unauthorized depictions constitute infringement.¹ Unlike the case of literary prose works, where a character's physical appearance may be vague or superficially described, anime is a distinctly visual medium, and its characters' appearances are well-established and therefore “distinctively delineated.” Closely emulating this appearance is arguably a violation in the eyes of the law. While not all fanart is a violation – Wikimedia Commons gives some allowable examples of fanart, such as drawings featuring vague physical traits (a boy with black hair and glasses representing Harry Potter) – these are the exception and not the rule, considering that many pieces of fanart copy the very specific combinations of hairstyles, facial features, and costumes

¹ L. Hand, United States. *Nichols v. Universal Pictures Corporation, et al.*, 1930.

of the licensed characters.²

Thus, fanart itself lies, at best, in a legal gray area. However, the letter of the law aside, in terms of societal ethics, the concept of “copying” aspects of another work already bears much negative stigma – with contemporary hot controversies ranging from academic dishonesty in university student papers to the accusations of theft inherent in unauthorized downloading of media (consider the appeal to ethics in the MPAA’s 2004 “You wouldn’t steal a car” ad campaign).³ Stuart Green of Louisiana State University outlines how many commentators equate plagiarism to theft, even in literary rather than figurative means, despite the fact that the two are not equal in a legal sense; plagiarists are never prosecuted in a court of law for “theft.” “Again and again, plagiarists are referred to as “thieves” or “criminals,” and plagiarism as a “crime,” “stealing,” “robbery,” “piracy,” or “larceny.” Even some dictionaries define plagiarism as “literary theft.”⁴ Regardless of whether fanart is legal or not, society has a precedence for labeling the lifting of ideas as extremely as “theft.” The practice of profiting off of such works only strengthens the reaction against fanart.

Thus, copyright is intended to deter this highly undesirable stealing of ideas. However, although copyright law is meant to foster creativity by protecting creators from losing their intellectual property-- and thus encouraging creation without fear-- these laws can also hamper creativity at the same time. Temple Law University's Salil Mehra describes this relationship of protection versus creativity:

In a sense, economic theory suggests that there may well be a

² Wikimedia Editors. "Commons:Fan_art." *Wikimedia Commons*. Wikimedia Commons, 24 July 2010. Web. 24 November 2010. <http://commons.wikimedia.org/wiki/Commons:Fan_art>.

³ “Launch of Anti-Piracy Movie Trailer.” *Intellectual Property Office of Singapore*. Intellectual Property Office of Singapore, 27 July 2004. Web. 24 November 2010. <<http://www.ipos.gov.sg/topNav/news/pre/2004/Launch+of+anti+piracy+movie+trailer.htm>>.

⁴ Green, Stuart P., *Plagiarism, Norms, and the Limits of Theft Law: Some Observations on the Use of Criminal Sanctions in Enforcing Intellectual Property Rights*. *Hastings Law Journal*, Vol. 54, No. 1, 2002. Available at SSRN: <http://ssrn.com/abstract=315562> or doi:10.2139/ssrn.315562

Laffer-curve like relationship between creative output and the level of copyright protection. The creativity encouraged by copyright law requires the ability to draw on previous creative work. With no protection or with infinite protection, there may be little or no creativity. What is lacking is a sense of where we currently are on the curve.⁵

Inherent in this statement and its uncertainty of the current state of the law is also the idea that it is equally unclear where the ideal position – the optimized point at which protection and creative output are optimized – lies, and therefore it is highly debatable whether the current laws are more or less flexible than they should be.

The manga industry is no outsider to questions of copyright infringement; plenty of accusations of plagiarism fly left and right, with a telling example of one *mangaka* (manga artist), Yuki Suegetsu, who allegedly copied images from fellow mangaka Takehiko Inoue's manga *Slam Dunk* for her own series, *Flower of Eden*, resulting in strong disciplinary consequences: Japanese publisher Kodansha and American manga licensor Tokyopop cancelled publication of the series, and, quite significantly, Suegetsu's then-running series *Silver* was also halted, with the implications that she would likely never work in the industry again.⁶ Only two months later, however, the infringed party, Inoue, was himself accused of plagiarizing NBA photographs for the *Slam Dunk* manga's basketball scenes, as an odd twist of the plagiarized becoming the plagiarist.⁷ A look into the process of creating manga is demonstrative here; artists regularly take reference photos of people, objects, or settings to draw more accurately – and more quickly, as drawing a scene without any base at all may be fatal in such a fast-paced and deadline-oriented stressful line of work. Some mainstream manga drawing instruction texts even

⁵ Mehra, Salil. "Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content ." *Rutgers Law Review* Fall. (2003).

⁶ "Switch Manga, Rin Yoshii Accused of Plagiarism." *AnimeNewsNetwork* 07 February 2007: Web. 27 November 2010. <<http://www.animenewsnetwork.com/news/2007-02-07/switch-rin-yoshi-accused-of-plagiarism>>.

⁷ "Slam Dunk Plagiarism Scandal." *AnimeNewsNetwork* 22 December 2005: Web. 27 November 2010. <<http://www.animenewsnetwork.com/news/2005-12-22/slam-dunk-plagiarism-scandal>>.

blatantly encourage copying to improve one's drawing skills – from life, from photographs, and, most radically, from a favorite mangaka's comics or artwork.⁸ Despite the harsh consequences in cases like Suegetsu's, coupled with the stoic press releases emphasizing publishers' continuing commitment to combating plagiarism, the industry seems to understand this as a basic truth; Shojo Beat's *Manga Artist Academy*, an instructional book actually written in part by professional Japanese manga artists (Shoko Akira of *Monkey High!*, YuuWatase of *FushigiYuugi*, and MayuShinjo of *Kaikan Phrase*) offer the shocking and unexpected advice that “Copying professional drawings is the first step to becoming a pro.”⁹ Even books that warn against plagiarism fail to draw clear lines; one encourages that to avoid committing artistic theft, an artist can copy other comic scenes in composition but must change characters and objects to avoid plagiarism; of course, this still copies the original work's composition (which, incidentally, was the type of plagiarism Suegetsu was accused of committing).¹⁰

The Nature of Derivative Works

The idea of artistic adaptations of original media works gaining prominence is certainly nothing new; although the concept of media fanatics and term “fanart” are relatively recent, such cultural artifacts have existed throughout history. Renaissance paintings depicting Biblical or mythological scenes and characters could even be said to be a form of fanart in that they adapt another media text into a static visual art form, rather than painting original subjects.

The importance of originality becomes more complicated in a postmodern environment where, supposedly, “there are no new ideas, only unique contexts and applications of those

⁸ Office, Go. *How To Draw Manga: Ultimate Manga Lessons Volume 1: Drawing Made Easy*. Graphic-Sha, 2005. Print.

⁹ Iizuka, Hiroyuki, and Amu Sumoto. *Shojo Beat Manga Artist Academy*. Viz Media LLC., 2006. Print.

¹⁰ Kawanishi, Mikio. *How to Draw Manga Volume 7: Amazing Effects*. Graphic-Sha, 2003. Print.

ideas.”¹¹ Remix culture, or the sampling of preexisting works to create new ones, has existed for decades, particularly in the form of new musical works created from combining old ones. In more recent years, easily accessible technologies have made remixing easier and more prevalent. Interestingly, Lawrence Lessig points out that this remix culture “where many create as well as consume” has existed in nearly all human cultures “save a few in the developed world for much of the twentieth century.”¹² As a testament to the empowerment that new technologies provide in the realm of amateur production, Lessig notes that the modern music industry sees such technologies, which give voice to amateur creators as a threat to professionalism, just as, ironically, the advent of the record player in the early twentieth century was seen as a threat to spontaneous amateur music production. New technologies and remix culture allow an amateur creator, who may lack the resources or knowledge to otherwise create completely original works, or who may have no desire to do such, create as a non-professional. Knobel and Lankshear give anime and manga fanart as an example of remixing, which itself is presented as a means for young people to express original ideas, particularly in a meaningful way that requires relative proficiency in both art (the aesthetics, appreciation, form, and composition dimensions) and craft (knowledge of technical aspects); although the creators are often simply fans and amateurs, their work takes skill and thought.

Robert Morrison, in arguing for the establishment of rights for derivative work authors, not only asserts the creativity of derivative works but extols its virtues:

Derivative works incorporate the base work, but they build upon the base work by recasting, transforming, or adapting it. A derivative work is often more creative than the base work. Even the derivative works that might seem rote can be hiding a

¹¹ Hlynka, D., & Yeaman, R. J. (1992, September). *Postmodern educational technology*. ERIC Digest No. EDO-IR-92-5. Syracuse NY: ERIC Clearinghouse on Information Resources.

¹² Lessig, Lawrence. “In Defense of Piracy.” *Wall Street Journal* 11 October 2008, Print.

substantial amount of creativity.¹³

Inherent in this statement is the implication that if copyright law was indeed created to foster creativity, it should make exception for derivative works.

The Relationship between Fans and Producers in Japan

Fan-produced derivative works based on anime are prominent in Japan. While American anime conventions, the staple anime-related celebration events in North America, often feature an artists' alley for amateurs to display and peddle their fanart, Japan's counterpart anime-related event is the comic market, an event dedicated solely to amateur works, which often include *doujinshi* fan comics. Absent are the other staples of the American anime convention – the fan panel discussions of anime-related topics, the cosplay masquerades, the dances, even the special guest appearances, etc. – demonstrating that fan production takes center stage in the celebration of Japanese fandom.

Interestingly, when *The Wired* featured a cover story on the impact of Japanese manga, it liberally covered aspects of *doujinshi*, as a vitally important and central part of the entire manga phenomenon.

About 90 percent of the material for sale [at a comic market] — how to put this — borrows liberally from existing works. Actually, let me be blunter: The copyright violations are flagrant, shameless, and widespread...In many of these comics, the drawings are so precisely rendered that the characters are indistinguishable from the originals...

Writer Daniel Pink, through his interviews with *doujinshi* event organizers, introduces a very Japanese term to the copyright question: *anmoku no ryoukai*, or an “unspoken, implicit agreement” between publishers and fans – publishers look the other way so that *doujinshi* artists can create works that serve as free advertising, and fans “tacitly agree not to go too far – to

¹³ Robert, Morrison. “Deriver’s Licenses: An Argument for Establishing a Statutory License for Derivative Works.” *Chicago-Kent Journal of Intellectual Property* 6. (2006): 87-107.

produce work only in limited editions and to avoid selling so many copies that they risk cannibalizing the market for original works.”

One aspect of the doujinshi issue is particularly relevant to the discussion of contemporary shifts in the socioeconomic climate. Pink’s discussion of doujinshi fan-creators sounds remarkably similar to McLuhan’s suggestion that consumers would become producers (or the portmanteau word “prosumers”) given an increase in available technology.¹⁴

In other words, where there was once a clear divide between producers and consumers and between pros and amateurs, the boundaries are now murky. The people selling their wares at the comics markets are consumers *and* producers, amateurs *and* pros. They nourish both the top and the bottom.

The Relationship between Fans and Producers in America

At its roots, Japanese anime fandom in North America originally grew out of an established base of science fiction and American entertainment media fans; even the first American anime club, the Cartoon/Fantasy Organization, was an offshoot of the Los Angeles Science Fiction Society.¹⁵ As a result, anime fandom on this continent shares some aspects with American media fandom that it does not with anime fandom in Japan; for example, fanfiction, a type of fanwork that is popular in North American anime and media groups, is relatively obscure in Japan, where fan comics are the medium of choice for amateur storytelling. Because of this history, it is instructive to look at some precedent in American media fanworks and how they relate to those in the anime fandom as well.

In American media fandom, derivative fanworks are as old as fans. Henry Jenkins outlines a wide range of works – fiction, video, art, music – for an equally wide range of

¹⁴ McLuhan, Marshall, and Barrington Nevitt. *Take today; the executive as dropout*. Harcourt Brace Jovanovich, 1972. Print.

¹⁵ Leonard, Sean. “Progress against the law: Anime and fandom, with the key to the globalization of culture.” *International Journal of Culture Studies* 8, no. 3 (2005): 281-305.

franchises and properties, prominent since at least the 1960s. The controversies surrounding fanworks are similarly nothing new, showing that while fans enjoy official works and admire the producers responsible, “The relationship between fan and producer, then, is not always a happy or comfortable one and is often charged with mutual suspicion, if not open conflict.” For example, Lucasfilms’ early attempts to censor or control *Star Wars* fanzines, with the fear that they would take away from sales or harm the work’s image, demonstrated an idea that corporate attitudes towards fanart should lie along the letter of the law. As Lucasfilms owned the property, they felt they were justified in taking the corporate stance that fans “don’t own these characters and can’t *publish* anything about them without permission,” which, while possibly true, clashed strongly with fans who felt they had a natural if not legal right to poach.¹⁶ Jenkins goes further to suggest that this phenomenon of an uneasy relationship between fans and producer is simply an inherent trait of media fandom, as fans seek fulfillment with the text that is not reliant only on the canon of the text itself:

This conflict is one which has had to be actively fought or at least negotiated between fans and producers in almost every media fandom; it is one which threatens at any moment to disrupt the pleasure that fans find in creating and circulating their own texts based on someone else's fictional “universe” – though an underground culture like fandom has many ways to elude such authorities and to avoid legal restraint on their cultural practices.

To date, there has not been any equivalent corporate policy in the American anime fandom. This may be more of a result of the times than of anything inherent in the fandom or medium itself; anime fandom in the United States sprouted in 1977 with the birth of the Cartoon/Fantasy Organization (which peaked in the mid-1980s), then exploded in mainstream popularity in the decade following *Pokémon*'s arrival on US shores in the mid-‘90s.¹⁷ By this time, and by the

¹⁶ Jenkins, Henry. *Textual Poachers*. Routledge, 1992. Print.

¹⁷ Leonard, Sean. “Progress against the law: Anime and fandom, with the key to the globalization of culture.”

mid-‘90s especially, media producers were much more accustomed to, even comfortable with, unauthorized fan works; in the telling case of Lucasfilms, by 2002 the company sponsored its own amateur fan video contest, the Star Wars Fan Film Awards, a telling shift from its original restrictive attitude.¹⁸

It should be noted that the less-than-legal nature of fanart is not an exception in the realm of general anime fandom in America. Unauthorized transmission of copyrighted anime materials is as old as the fandom itself, as fans had to share and copy TV-recorded VHS tapes of anime broadcasts, shipped originally from other fans in Japan. Sean Leonard even proposes that without the illegal sharing of these videos, there would never have been enough momentum to develop American anime licensing industry as it exists today; the swapping of videos that were otherwise legally unavailable in America created what Leonard coins a “proselytization commons, allowing fans to turn friends into new fans, creating demand for licensed, English-subtitled or dubbed anime video products from a home country that previously did not even consider North America as a potential viable market.”¹⁹ Underground fan creations and a lack of observance for the letter of the law are therefore ingrained in anime fandom.

Professionalism in Fanworks

In his 1992 exploration of fanworks, Henry Jenkins notes that while fan creators become producers of quality works, their goal is rarely to turn this production into a career, instead viewing fanworks as their “permanent outlet for their creative expression rather than one step on the road of becoming a professional writer.” The reasons for this are inherent in the nature of fanworks themselves; although certain fan creators such as artists and zine writers do receive

International Journal of Culture Studies 8, no. 3 (2005): 281-305.

¹⁸ “Star Wars Fan Movie Challenge.” *Atom*. Atom Digital Inc, 2010. Web. 24 November 2010.
<http://www.atom.com/channel/channel_star_wars>.

¹⁹ Leonard, Sean. “Progress against the law: Anime and fandom, with the key to the globalization of culture.”
International Journal of Culture Studies 8, no. 3 (2005): 281-305.

money in selling physical copies of their work, these works are difficult to produce and profit from as a source of income, and only a handful are popular enough to even potentially sell in large volumes. Furthermore, the community of zine publishers, at least in the early 1990s, generally self-regulates itself to make sure the fan activities are only a hobby do not exploit the fandom for profit; artists and writers “are expected to charge only the costs of production (and possibly enough to provide start up capital for a new zine), but are discouraged from turning zine-publishing into a profit-making enterprise.”²⁰ Nathaniel Noda explains that this practice is simply a product of the supportive nature of fans,

First, fans are predisposed to refrain from activities that erode the copyright holder’s economic or creative interests. A fan relies too much on the copyright holder’s output to endanger it by engaging in competitive or predatory practices that could push the author’s works off the air or out of print.

Noda theorizes that fan works are intended to complement rather than compete with the original works, as well as to promote (or proselytize) the original, because fans have a vested interest in the longevity and popularity of the work, and competings threaten this interest.²¹ Interestingly, this disinterest in competition does not explain the reluctance to profit (even without competing with the original work) that Jenkins observes.

For anime and manga fanworks, the question of profit and professionalism is particularly relevant given the environment for such works in Japan. Japan hosts frequent fan events such as comic markets, where individuals and groups sell doujinshi, or self-published works, ranging from zines to comics to novels to even games and music. Though much of this doujinshi is original, many works of various media are derivative works, often (but not exclusively) based on anime and manga. Not only are these events highly attended – the largest, Comiket, boasts

²⁰ Jenkins, Henry. *Textual Poachers*. Routledge, 1992. Print.

²¹ Noda, Nathaniel. “Copyrights Retold: How Interpretive Rights Foster Creativity and Justify Fan-Based Activities.” *Seton Hall Journal of Sports and Entertainment Law*. 20.1 (2009): Print.

upwards of 35,000 sellers and half a million attendees-- they involve an enormous volume of exchange of money, with Comiket 2009 seeing 9,440,000 books sold over a three-day weekend (for reference, doujinshi books generally sell for ¥300 – ¥500).²² Although statistics on the average revenue or profit per circle is unknown, the doujinshi industry is enormous, estimated at ¥50 billion in 2007, a full one-ninth the size of the actual official manga industry.²³

Even sheer size and activity aside, it should be noted one mark of professionalism in fanwork creation is the fact that many creators are just that – professionals. In America, Jenkins notes that a number of fans writers eventually become novelists or screenwriters, or even write “official fanfiction” in the form of official, licensed novels in the *Star Trek* universe.²⁴ Meanwhile, in Japan, a large number of prominent professional and published mangaka (or manga artists) either started out writing doujinshi or continue to do so on the side, including such celebrated creators as CLAMP, Rumiko Takahashi, Yoshihiro Togashi, and Kiyohiko Azuma.²⁵ These artists create (and sell and profit from!) derivative works based on the manga done by their professional peers, with the same modus operandi as their amateur counterparts – without permission or royalties. What could be considered not only plagiarism but a glaring lack of professional standards is instead tolerated, as these artists continue to openly release both their official works and these copyright-infringing derivative works, often without hiding their history and occasionally without even hiding behind a pseudonym. Thus, while amateur creators may not be openly attempting to turn their creations into professional, profitable work, the capability certainly exists for some. This also speaks to the level of polish present in many of these

²² “The Comic Market today and overseas participants.” *Welcome to the Official Comic Market Site*. Comiket Inc., 30 December 2009. Web. 27 Nov 2010. <<http://www.comiket.co.jp/info-a/C77/C77CMKSymposiumPresentationEnglish.pdf>>.

²³ Noppe, Nele. “Dōjinshi research as a site of opportunity for manga studies.” *Global Manga Studies*. 1. (2010): 71-80. Print.

²⁴ Jenkins, Henry. *Textual Poachers*. Routledge, 1992. Print.

²⁵ “Dōjinshi.” *Wikipedia: The Free Encyclopedia*. Wikimedia Foundation, Inc. 10 November 2010. Web. 25 November 2010. <<http://en.wikipedia.org/wiki/Doujinshi>>

“amateur” works, proving that amateur and low-quality are not synonymous.

In a more theoretical explanation, the movement of fans becoming producers represents a shift in values in the global (and specifically Japanese) world of art and creation. World-renowned Japanese artist Takashi Murakami, whose works are heavily influenced by anime and otaku culture, builds his body of art on his theory of Superflat, or the idea of flattening high and low culture, as, he postulates, the Japanese confusion between the concepts of “art” and “entertainment” allow for popular culture like anime to take the place of high art. He cites Comic Market and the Japanese sale of doujinshi by amateur artists as a mark of this shift: “the willing ignoring of both copyrights and sexuality censorship created an intentional chaos that is representative of the radical nature of contemporary ‘art’ in Japan.”²⁶ Essentially, the replacement of high culture with popular culture gives voice to the consumers of popular culture – fans and the masses – ahead of the more critical typical consumers of high culture – professionals and experts. Thus, this flattening of high and low similarly represents a flattening of professional and amateur; fans becoming professionals is only a natural consequence of popular culture becoming higher culture.

Fanworks’ Place in the Economy for Popular Culture Products

In describing the economic demand for fansubs when a legal industry failed to provide in the 1970s, Sean Leonard introduces the idea of the cultural sink:

A cultural sink is a void that forms in a culture as a result of intracultural or transcultural flows. Like physical black holes, cultural sinks have tendency to attract foreign objects.... Cultural sinks encapsulate the economics of cultural appeal. If a cultural sink sounds suspiciously like an emerging business opportunity, it is meant to sound like one in capitalist economies. This opportunity can transform a once avant-garde subculture into a mainstream staple industry, like ‘alternative’ rock or ‘extreme’

²⁶ Murakami, Takashi. *Superflat*. Japan: MadoraShuppan, 2000. Print.

sports.²⁷

In the same way, fan works can represent the filling of a cultural hole. In analyzing fanfiction, for example, Jenkins describes ten ways that authors add to an original work that fans might have otherwise found wanting; for example, some fanfiction will expand the series timeline to add new events to a story, retell a story from an antagonist's point of view, or cross the story over with another property.²⁸ Aside from simply putting a new spin on an existing work, these may fulfill a need that cannot otherwise be met in the canon proper – the story may not have a way to continue, bad guys might be written as unsympathetic to fit conventions or standards, complications in copyright might prevent an official crossover, etc. In one of the most famous examples of prominent fanworks, female *Star Trek* zine writers often created fan fictions pairing Spock and Kirk in romantic and sexual escapades for fellow female fans who enjoyed this homosexual interpretation but naturally would not be able to find any fulfillment of it in the actual show itself. Boys' love and pornographic anime illustration and fan comics represent an obvious parallel to this case.

Thus, fanworks represent a mode of production that exists outside of industry, meeting needs that the industry cannot. Even if the industry wants to meet this unmet demand, Thomas Lamarre suggests that the very nature of fans makes this impossible: “In this respect, the work done by otaku cannot ever be thoroughly mastered, commercially or intellectually. Markets and corporate strategies may capitalize on otaku movement, but they cannot predict or rely on it.”²⁹ This suggests, yet again, that producers and fans may be at odds, but bringing economic demand into the equation complicates matters. If fanworks are able to *better* fulfill a demand

²⁷ Leonard, Sean. “Progress against the law: Anime and fandom, with the key to the globalization of culture.” *International Journal of Culture Studies* 8, no. 3 (2005): 281-305.

²⁸ Jenkins, Henry. *Textual Poachers*. Routledge, 1992. Print.

²⁹ Lamarre, Thomas. “An introduction to Otaku movement.” *Entertext: Animation Special Issue*. (2004): Print.

that the industry can actually address, is that potential economic competition? In some cases, there is no overlap – such as the demand for homoerotic fanfiction, which mainstream properties cannot always provide – but in cases where there is overlap that the industry cannot control, some companies may indeed see fanworks as a threat. Although it is a rather sweeping statement about the anime industry, Lamarre’s comment is telling: “When faced with their inability to direct or harness otaku movement, corporations call it theft or piracy.”

Of course, even while fan works may meet a previously unmet demand, some commentators state that they will not supersede the original. Nathaniel Noda, in analyzing the nature of fandom at large, equates fans' interest in canonicity in an official series with a parallel preference for official new versions or releases. "In the fans’ eyes – and, accordingly, in the marketplace – the official will always trump the unofficial."³⁰

Anime Fanartists and Sharing

In Japan, fanartists share their anime and manga fanworks at comic markets; in America, there are very few events solely dedicated to these types of works. Small press conventions for amateurs and self-publishing exist, but they generally do not allow derivative works. Instead, the main physical outlet for anime and manga fanworks is the artists’ alley, a staple of the anime convention. While fanworks are not the main focus of most anime conventions, the artists’ alley is becoming a more and more prominent part of conventions. Because of the anime focus of the conventions, most artists in the alley sell anime-related art, and because the popularity of anime as a medium lies largely in specific anime or manga properties from Japan, much of this art is derivative fanart. Japanese comic markets are dedicated to doujinshi; however, the American artist alley features more full-color individual illustrations than comics.

³⁰ Noda, Nathaniel. “Copyrights Retold: How Interpretive Rights Foster Creativity and Justify Fan-Based Activities.” *Seton Hall Journal of Sports and Entertainment Law*. 20.1 (2009): Print.

Of course, most fanartists do not go so far as to exhibit and sell their works in such public places as a vendor hall at an anime convention. On the Internet, fanartists may share their works with others on dedicated art communities, of which DeviantART, a general art gallery website with 14.5 million members, 40 million annual visitors, and a significant anime subcommunity, is the largest.³¹ The site itself allows users to post their works (usually scans of traditional media, images of digital media, or photographs) and receive comments or critiques from other users, who can also add works to their “Favorites” list. Artists can also join groups dedicated to their common interests, discuss in forums, and even buy prints or merchandise based on artists' works. Notably, the site allows fanart, but under very specific stipulations:

The type of fanart which is deemed acceptable for submission are those work in which the submitting artist has done 100% of the work. This means that the artist had started with a blank slate and perhaps a reference (a pose, character, location, or other source) and proceeded to draw, paint, or otherwise create every line and place every color with their own hand.³²

Additionally, fanart is not permitted in the Prints Gallery, meaning that the artist cannot sell fanart (at least through DeviantART's official means, as under-the-table deals are not uncommon) and, at least in theory, neither the fanartist nor the site ultimately profits from a creator's property without permission.

Studying Anime Fanartists

Given such specific issues about American anime fanart such as its gray legal status, the derivative nature, the occasional element of profit, and the differences between the fanart environment in Japan and America, American anime fanart represents a very distinct type of fanwork. It differs from American media fandom in the transnational elements, from anime and

³¹ “Deviantart.com’s (rank #402) Site Profile.” *Compete*. Compete, Inc, November 2010. Web. 3 January 2011. <<http://siteanalytics.compete.com/deviantart.com/?metric=uv>>.

³² “FAQ #572: What does DeviantART consider ‘fanart’ to be?” *DeviantART: where ART means application!*. deviantART, 24 March 2010. Web. 3 January 2011. <<http://help.deviantart.com/572/>>.

manga fanfiction in the introduction of profitability (as fanfiction is generally not sold, particularly as anime and manga fanzines are incredibly rare), and from Japanese fanart in the low prevalence of American fan comics. As all of these areas have been the topic of various media studies scholars (Henry Jenkins for American media fandom, Rebecca Black for fanfiction, and a series of academics such as Salil Mehra for Japanese doujinshi, for example), American anime fanart certainly should not be passed over as an area for further study.

Because there are many terms for other types of fan-created artwork-- fanfiction for prose fiction; cosplay for costumes and clothing; fanvids, Anime Music Videos, or MAD Movies for videos; filk for music; fangames; etc., the term “fanart” here will refer only to static, two-dimensional, visual pieces which adapt characters or scenarios from copyrighted works, created without the copyright holder’s consent. These may include drawings and paintings (in both traditional and digital media), and comics.

This study excludes certain types of fanart – animation, photo manipulation, desktop wallpapers, online community avatars, etc. – not due to any perceived difference in artistic merit or interest, but because the process of creating these works is decidedly different from that of creating an original drawing or painting, and their creator communities are somewhat distinct from those of drawing and painting fanartists. Three-dimensional fanart is also excluded because the American community for anime fan sculpture and model kits is not yet widely visible (there are no major conventions dedicated to fan-made figurines in North America, as there are in Japan such as WonderFest). Even for more prominent forms such as handmade plush dolls, clothing accessories, or keychain trinkets, although these forms are gaining in popularity at anime artists’ alleys, the creation process and fan communities are again a bit removed from those of the core anime fanartists. However, some three-dimensional objects is also considered, such as fanmade

merchandise – buttons, mugs, bookmarks, shirts, etc. – which feature a two-dimensional fanart image, because in these cases the base physical object itself is usually not hand-crafted by the fan and the focus is on the featured 2D art.

Fan artists consulted in this study were contacted either via Internet correspondence or in person at artists' alleys at three major US anime conventions – A-Kon in Dallas, Otakon in Baltimore, and New York Anime Festival in New York City.

Birth of a Fan, and Birth of a Fanartist

Blatant in the very term “fanartist” is the word “fan,” a word that, despite its various specific connotations that differentiate it from other terms as “admirer,” “enthusiast,” “devotee,” or “aficianado,” invariably suggests a positive interest in a particular property or subject matter.³³ Thus, a fanartist seems to be an artist who uses, for her subject or inspiration, an object in which she holds some positive interest.

While this definition is logical and suitable for most purposes, it does fail to take into consideration some more complicated aspects of combining a “fan” and an “artist.” Certainly, in the case of anime fanartists, most are creating art based on anime or manga properties for which they have fannish interests, but this is not always a one-for-one exchange. This is because the decision, process and energy in creating a piece of fanart (or any fanartifact) is not necessarily a simple translation of the energy and interest a fan has in a particular property; for a multitude of reasons, a fanartist may decide to create more fanart for a property she has less fannish interest in compared to another.

Before looking into what drives a fanartist to create any particular piece, it is important to step back and see how he or she became a fan, artist, or fanartist in the first place. In regards to

³³ Pearson, Roberta. “Bachies, Bardies, Trekkies, and Sherlockians.” *Fandom: Identities and Communities in a Mediated World*. Eds. Jonathan Gray, CornelSandvoss and C. Lee Harrington. New York: NYU Press, 2007. Print.

anime fandom, this is a particularly interesting note. As cartoonish visual narrative media, anime and manga feature recognizable, somewhat easily-reproducible images of rather obvious subjects (characters) that can form the basis of a drawing or other two-dimensional artistic work. Unlike live-action television with real actors, for example, anime characters are simplified enough that an interested fan can at least attempt to emulate the images they see (a much harder task for a television fan attempting to recreate the realistic visages of actors!). Just as narrative media like television (as opposed to a non-narrative medium, like instrumental music for example) thus might inherently encourage fans to express themselves through new narrative extensions in the form of fanfiction, the black line outlines and generally hand-drawn quality of anime encourages fan expression through fanart. (This effect can certainly be seen in media with similar qualities, such as any international animation or comic books.)

Among the artists interviewed, there was no overarching “chicken or egg” trend that determined whether a fanartist was fan first or artist first; many reported falling in love with anime with such early shows as *Sailor Moon* or *Dragonball Z*, only to be inspired to draw their own original anime-style characters and fanart. Others had a pre-existing interest in drawing related properties – Jurithedreamer preferred fantasy – and were pushed to draw anime fanart by friends. Still others received their start in drawing – Yoshiie enjoyed drawing shoes before drawing any kind of cartoons – but were only pressed to seriously improve their artistic ability after become anime fans and fanartists.

Choosing Subjects for Fanart

To say that a fanartist simply draws from anime or manga that they like overly simplifies the creative process, which certainly includes choosing a subject matter. It is certainly true that fanartists generally do not draw from series in which they have no interest; almost all of the

artists stated that they would not draw fanart from a popular series that they did not enjoy, possibly in implicit response to the criticism that fanart is “selling out.” Even when a fanartist sells his or her work, many make a point that this is still for personal enjoyment. Artist mushu originally drew characters that her friends asked for, but eventually began drawing more polished art of characters that she herself wanted as posters on her wall, which she would eventually sell in the alley. Artist Yoshiie would obsessively draw fanart simply as an act of being a fan, as a way to enjoy whatever series she was “crazy about” at the time, only to haltingly cease drawing that series when interest waned, while her artist alley partner Crazy, who was “not a huge fanart person” to begin with, would only draw something from a series she really enjoyed (nothing that she would never just something that everyone else likes, such as the hugely popular anime *Axis Powers Hetalia*). At their artists’ alley display at A-Kon 2010, these two artists stocked fanart from non-anime properties too – *How to Train Your Dragon*, *Repo! The Genetic Opera*, *No More Heroes* and *Street Fighter* – hoping, but not particularly expecting, to sell even against the odds of being at an anime convention. On the other hand, artist Ricky Bryant, Jr. took a different approach – to draw and display fanart from lesser known series such as *Jojo's Bizarre Adventures* not in despite of, but because of its lower popularity. Not only does Bryant enjoy creating from niche series that “not everyone else does,” it also served a purpose for himself – at an anime convention with thousands of fans, Bryant cited a sort of unspoken “rule of inevitability,” that the odds are that at least some other person at the con would have his same interests, and by displaying and selling this piece, he had a slight advantage in participating in some of the social con culture or meeting other people with his interests – something much harder to do without a piece of fanart that essentially amounts to a giant sign declaring one’s fandom.

This is not to say that fanartists do not ever take popularity into account. While Carli and

Mojgon of the group Fresh Baked also only created posters and merchandise from series that they enjoyed, and that many of the properties they enjoyed (*Naruto*, *Ouran High School Host Club*) happened to be popular, Mojgon did mention looking to DeviantART to see what series were popular, with the implication that this affected which series she prioritized.

There is, however, one area where artists were much more willing to draw series they were not fans of – commissions. Many artists offer to draw requests for fan clients for set prices, and while some of these will be the client's original character, many are fanart, and not all of these will be series the artist likes or even knows. Jurithedreamer, a professional illustrator, sold anime fanart at Otakon 2010 despite not being a big fan (without the time she played video games). Instead, her fanart pieces were reproductions of works her anime fan friends asked to draw. (Juri's case, of course, is more of an exception than the rule, as she represents a fanartist who is more professional artist than fan, covered in a separate section.)

One prominent type of fanart is a sort of character study – a piece that focuses on a specific character and aspects of that character that are well-known, but attempts to examine more introspectively. Sypri's painting of Terra from *Final Fantasy VI*, "In Shade of Coquelicot," takes a character raised as a military weapon and emphasizes both her tragic past and her connection with machines.³⁴

³⁴ sypri. "In the Shade of Coquelicot." *DeviantART: where ART meets APPLICATION*. Web. 11 May 2011. <<http://sypri.deviantart.com/art/In-Shade-of-Coquelicot-170868228>>.



Illustration 1: “In the Shade of the Coquelicot” by sypri

Mojgon's “Link and Zelda – Playtime,” on the other hand, still takes the *Legend of Zelda* characters and maintains their personalities, but places them in a different context – as the players of video games, rather than the characters that a player normally plays as. This, of course, is a starkly different environment from their normal fantastical world of Hyrule, and while many of the objects in the room are featured in the games, the overall decor of the setting is entirely different, and this disconnect is the intended main point of interest in the piece.

Interestingly, these two modes of fanart build on what Ian Condry considers the three most prominent components of Japanese anime – *kyarakutaa* (character) and the combination of *settei* (premise) and *sekaikan* (world-setting).³⁵ These are the backbone of anime creativity, as they are often established in the creative process before the development of the actual story, and

³⁵ Condry, Ian. “Anime Creativity: Characters and Premises in the Quest for Cool Japan.” *Theory Culture Society* (2009): n. pag. Web. 11 May 2011. <<http://dx.doi.org/10.1177/0263276409103111>>.

most anime can be summed up and distinguished by its combination of these elements. Their particular emphasis in fanart may be due to its non-narrative nature; while it may be possible to depict a particular event from the anime or game into a fanart, it is much more difficult to distill the entire plot line into a single image, so these pieces focus on playing with the characters, setting, and premise, even with a transformative bent.

Because it is a visual media, some fanart pieces focus more on visuals than characters. Maximo Lorenzo created his rendition of the character Black Rock Shooter not only as a fan but also in desire to create a piece that was purely design-based.³⁶ He admits that because of his lesser interest in Black Rock Shooter compared to properties he really enjoyed like *One Piece*, he spent much less time creating “BLACK ROCK SHOOTER” in comparison. This attempt is notably one that cannot be well emulated in fan fiction; while the *kyarakutaa-settei-sekaiben* poaching of the previous two pieces are also modes of fanfiction transformation as defined by Jenkins (namely emotional intensification in “In Shade of Coquelicot” and genre shifting/character dislocation in “Playtime”), there is no fanfiction analogy for simply rendering a character in an entirely new style, with this transformation rather than the character’s personality or background as the main focus. In this way, the differences of the media show that theory in fanfiction may not be directly applicable to the world of fanart.

³⁶ Maximo Lorenzo. “BLACK ROCK SHOOTER.” *DeviantART: where ART meets APPLICATION*. Web. 11 May 2011. <<http://speedking.deviantart.com/gallery/3484530#/d2udpan>>.



Illustration 2: *BLACK ROCK SHOOTER* by Maximo Lorenzo

Style

Hundreds of papers and books have sought to pinpoint the defining characteristics of the anime “style,” with descriptions emphasizing the stereotypical “big eyes, small mouth,” despite the actual much wider range of differences in visual depictions. A rather telling passage from anime scholar Susan Napier suggests that even while mentioning these differences, anime is strongly defined by some level of exaggeration: “This style ranges from the broadly grotesque drawings of characters with shrunken torso and oversized heads of some anime comedy to the elongated figures with huge eyes and endless flowing hair and populate many romance and adventure stories.”³⁷ However, compare two wildly different anime for very distinct audiences – a cartoonish family show like the long-running *Sazae-san* versus a gritty and violent thriller

³⁷ Napier, Susan. *Animé from Akira to Princess Mononoke: experiencing contemporary Japanese animation*. New York: Palgrave Macmillan, 2001. Print.

manga for salarymen – and there seem to be no real visual similarities. Even for series near the center of the bell curve of visual similarity in anime, the “anime style” is not uniform, and any particular series or creator can often be identified by nuance differences in their art style.

In the same way, fanartists have varying art styles and decide to employ them in different ways. Some use the same style for every piece, no matter what the original property, while others might try to take bits and pieces from the original art style or even emulate it wholesale. Even among the works for an individual fanartist, there may be stylistic differences. Although some fanartists – generally those with fewer ambitions to become professional artists – work exclusively in an anime style for both fanart and original works, many show more versatility, to be used for different occasions. Khajitmoonsugar explains this dichotomy for his work: “I’d be almost more inclined to say I use anime for pretty things and realism for uglier things.”

Artists who have an interest outside of fanart and anime are more likely to apply their other interests to their fanart. Sypri explains that she needs to add some kind of spin to a fanart, mostly in applying her semi-realistic fantasy style to more cartoony subjects, as well as a practice for drawing things she likes (such as cloth). Jay and Brett, two Savannah College of Art and Design students who create original comics, similarly use their cartoony style influenced more by American comics than Japanese ones in their rendering of anime. These examples demonstrate that there is not a necessary connection between creating anime fanart and using an “anime” style.

Creativity

“people [...] think fanart is about as creative as drawing a face on an egg OTL” –
Khajitmoonsugar

When I gave a panel lecture on Fanthropology with some other researchers at Otakon

2010, I mentioned offhand the “controversies surrounding fanart” in regards to my research, to which one audience member, a fan unfamiliar with the concept that the fanart she enjoyed viewing could possibly be controversial, asked me to elaborate. When I spoke to artists and mentioned the word “controversy,” most immediately understood this to mean two things: the issue of art theft and the accusation that fanart was less creative or worthwhile than original art, both of which are highly related to the concept of originality.

Many artists had experience, either direct or indirect, with accusations that fanart was less creative or even plagiaristic due to its derivative nature. Notably, this kind of rhetoric had increased following the *Incarinate* plagiarism scandal, in which comic artist Nick Simmons was accused of plagiarizing the Japanese manga *Bleach* after astute fans noticed that numerous pages of the *Incarinate* comic book were traced wholesale.³⁸ The comparisons between this scandal and fanart were numerous; Nick Simmons called his work an “homage” as a fan with no ill intentions, he was a Western creator working from Eastern influences, and he had no permission from the original artist, Kubo Tite. Fanartists were very quick to disassociate themselves from this scandal, however, with a couple recurring points – they did not claim credit for the characters, and they added their own spin instead of tracing.

Some artists reported being the victims of “art theft,” a phenomenon well-documented on DeviantART in which a member posts another artist's art and claims it as his or her own, often, as was assumed by the interviewed fanartists, in an attempt to gain attention and fame. Most fanartists had very similar conception of the “art thief”: almost invariably between the ages of twelve and fifteen, relatively unskilled, and new to the DeviantART website. Interestingly, the artists who had actually experienced a DeviantART member take credit for their art tended to be

³⁸ Bailey, Jonathan. “The Nick Simmons Plagiarism Scandal.” *Plagiarism Today* 4 Mar 2010: n. pag. Web. 9 May 2011. <<http://www.plagiarismtoday.com/2010/03/04/the-nick-simmons-plagiarism-scandal/>>.

the most lenient on them, often emphasizing their youth and naïveté while de-emphasizing the importance or relative loss from the act of theft, while artists with no history of art theft victimization tended to be more unforgiving, emphasizing the art thief's desire for attention. Regardless, across both sets of artists, none felt that their act of borrowing from an original property had any parallel to art theft, a difference again emphasized by the creativity involved in drawing the derivative work and the credit given to the original artist.

Although artists interviewed had varying views on how derivative a fanart could be, they nearly unanimously agreed that directly tracing an anime or manga image was creativity bankrupt, at the least uninteresting, and at the most, stealing. A small minority felt that it was all right to copy or trace for practice, but all agreed that tracings should not be displayed, and certainly not sold at a convention.

Some fanartists justified their derivative works with a very formal artists' explanation based on art history throughout the ages; mushu considered fanart as creative as other artistic endeavors because artists throughout history built off other people's work or worked to revamp existing ideas to express themselves anew. Crazy similarly cited Andy Warhol's *Campbell's Soup Cans* as evidence that derivative works could be considered art.

Interesting, fanartists' understanding of the law surrounding derivative works varied greatly. DrakhanLord understood that fanart might be somehow affected by copyright but believed in its legality as an expression “hand in hand with ‘freedom of speech, press, etc.’” On the other hand, Maximo Lorenzo, a fanartist and published comic artist, was able to cite US copyright law in his defense of fanart as fair use, but ultimately brought the issue down to ethics rather than law, stating that copyright holders do not owe the fanartists anything, but allowing fanart to exist is a big favor.

To some extent, a lack of creativity is also associated with a lack of artistic ability. Hans Tseng, a professional freelance game artist, justified fanart and did not particularly think overly-derivative works were problematic for anyone but the fanartist himself: “anybody who copies too much is either inexperienced and learning, or they probably wouldn't be able to make a living as an artist.” For Jay, Ian and Brett, three SCAD students aiming to go professional, fanart represented a block in their professional development because it does not allow them to develop fanbases for their own original characters and stories. Here exists a bit of an assumption that emphasizes the “artist” in the “fanartist” – that a fanartist, as a subset of artists, should continuously attempt to improve, even to professional level. Even while many fanartists expressed no intention to go professional, this expectation still existed throughout, and regardless of how the artist considered fanart’s effect on artistic improvement, all spoke to some extent about improving ability.

Inherent in the tension between creativity and ability is the idea that less creative artists also tend to be those with less ability. khajitmoonsugar considered “things like the anime character in a white void facing the front and cut off at their legs” to be creatively bankrupt, with the idea that fanart should at least attempt at thinking through poses or backgrounds, rather than a simple character reproduction

Impressions of Fanartists

Aside from matters of creativity in characters, the very use of an anime style occasionally caused debate. Epinephrine11 recounted that “It seems that the art community does not take anime art seriously. When I did figure drawing, I was given that impression the first week. I think anime artists in general have to face a little prejudice.” Meanwhile, most fanartists who had any formal art training reported their teachers' dislike for anime-style art in general. While a

few artists were understanding, many took some offense to the implication that, as Crazy recalled her teacher explaining, “anime is entertainment, not art,” a postulate she disagreed with considering that she considered some anime drawings beautiful. Even without the judgment of art teachers, some fanartists reported being looked down upon for their fanart by parents and schoolmates. Katie Cloche in particular reported middle school teasing for drawing anime, although mostly due to the anime “nerd” stereotype.

Fanart Identity and Community

Most artists, of whatever background, at least had a DeviantART account, even if they were not active on the site. Many expressed that their friends enjoyed anime as fans, but did not draw – instead, asking them to draw fanart for them. Some had communities of real-life friends with similar fanart interests – friends from high school or art school who also draw for fun – but many expressed not knowing other fanartists in real life. Ironically, ones that did have real-life relations with other artists developed them through online exchanges at first.

Competition

Popularity and visibility were still important to artists even if they were against the idea of “selling out.” Aside from traffic at an artists’ alley table, one of the universally agreed signs of popularity was a spot on the front page of DeviantART, which features some of the pieces with the most favorites or views within the past 24 hours. Although the site’s focus is not in anime fanart, many popular works fall into this category. Most generally agreed that the most popular works were not always the best; Crazy complained that popularity may have to do more with the series than the artist’s ability, which allows artists who “draw Naruto in MS Paint” to reach the front page; Yoshiie similarly complained that the front page has “too much boobies.”

Race

Some non-Asian artists felt that they were victims of racial stereotyping, which clashed with their use of anime-style art. The artists of Fresh Baked reported meeting fans who enjoyed their work and then expressed pleasant surprise at finding out that “This is really good, and you're white?!” with the expectation that the best anime artists are Asian; notably, neither of them personally know any Japanese artists. Kristen Peck even reported that race had an effect on sales:

“I’ve sometimes left my table to go to the restroom or somewhere, and had a friend watch my table (who happens to be Asian), and I will return and they’ve sold a few prints. Whereas with me, I could spend an hour or more selling the exact same amount. It’s interesting, but it just makes me try that much harder to prove myself.”

Although none of these impressions were attributed to full-out racism, they represented a frustration for artists who did not feel that their style was necessarily reliant on skin color.

Sometimes, the tension between race and art style affected an artists’ career. Jason Ibarra reported sending sequential art to a French publisher and receiving a response “directly ask[ing] me why I was drawing anime-influenced stuff when I was not Japanese. It was actually pretty upsetting at the time to me (nowadays I have more experience working with cranky art directors and clients) and was alarmingly unprofessional.” Notably, there were no allegations of similar treatment for non-Japanese Asian artists.

Fans of the Fans

No study of anime fanartists would be complete without investigating the fans who admired and bought from these fans. Some reported buying art just from fandoms they enjoy, but much of this decision was based on the artists’ style; one fan purchased a *Hatsune Miku* poster as an admirer of the character designs, without have any interest in *Vocaloid* as a property.

Some fans became fans of the artists themselves just as much as the original copyright holder. Posters are seen as a necessity to decorate apartments and dorm rooms, and the dealer room (the area of the convention that sells official merchandise) wares of plushies, shirts, and bags could not fulfill this need. Even fans who preferred official art found their needs unmet; Jennifer notes that while she found some fanart somewhat fake,

The biggest drawback of official merchandise is the dearth of it. There are only a few images of each character that get put on posters, and if I don't like the pose or the background or something else about it, I have no other options.

However, this does not mean that there is no overlap or competition at all; some fans actually had a preference for fan-created artwork because of the greater variety or different styles. Josh noted that fanart actually seemed more original to him than official art:

I generally feel that fanart tends to have a more stylized feel to it, something that I can appreciate on a greater level than simply its representative nature vis-à-vis a show or game. Official art is usually just the same as what I've already seen, whereas fanart is different in many positive ways.

This notable preference for fan-created works directly clashes with Nathaniel Noda's postulate that the fan prefers canonicity.

Most consumers of fanart did not see any ethical or legal problems with fanart; Cheryl, Ginny, and Julie expressed no guilt about buying fanart, however, because they felt that this did not detract from their purchases of official merchandise, nor did they believe that artists would actually believe "I want this series to do less well [sic]." However, even some fans who enjoy fanart admitted they did not feel it was entirely legal. Jennifer, who felt that anime should make more money off of merchandise than actual video, considered fanart a detractor from creator profits on merchandise and therefore illegal, even though she enjoyed and occasionally purchased fanart. Others, with some limited understanding of fair use laws, believed that only

parody could be considered fair use, and that fanart without a parodying element were therefore illegal. However, none of these issues were considered problematic as long as the fanartist did not sell and profit from the works.

Fanart in the Artists' Alley

Professionalism

One notable trend among artists' alley artists, particularly those at Otakon (the biggest convention on the East Coast), was the increasing number of professional artists selling fanart. A large number of art school graduates and professional animators held opinions on fanart that were varied but still often notably different compared to those of their non-professional peers. Many artists admitted to using fanart to lure in customers to look at and possibly buy their original pieces, in which they held more pride. Some of these artists were more willing to admit to taking advantage of the copyright holders' intellectual property to some extent, but always with a caveat; Ricky Bryant, Jr., called fanart "playing with other people's toys," but justified fanart as simply another crucial aspect of fandom where fans with similar interests can appreciate the original property. On the other hand, Hans Tseng felt no guilt about fanart because of the passion involved, hoping that the intellectual property holders would "feel nothing but positive feelings knowing that I poured in all my time, love and effort into the illustration." He applied his own background as a professional artist and webcomic IP holder in justifying this opinion, stating that "receiving fanart is very flattering, and even if someone were to turn that around and sell their fanart of my series for money, I really don't mind because fanartists generally never claim ownership of the characters they depict," with the explanation that his art school training had actually helped him to better appreciate fanart. However, other professional artists saw a definite difference between themselves and those with a greater fanart focus; Ian, Jay and Brett

appreciated some fanart but felt that those who relied on it too much were creatively bankrupt, and that anime fans in general were less worried about the ethics of “copying” other people’s works.

To tie in both sides of this debate, Jason Ibarra admitted to some levels of hypocrisy in his thinking on fanart – although his works were creating thousands of dollars in profit, he felt they were different from artists who create “cookie cutter portrait shots” and make large profits for the sole purpose of making money, “for intentions that are far removed from my pretentious artist views.” All in all, those with college-level training in artistic fields were more likely to refer to themselves as “artists,” while those without were more likely to use the word “fan.”

Although more professional artists generally agreed that they could not build their careers on fanart, a few reported that it could help. Hans Tseng's *Bayonetta/Okamiden* crossover fanart reportedly received praise from the *Okamiden* product manager, and he secured his current job as an artist in a DS game studio after attracting attention from the producer with his artist alley table at AnimeExpo; Jason Ibarra was similarly able to secure work with Udon Studios based on his anime work.

Profit

“Did we even get minimum wage?” – MojgonVatanchir

The amount of sales and profits varied widely from artist to artists; none of them failed to break even, but of the others, most profits for a three-day convention were in the \$300 – \$500 range, with a few in the thousands. None of the artists I spoke to sold at conventions for a living; some believed it impossible, but some more professional artists could see it happening, possibly if they worked freelance at the same time. Costs and revenues varied greatly – on the most extreme end, sypri incurred the cost of flying from Toronto, bringing costs up to \$500, twice as

much as her \$200 – \$300 profit; more nearby artists had less of a problem.

Even with selling fanart, some artists made sure not to cannibalize the original market. Fresh Baked's Carli and Mojgon, who sold original fan comics or doujinshi of anime series, refused to print more than 100 copies of any book, even when fans demanded more, because they had no interest in mass producing. Some conventions had begun imposing limits on the number of fanart pieces that an artist could sell; while those with fewer fanart pieces were unaffected, most artists admitted that the anime convention artists' alley would be empty without fanartists, as most fans looked to buy fanart.

The perceived lack of profitability was often a justifier for fanartist activities; those who did have some qualms about making money from selling derivative works always cited their small scale to prove that it would have little effect on the merchandise industry. Most felt that fanart had more of a promotional (perhaps proselytizing) than harmful effect on the original property.

While overall profits, including the revenue minus collective costs of printing, air and hotel fare, displays, convention membership, and the artists' alley fee, sum to a small hourly wage, it should be noted that the marginal costs for the fanart products sold are generally quite generous. Artists sold letter- and tabloid- size poster prints of their work between \$8 and \$20 apiece, representing a rather large markup against the cost of printing, generally in the neighborhood of a couple of dollars each. Unlike the early zine publishers Jenkins cites or the Japanese doujinshi circles with their ¥300 wares, these pieces were priced in excess of recouping printing costs and could still be sold at these high prices in channels without the high fixed costs (e.g. on the artists' websites). Few artists would admit to making what they considered a "good" profit, but the numbers on marginal profit suggest that selling fanart is a money-making venture

indeed, a fact that could complicate some of the defenses for the practice.

Summary

While a wide range of scholarly research on derivative works, creativity, and various types of fan creations exists, anime fanart in the United States represents a markedly different application of fan passions that defies many conclusions from similar studies in fan art or Japanese *doujinshi*. Because of the visual, non-narrative nature of fanart; the professionalism and highbrow artistic attitudes of some artists; and the introduction of the complicating factor of profit, anime fanart introduces a host of new applications and questions regarding the fan creator and transformative works.

– JENNIFER FU, FUNIMATION ENTERTAINMENT

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