Scanlations: Copyright Infringement for Literature and Art Fans Brought to You by the Internet Part II

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Description
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Scanlations: Copyright Infringement for Literature and Art Fans Brought to You by the Internet Part II

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By Nicole Nowlin

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The previous article on scanlations provided an overview of the phenomenon and the copyright issues related to it. Initially, the articles in Interface were intended to be only two parts. However, considering the recent developments on the issue, Part II will now become Parts II and III. Part II of this discussion covers the users of scanlations, and the authors, artists, and publishers harmed by scanlations. Part III will review the current issues and offer suggestions to publishers.

Fans and Scanlators

Fans, in some cases, clearly see the illegality of scanlations and the reality of the infringement of rights. In forum discussions about scanlations and whether or not there existed a grey area in the copyright ownership, poster TatsuGero23 affirmed, “Someone, somewhere will have the rights. Even if Funimation or Viz doesn’t have the rights to episode 2082 of Naruto or Chapter 692 of Bleach, that doesn’t mean that the people in Japan don’t have the rights. Even if Funimation or Viz never get those chapters or episodes for ‘X’ reason, the original Japanese companies still have the rights to them and they get to [decide] how their product is distributed and those rights generally extend internationally. So it’s not a ‘legal loophole’ as it is just an excuse to get something for free.

“It wouldn’t be much of a problem if people went and bought the legitimate version when they become available. If that were the case then I’m sure licensers and the industry wouldn’t be so negative with it all. But the problem is that most people don’t. They just pick up the free ‘illegal’ versions and settle for that.” [1]
There are fans and scanlations groups out there who try to support the authors as much as they can. Groups like Nakama will remove scanlations from their archives as soon as they hear word that they were licensed in the U.S., and immediately request their users to stop distributing. [2] Other scanlators will find their materials online in places like MangaFox and request that the materials taken down because they are now available in the U.S.. In a way, you could say it is responsible scanlating – whetting the appetite for the artist or series, and then handing it over to the legal entities in the publishing industry that pick it up, leaving it to the fans to buy the series officially in their native language rather than read chapter by chapter online. However, it is obvious that not everyone is as industry conscious. Fans may continue to distribute scans, as they are unlikely to delete the series off of their hard drive when they purchase the official release, if they purchase it at all. Responsible scanlating only works (marginally) if a series is left unfinished, forcing fans to use official channels to complete their reading of the work. Some scanlators pre-release future chapters of popular series, like *FMA: Brotherhood* and *Naruto*, or continue to distribute their releases despite licensing in the country in which they are distributing. [3] When asked to select all ways in which they choose their scanlations, 13.5% of fans noted that they choose their scanlations based on the fact that the volume is published in the United States, an example of true disregard for publishers and the industry. Nearly 23% of fans chose based on a work not being published in the U.S.. [4]

The Use of scanlations is an opening for legal repercussions. Like the recording industry taking on
users who download hundreds or thousands of songs, a publisher could conceivably sue for
copyright infringement against a person who had illegal scanlations of their licensed works on
their computer.

Some fans feel that going after scanlations is pointless – and that the bigger issue is the anime
and manga industry as a whole:

1. “I don’t think cracking down on anime and manga file sharing will help the American
industry much. It’s going to continue contracting one way or another. I hate to say it, but
anime was a fad and the fad is fading. In the next few years I can see anime and manga
return to what they were ten years ago: A niche market, populated by a few specialty
publishers and an imprint or two that can only afford to publish titles that appeal to
‘mainstream’ western comic fans.” [5]
2. “Just whining about it is not going to change anything. Even if they find all the scanlators
and lock their sites down, people will still find a way to get around it. Companies should
focus. more on making their book copies look more appealing, whether through cheaper
prices or having more ‘traditional’ translations…” [6]

Fans themselves have a varying opinion on the acceptance of scanlations. Some have simple
views: “I’ll be blunt; fans don’t download fansubs or scanlations… Fans don’t steal from
creators.” [7] And “Manga is not a right. It is a privilege.” [8] A survey conducted over two
months received nearly 300 responses from fans about scanlations and about themselves with a
68.3% survey completion rate. The survey took responses from fans through links posted on
numerous. anime and manga convention forums between April 13 and June 14, 2010 and from
links sent via school email lists. The majority of fans considered scanlations possibly legal (35%),
maybe even ethical (43%), and definitely Useful to the industry (42%). The exact statistics may be
found here, including the first ten responses for those who marked “Other” on the survey. Of
specific interest is comment number 3, where a respondent clearly states that it’s not legal and
that they feel it is important to buy, but that scanlations always come first. Comment 6 also
references another problem bemoaned by business, wherein manga readers will treat the
bookstore like a library – reading but not purchasing. [9]

The survey delved further into what most see as the grey area – is the title licensed in the
language into which it is being scanlated? Respondents overall felt scanlations were acceptable
when something was unavailable in the language of the scanlation or licensed for publication
(38%)or still felt it was wrong but was at least more acceptable so long as it was otherwise
unavailable (28%). A surprising 17% of respondents believe scanlations are perfectly acceptable
even with licensing and translations available in the scanlation language. A nearly even split of
persons surveyed felt that scanlations should no longer be available once the publication is
licensed (43.5%) versus U.S. being left online regardless of licensing (43%). [10] It is that behavior by
fans and scanlators that has led to the soon to be discussed legal actions within the indU.S.try.

Who are the fans themselves? 67% of the fans surveyed were between the ages of 18 and 25
and 65% were female. 77.5% identified themselves as a student, including 34.5% of respondents who were students who also held full or part-time jobs. Fans often read multiple genres, but the top five genres selected were: 1) Action 71.4%; 2) Comedy 70.7%; 3) Fantasy 64.0%; 4) Adventure 63.2%; and 5) Romance 57%. No other genres surpassed a 50% response rate. Niche genres such as yaoi and yuri received 23.1% and 16.1% respectively. When combined with their less explicit genre cousins shounen ai and shoujo ai, both receive a significant amount of readership with 44.6% for shounen ai/yaoi and 33.9% for shoujo ai/yuri. 74% of fans read OT (Older Teen – Ages 16+) ratings, though all ratings (shown below) were above 50% in readership except for Y (Youth – Ages 10+).

In a smaller survey of 30 participants, Dr. June Madeley found that older fans stepped into manga through mentoring by other fans or noticing volumes in the bookstore when the selection was still small. Newer fans start off through anime shown on television, mostly action-oriented shows such as *Naruto*, *Bleach*, and *InuYasha*. Older female fans also reported being interested in Boys Love (yaoi/shounen ai) manga more than younger fans. Most of the fans interviewed read scanlations to be current with the Japanese release or to find what was newly popular, but also purchased the books where possible. [11]

**Authors and Artists**

Conversely, the authors have far less awareness. When speaking with two Japanese author/artists, Makoto Tateno (Tateno Makoto) [12] and Kano Miyamoto (Miyamoto Kano), [13]
both were aware of the existence of scanlations, but not to the extent of the Use as known by fans. Ms. Miyamoto was especially surprised to be shown a whole list of her works on MangaFox, unaware that such a site existed with so many of her materials available. When asked, both authors said it was disheartening to see fans Using scanlations, and knew other authors and artists felt the same. They said scanlations are a depressant for artists, discouraging them from continuing their works. While they agree it can be a beneficial introduction to their work and stir up interest, having their full works published online is far different than a preview chapter or two to draw in the fans. They were also asked if they had any requests for their fans, and the answer was gentle but clear – please don’t Use them. Like musicians and music downloads, scanlations take away from the livelihood of the authors, artists, and publishers who produce the books. For the artists, it is akin to working for free. Without books purchased, there is no royalty paid back to the artist. If the sales for a book are low, it does not go into reprints nor does it always continue to the next volume – nor does the author always continue to a new story. Publishers follow numbers, and there is no way to track how many books go unsold because someone posted a copy online.

Copyright infringement “depriv[es] artists and publishers of hard-earned and much-needed revenue.” [14] Without the proper funding, the industry contracts, artists and authors lose their publishers, and publishers lose readers when offerings are reduced or delayed. It is a cycle of sorts – fans read scanlations; sales drop; publishers reduce offerings; fans turn to more scanlations.

From an analytical perspective, the publishing of a true scanlation as it relates to the original purpose of the act – something that is available in Japan but not the U.S., in Japanese and not in English – can be beneficial in that it generates interest for the author abroad. Ms. Miyamoto and Ms. Tateno agreed on this, as it would be more of a preview or introduction to their work. However, publishing books online as free images when they can be purchased legally within the U.S. hurts the industry by skewing sales figures. Maybe the fans loved that book on knights and damsels that hit the shelves in the spring – but oh, it was available online! Fans can just read it there. Someone read it, enjoyed it, recommended it… and the domino effect began. 44.2% of fans find scanlations through recommendations. [15] Fewer people bought the book, because it drops down a rung on the priority purchase ladder, or off entirely, once it’s already been enjoyed.

**Publishers**

Scanlations give an alternative to the purchase of licensed books. If the scanlation titles are not available in the U.S., then it does not apply to companies operating in America. But, with available titles online, there is less drive to go to the store and pay for the physical book. An anonymous representative from a U.S. publisher pointed out that it is impossible to gauge the effect on the industry as no money is typically changing hands for the scanlations. Fans are sharing things but not reselling them. However, with U.S. editions available online, the copyright infringement is blatant. [16]

Masaaki Hagino of e-book seller Voyager submitted manga on behalf of Kodansha to Apple
iTunes and claimed an over 30% rejection rate. A clever blogger is likely on the right track with their analysis of the actions of Apple, and through it highlight a serious downside to scanlations. “Maybe someone should give a heads-up to Kodansha’s legal department that in all likelihood, a majority of those rejected manga are available through Apple by way of apps developed by scanlation aggregators.” [17]

Other publishers have previously expressed a certain level of acceptance or usefulness when it comes to scanlations. A Japanese publishing representative interviewed in 2009 saw scanlations as a type of advertisement in a way, but when there is too much of it, removal is requested. [18] “Frankly, I find it kind of flattering, not threatening,” said TokyoPop’s Steve Kleckner in an article published in the San Francisco Chronicle in 2004. “To be honest, I believe that if the music industry had used downloading and file sharing properly, it would have increased their business, not eaten into it. And, hey, if you get 2,000 fans saying they want a book you’ve never heard of, well, you gotta go out and get it.” [19]

The manga publishing industry as a whole is showing serious signs of contraction. Viz, a major publisher of manga in the U.S., announced a 40% staff reduction in May 2010. [20] The industry decreased by a third to $140M in 2009 over the last two years following its peak in 2007 of $210M. Some publishers blame scanlations, while other industry experts cite an overall decrease in purchasing in addition to an aging female market leaving the shoujo genre or moving into other forms of fiction, such as Twilight. [21] Other publishers remind their fellows that several years ago they didn’t complain about scanlations and even went so far as to say they didn’t hurt the industry, a la the previous Tokyopop quotation. [22]

**Conclusion**

With all of the possible problems stemming from scanlations, one has to wonder why a person would participate. It is, as most readers and writers agree, a gray area, with opinions varying based on the presence of the publication in the language of the scanlation. By the letter of the law, scanlations are illegal copyright infringement. Fans are perpetuating a practice that is detrimental to the industry and, by their own words, know it.

**Terms**

- Anime – Japanese animation; previously Japanimation
- Manga – Japanese comics or graphic novels
- Mangaka – artist/author of manga
- Manhwa – Korean comics or graphic novels
- Manhua – Chinese comics or graphic novels
- Scanlation (scanslation) – a scanned translation of a work originally published in another language
- Scanlator – the person(s) who scan and translate the works
- IRC, BitTorrent – downloading and file sharing services
- Sensei – literal translation is “teacher” or “doctor” but is also used as a formal term of
respect for mangaka

- Shoujo – girls comics
- Josei – older girls comics
- Shounen – boys comics
- Seinen – older boys comics
- Yaoi – homosexual male/male comics for women, also called BL (Boys Love)
- Fansubs – anime with fan translations as subtitles

Endnotes


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22 THOUGHTS ON “SCANLATIONS: COPYRIGHT INFRINGEMENT FOR LITERATURE AND ART FANS BROUGHT TO YOU BY THE INTERNET PART II”

Music on October 7, 2013 at 5:32 AM said:

If I were to start my own internet radio station without the intent of profit, do I need to pay royalty?
**Kuroshitsuji**

on **January 30, 2014 at 2:47 AM** said:

Hey, You’ve done a great job. I most certainly will surely bing this and in my estimation recommend so that you can my local freinds. Now i’m assured they shall be taken advantage of this site.

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**how do you know if you are lactose intolerant**

on **January 30, 2014 at 4:13 AM** said:

Thank you a lot for sharing this with all folks you really understand what you’re talking approximately! Bookmarked. Kindly additionally visit my site =). We will have a link alternate contract between us!

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**Lódz**

on **January 30, 2014 at 7:10 AM** said:

Hi! This really is my First comment right here so I just wanted to give a quick shout out and tell you I definitely enjoy reading your articles. Can you suggest any other blogs/websites/forums that go over the exact same subjects? Enjoy it!

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**naija**

on **January 30, 2014 at 1:56 PM** said:

Pretty section of content. I simply stumbled upon your website and in accession capital to say that I get in fact enjoyed account your blog posts. Any way I will be subscribing within your augment and even I achievement you entry persistently rapidly.
Alesha Grothoff

on January 30, 2014 at 6:14 PM said:

You really make it seem really easy with your presentation but I find this topic to be really something which I believe I would never understand. It sort of feels too complex and extremely broad for me. I am having a look ahead to your next put up, I

Urasgtuc

on January 31, 2014 at 1:23 PM said:

However, there are times when we instant approval processing times under 3 minutes.,

plotka

on February 1, 2014 at 1:48 AM said:

My husband and i ended up getting fulfilled as soon as Chris could conclude his research from your ideas he was given within your site. It’s now and once again perplexing to just almost certainly be handing out secrets and techniques that quite a few some other men and women may had been selling. So we recognize we have got the writer to enjoy due to that. Those people illustrations you have made, the uncomplicated website menu, the friendships you will aid to create it’s everything about this content is wonderful, that may be certainly in particular essential. Thanks to your whole thing!

Warszawa

on February 1, 2014 at 2:15 AM said:

It is my belief that mesothelioma is most lethal cancer. It’s got unusual features. The much more I think about it the greater I am assured it doesn’t conduct itself like a actual solid tissues cancer. In the event mesothelioma is often a rogue virus-like infection, then there’s the prospects for developing a vaccine plus offering vaccination for asbestos uncovered those who are vulnerable to high risk connected with developing long word asbestos associated malignancies. Thanks for discussing your ideas about this essential ailment.
Be beneficial to each other is one of my well-known quotes. I nearly wrote a write-up about that last week! Party on, dude.

Wow, amazing blog layout! How long have you been blogging for? You made blogging look easy. The overall look of your website is fantastic, let alone the content!

Peculiar article, completely what I wanted to find.

Thank you to your sharing! I have the same problem.

Thank you for the great writeup. It actually was a amusement account it. Look advanced to far added agreeable from you! However, how can we communicate?
nigeria entertainment news  
on February 4, 2014 at 10:35 AM said:

Sorry for ones huge assessment, but I’m quite loving the article, and hope this, and the good review some other individuals have written, will aid you determine if it’s the correct option for you.

fast money zoo tycoon 2  
on February 4, 2014 at 2:06 PM said:

If you want to increase your familiarity just keep visiting this site and be updated with the latest gossip posted here.

ddpn  
on February 4, 2014 at 8:34 PM said:

The researchers were binary options scam following a nationwide ban as of May 4, 000 cars. binary options brokers [url=http://aardvarkletterpressfinearteditions.com/]binary options guide[/url] binary options trading guide binary options trading. This growing significance of the black hedging binary options community," said O’Keefe.

joepn  
on February 4, 2014 at 10:36 PM said:

The binary options strategies stadium is already twice the size of their destiny. binary options trading reviews [url=http://binaryoptions345.com/]binary options trading[/url] binary options trading binary options trading uk. A parallel to the head of the binary options uk Worlds.
nigeria dating
on February 5, 2014 at 12:16 AM said:

Bravo, what phrase..., a magnificent idea.

Gabriel
on February 5, 2014 at 4:01 AM said:

An impressive share! I have just forwarded this
onto a friend who had been doing a little research on this.
And he in fact ordered me lunch because I found it for him...
lol. So let me reword this.... Thanks for the meal!!
But yeah, thanks for spending the time to discuss this
matter here on your internet site.

british britannia
on February 5, 2014 at 4:46 AM said:

I’m truly enjoying the design and layout of your website. It’s a very easy on the eyes
which makes it much more enjoyable for me to come
here and visit more often. Did you hire out a designer to
create your theme? Exceptional work!

make money youtube ads
on February 6, 2014 at 1:19 AM said:

Heya! I realize this is kind of off-topic but I needed to ask.
Does building a well-established website like yours require a large amount of
work? I am brand new to writing a blog however I do
write in my diary every day. I’d like to start a blog so I will be able to share my
personal experience and thoughts online. Please let me know if you have any
suggestions or tips for new aspiring blog owners.
Appreciate it!