



■ A scene from the *Star Trek* episode *Spock's Brain*, which aired on Sept. 20, 1968. Photographer: CBS via Getty Images

BRAIN? BRAIN? Bloomberg might have chosen a more complimentary photo to illustrate its Axanar article than a still from the universally ridiculed Star Trek episode, "Spock's Brain."

News Analysis

Bloomberg Article Elides Important Axanar Facts

By **AxaMonitor** Editor  Carlos Pedraza

Bloomberg News published an article about Axanar's [copyright infringement lawsuit](#) on May 19, 2015, "[The Star Trek Fan Film That Went Too Far.](#)"

The article, by Bloomberg's legal news reporter Edvard Pettersson in Los Angeles, reflects numerous of Axanar's talking points about the case, which appeared to be confirmed by spokesman Mike Bawden in a Facebook post.¹⁾ Bawden had just been in Los Angeles several days before the article was published.²⁾

Among its factual and contextual problems, the Bloomberg article:

1. Focuses almost entirely on the short film, *Prelude to Axanar*; it barely mentions *Axanar* until six paragraphs in out of eight, even though that's what most of the money was raised for.



PUBLIC RELATIONS director Mike Bawden, left, with Alec Peters in Los Angeles a few days before a Bloomberg reporter there published a piece on Axanar’s copyright lawsuit.

2. Misstates the amount raised by Axanar for *Prelude* as only \$100,000, while they actually raised \$113,000 and the short film went on to [deficit-spend](#) at a cost of \$123,000.
3. Minimizes the extent of Axanar’s fundraising by separating *Prelude* from *Axanar* — a defense contention in the motion to dismiss in order to demonstrate the suit was premature. That was soundly rejected by Judge Klausner’s May 9 order [denying the dismissal](#).
4. By separating *Prelude* from *Axanar* elides the fact Axanar has [raised at least \\$1.3 million](#) — a total not seen once in the article.
5. Never mentions the \$574,434 Axanar [raised from Indiegogo](#), downplaying the scope of total project.
6. Doesn’t explain that Axanar’s eventual fundraising [goal topped \\$2 million](#) — a scope beyond any fan production ever attempted.


‘We continue to object to professional commercial ventures trading off our property rights and are considering further options to protect these rights.’ —
CBS Statement About Axanar, August 2015

7. Buys the Axanar talking point about being puzzled why they’re being sued.³⁾ The article also buys their talking point that “Paramount” offered no explanation. Here’s another clue that this was a Mike Bawden-led PR effort because it furthers the “don’t mention CBS” narrative Axanar supporters have [continually woven](#). Why’s that? Because—
8. CBS made its beef with Axanar very clear way back in August, when it told The Wrap: “CBS has not authorized, sanctioned or licensed this project in any way, and this has been communicated to those involved. We continue to object to professional commercial ventures trading off our property rights and are considering further options to protect these rights.”⁴⁾
9. Ignores that the plaintiffs clearly outlined their reasons for suing as recently as the [joint report](#), among them that “the Axanar Works are intended to be a professional quality ‘prequel’ to the original Star Trek television series, which use numerous copyrighted elements from the Star Trek Works, and for which the defendants have raised more than \$1 million.”⁵⁾
10. Ignores the fact no other fan production has approached this scope, despite Axanar’s talking

point that it's just like all the others.

11. Ignores Axanar's extensive ongoing Star Trek [merchandising operation](#) when considering Alec Peters' claim his production has done the plaintiffs no harm.
12. Seems unaware of hundreds of thousand of donor dollars spent building out a [revenue-generating studio](#) now being advertised for rental to other productions.
13. Buys Axanar's "no harm to plaintiffs" talking point while ignoring that under copyright law, infringement itself is the only harm copyright holders have to prove, and that Axanar has harmed the copyright holders' rights to control the creation of derivative works.⁶⁾
14. Ignores the fact that Axanar's alleged direct financial benefit is central to harm, with Judge Klausner specifically citing Axanar's \$1 million take as sufficient evidence against the defense's effort to strike out the "direct financial benefit" claim in the legal complaint.⁷⁾
15. In its conclusion, the Bloomberg article inaccurately sums up:

The bottom line: *The [writer-director](#) of a Star Trek fan film captured Paramount's and CBS's attention after [raising more than \\$600,000 on Kickstarter](#).*

- Alec Peters is not credited as director of either *Prelude to Axanar* or *Axanar*. Christian Gossett directed the short, while Robert Meyer Burnett was the director of the feature.
- Peters shares the writing credits with a [changing cast of writers](#) as the screenplay has evolved over the years.
- Given the timing of the lawsuit's filing in December 2015, the [crowdfunding](#) total that caught the studios' attention was more likely the \$1.3 million raised over the course of three campaigns in two years on both Kickstarter and Indiegogo. 

Keywords

[News, Analysis, Wrap quote](#)

1)

 [Mike Bawden post, CBS/Paramount vs. Axanar Facebook group, 5/19/16.](#)

2)

Mike Bawden email to AxaMonitor editor Carlos Pedraza, 5/13/16.

3)

["Mythbusters: Debunking Three Misconceptions About Axanar Productions," post on Axanar website blog, 3/17/16.](#)

4)

[The Wrap: How \\$1.1 Million 'Star Trek' Fan Movie Has Escaped Studio Shutdown \(So Far\), 8/25/15.](#)

5)

"Nature of Claims and Defenses," Joint Report Pursuant to Fed. R. Civ. Proc. 26 and Local Rule 26-1, p. 1, 5/2/16.

6)

["Copyright and Fair Use," Office of General Counsel, Harvard University, retrieved 5/19/16.](#)

7)

"Vicarious Infringement: Direct Financial Benefit Allegations Made on 'Information and Belief,'" Judge R. Gary Klausner's Order to Deny Motion to Dismiss, p. 5 §B(2), 5/9/16.

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