

## Introduction

# Intellectual Property and the Audiovisual Industries

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It is not an exaggeration to say the audiovisual industries would not exist if there was no such thing as intellectual property. Similarly, our conceptions of cinema and television as artforms would not make sense without the ideas of creativity and authorship that are so closely related to those of intellectual property. Explaining its importance to the audiovisual industries historically and going forward into the future is made all the more difficult by its very ubiquity and its multifaceted nature. After all, intellectual property is simultaneously a legal, economic, cultural and creative concept. As such, it has been crucial for distributing and monetizing films since the very beginning of cinema as an industry, through the birth and massification of television, and has continued to be central throughout the growth of the two converging industries up to and including the present-day revolutions engendered by video-on-demand platforms on one hand, and generative artificial intelligence on the other. The fundamental centrality of intellectual property (henceforth, ‘IP’) to the media industries is precisely why this issue of *Media Mutations* takes it as its central theme.

In choosing it as its central object, the issue seeks to build on recent scholarship and activism that has sought to highlight the importance of IP for both industrial practices as well as media industry studies. Such works include studies of franchise film and television production and practices of remaking older works from the traditional Hollywood studios (e.g., Loock 2024, Herbert-Verevis 2020), global streaming platforms such as Netflix and Amazon Prime Video (e.g., Cuelenaere 2024, Meir 2025), the European audiovisual industries (e.g., Willems, et al. 2021; Meir and Mitric 2025), and elsewhere (e.g., Steinberg 2012). Driven equally by fears of the economic power of American-owned streaming platforms that make own-

ership of IP a condition of their investments, and the uncertainty created by artificial intelligence's usage of existing IP and its 'creation' of new audiovisual works, stakeholders in the American and European audiovisual industries have been particularly outspoken in demanding protections for creative workers such as writers, actors and producers. These actions have led to high profile strikes by the American actors and writers guilds, whereas European stakeholders have aggressively lobbied for EU directives and national audiovisual laws to provide similar protections.

Finding solutions and protecting creative workers is, however, far from easy. Politics always operates on very long timelines, which rarely align with the rapid pace at which the audiovisual sector evolves. Within the European Union, these timelines are further extended by the need to reach consensus among member states with differing economic and cultural policies. To complicate matters even further, the audiovisual sector has never been perceived as a priority on the political agenda, and in the current historical moment, dramatic events of various kinds are monopolising resources and attention. In other words, although the regulation of IP is indeed important, it risks being subject to very slow processes, with the consequence that the market will end up imposing practices that policymakers will then struggle to correct.

On the narrative side, today IPs are also at the centre of widespread practices of repurposing, which translate into narrative evolutions of familiar elements drawn from popular culture. Building on earlier scholarship on well-established formats such as remakes and reboots, a growing body of research has focused on the ways in which IPs are selectively updated, re-contextualised, and emotionally reactivated to prolong their relevance within contemporary media ecosystems (Albarrán-Torres and Golding 2019, Herbert and Verevis 2020; Benson 2022). These transformations include not only the reboot - typically understood as a relaunch of a dormant property through the erasure of prior continuity - but also hybrid forms such as the 'requel' and the 'legacyquel', which blend innovation and nostalgia by combining new protagonists with returning characters and legacy storylines. Crucially, these formats allow studios to rejuvenate major franchises while maintaining affective links to the past, enabling forms of intergenerational engagement that align with broader industrial imperatives around content longevity, audience loyalty, and representational renewal. Related to these developments is the strategic maintenance and rebranding of media IPs as modular, extendible assets, capable of sustaining seriality, transme-

dia expansion, and cross-platform migration. This includes the increasing fluidity between television and cinema, with storyworlds expanding across media boundaries and further blurring the distinction between original, adaptation, and continuation.

Complementing these industrial strategies is a growing body of work on fan engagement, which foregrounds how contemporary IPs are increasingly managed through modular narrative practices that differentiate audiences based on their levels of familiarity and involvement (Beaty 2016). Rather than offering uniform access to meaning, many franchises now structure their storytelling through multi-layered mechanisms - such as easter eggs, narrative callbacks, cross-platform references, and serial interconnections - that reward dedicated viewers with deeper interpretive access. These techniques function both as gestures of recognition and as tools for audience segmentation, fostering long-term engagement and emotional investment while allowing individual texts to remain at least partially autonomous. In this model, fan knowledge becomes a form of cultural capital, and the shared universe operates not only as a narrative strategy but as a promotional infrastructure. Such modularity supports flexible forms of IP management: narrative elements can be introduced, expanded, or quietly removed based on audience response and commercial performance, sustaining the appearance of coherence while enabling a high degree of adaptability (Brembilla 2023). What might appear as narrative complexity is thus often a calculated technique for balancing industrial risk and cultivating brand loyalty through targeted, affectively charged engagement. Together, these practices reflect a crucial shift in how IPs are managed and mobilised: no longer as static works to be reproduced, but as dynamic repositories of narrative potential to be periodically reconfigured in response to changing cultural, technological, and economic conditions (Johnson 2013).

Against this backdrop, this issue brings together an array of critical perspectives that reflect on the multifaceted nature of IP and its relationship to the contemporary audiovisual industries, with case studies taken from the American, European and East Asian industries. While the individual articles are self-contained, they have been arranged to collectively explore themes that are indicative of some of the most important traditional and emerging relationships between IP and the audiovisual industries.

The first two articles are concerned with the ways in which generative artificial intelligence (henceforth 'gen AI') has presented problems for our understanding of IP. The first of these, by Caterina del Federico, explores

the legal aspects of the relationship between IP and gen AI. Del Federico shows how there is a twofold challenge to existing definitions of IP in this new era: one which relates to protecting the works used to ‘feed’ or ‘train’ AI tools; and one that relates to the new works ‘created’ by those same tools, the ownership of which remains difficult to determine under existing law. Exploring these problems, Del Federico outlines the ways in which national and European laws need to be reassessed in light of these new technologies. The article also reminds us that IP is at its core a legal principle that requires constant redefinition and enforcement if it is to exist at all. Building on the idea of IP ownership and its relationship to ideas of authorship, Greta Iapalucci and Allegra Sonogo offer a theoretical meditation on gen AI in relation to debates regarding authorship in Film and Television Studies. Their analysis begins virtually where Del Federico’s left off, with the idea that authorship is also a legal principle as well as a creative one. Iapalucci and Sonogo, however, helpfully set aside the legal contexts noting that this sense of the word ‘author’ could be more precisely understood as ‘rights holders’ as the legal concern is at root more about economic compensation from the exploitation of audiovisual works. Turning to other questions of authorship, Iapalucci and Sonogo contextualise contemporary debates around gen AI, authorship and creative agency in relation to those that have long been debated in Film Studies and the arts more broadly. Considering the use of AI-based tools in the production process, the authors consider ‘collaboration’ and ‘responsible supervision’ as key components of creativity in the gen AI age and argue that human agency will always be by definition at the heart of audiovisual creation, regardless of technological developments.

The interest in new technologies continues in the issue’s next pair of articles, which are concerned with another technological change that has disrupted the media industries in recent years: the emergence of streaming platforms as the dominant mode of audiovisual distribution and production. The first of these is Nicolò Villani’s study of Paramount+, a relatively new SVOD platform run by the eponymous legacy Hollywood studio. While the distribution model may be in flux, Villani’s analysis shows that IP – the vast library of films and series compiled by Paramount and its subsidiaries over the years – has not diminished in importance during this period, but has instead only grown in value. Not only, as Villani shows, is it vital to Paramount+’s content strategies, which include the production of numerous remakes and spin-offs based on catalogue titles, but it also structures every element of the platform’s user-interface design and recommendation

systems. Turning our attention from a newer player in streaming to the leader of the industry in the form of Netflix, Paola Dalla Torre, Paolo Fantozzi and Maurizio Naldi also shift the focus from production to consumption. Their article uses quantitative statistical analysis to explore questions of the viewership habits of Netflix users, drawing on the company's now biannual reports on audience preferences. Among the many insights gleaned from the authors' analysis is the concentration of viewers' attention on a relatively small number of titles in Netflix's overall catalogue. This observation leads the authors to consider the importance of acquiring and developing Netflix original IPs – or conversely, to acquire established IPs – in order to more efficiently and predictably attract the audiences that the company needs in order to continue growing its subscriber base and to provide eyeballs for its growing base of corporate clients as its business model changes to incorporate more advertising.

The increasingly crowded landscape for streaming platforms and the difficulties this presents for consumers is the point of departure for Gabriele Proserpi's article 'Piracy déjà vu'. As its title indicates, this article analyses acts of copyright violation, ranging from practices that inspired 'fair use' policies and legislation, up to contemporary illegal downloading and the creation of memes and gifs based on popular IPs. In so doing, Proserpi places fan agency at the centre of the audiovisual industries, a conception that is often at odds with the top-down, ownership-oriented mentality that implicitly structures much IP law and policy. Similar themes are found in Pierandrea Villa's article 'Fixing the Universe', which examines fan cultures and their attempts to take creative control of the franchises they follow so passionately. Through a close study of dedicated aficionados of the Marvel Cinematic Universe and the practice of producing 'fan edits' of films and trailers, Villa continues the debates seen in Proserpi's article by posing important questions about who actually 'owns' IP.

Transmedia franchise strategies are also at the core of Lorenzo Sascor's study of the transnational circulation of contemporary Italian television drama. Using the case studies of *Il commissario Montalbano* and *My Brilliant Friend* and their reception in the Netherlands and Germany, Sascor demonstrates the importance of literary IP for marketing television drama. With these examples in mind, Sascor is able to highlight the importance of other literary and filmic properties that have underpinned many of the most important Italian series of the last fifteen years, including his case studies, as well as *Gomorra*, *Suburra*, *Romanzo Criminale* and others. The appreciation

of the potency of these IPs is all the more timely given the industrial pressures being exerted by American media companies such as Netflix, HBO and Sky, all of which have been keenly interested in acquiring many of these series. Whereas Sascor is interested in the literary IP that creates value for Italian series, in the final article in the issue, Inkyu Kang demonstrates the importance of stardom for shaping that same value. Using the example of South Korean popular media, including films, series and music, Kang examines the lengths to which media companies will go to 'protect' their IPs, including micro-managing the lives of stars and musicians. For Kang, this logic is most darkly expressed in the dangerous practice of including morality clauses in star contracts, effectively legally enjoining creative talents to conduct their personal lives in ways that the studios demand. As Kang shows, such practices prioritise IPs over human beings, with high-profile suicides by South Korean stars being a tragic, but frequent outcome of such industrial logics.

While the articles gathered in this issue encompass a wide range of methodologies, traverse a number of lines between disciplines and feature case studies from across the globe, there is nonetheless a clear unity in terms of seeing IP as the central commodity in the contemporary media industries. As debates continue in courts and legislatures, as artists, fans and owners continue to wrestle for control of IPs, and as academic researchers try to keep up with important changes in technologies, laws and cultural attitudes, the issues explored in this issue of *Media Mutations* will only grow in importance in years to come.

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