

Darna and Intellectual Property Rights

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*Intellectual property rights (IPRs) have become a contentious issue given the debate on piracy. Previously, IPRs were considered tools to create innovative works. However, in the recent years, owners of the copyright, particularly corporations, have found out that licensing copyrighted characters is a lucrative business due to people's familiarity with them. This study analyzes the implications of IPRs in the business and creative aspects of a popular Filipino superhero in the country — Mars Ravelo's **Darna** — via a fan-created website, **Branded's** merchandising and licensing of **Darna** shirts, and **GMA's** serialization of **Darna** aired last April 2005.*

The study shows that today's definition of IPRs restricts the creativity of those who reproduce the characters and prevents the "common" people from recreating, reinventing and reproducing materials using their own interpretation especially if they use copyrighted materials since they would need to ask permission, pay royalties, and go through corporations. In this regard, the democratic space that the Internet provides seems to be the last bastion of hope for those who really care about the true ideals of IPRs. However, this is also now in danger of being overtaken by corporations that will do everything to "protect" their interests.

Superhero fans are an interesting bunch. Their devotion to their favorite fictional characters is such that they claim to know every little thing about their superheros. Sometimes, they even claim to know more about these characters than their creators. I realized this when I encountered a debate among *Darna* fans in the *Darna* Fanfiction *Yahoo!* group a few months ago. They were arguing about *Darna's* "new look" released by *Branded*, a T-shirt company that also made *Spoofs Unlimited*. Many fans were asking where *Branded* got *Darna's* "new image." When *Branded* explained that the image came from the Ravelos and that the image was intended for international release, the fans complained about the changes. *Branded* defended the designs, saying that the image was

licensed to them and any changes would have to be consulted with the Ravelos.

This was reminiscent of another issue that had the fans (also from the same *Yahoo!* group) up in arms. In 2005, GMA-produced *Darna* committed a “sacrilege” (at least in the eyes of fans) by killing Ding, an important character in the *Darna* mythology. However, in consideration of future movies, or even merchandising opportunities, GMA, by the end of the series, had Narda name an adopted baby as Ding.

The scenarios above not only showed *Darna*’s popularity and the extent of the fans’ involvement. They also illustrated the complexity of using a copyrighted character like *Darna* and its impact on the creative and business side of the media industry as well on media freedom.

“*Ding ang Bato!*”:

Darna from Concept to Media Franchise

In the current competitive market, media corporations thrive on the private ownership of such intangibles (defined as property with no physical presence but derives its value from what it represents) as fictional characters, television formats and music to ensure that they have the exclusive rights to exploit their commercial value. In this regard, intellectual property rights (IPRs) are related not only to questions of ownership but more to the business and technological aspects of the media industry. According to the World Trade Organization (WTO), IPRs are rights given to people over the creation of their minds. IPRs are based on abstract objects so they know no bounds. Haynes (2005) said that media rights have become the lynchpin of the whole economic and commercial operation of the media industries.

In today’s business climate of the mass media, the fantasy genre is experiencing a boom. In Hollywood, there is an obvious preference by film studios to invest in movies that will not only appeal to the younger generation but, most importantly, also in movies that lend themselves to sequels, product tie-ins, licensing, and merchandising contracts. Franchising has become the economic mantra. In a franchise, the parties involved typically enter a franchise agreement which binds the parties together¹. In the media industry something similar to franchising is changing the way media executives make decisions and do business. This trend is towards

media franchising which involves the treatment of characters, setting, and trademarks of an original work of media (usually a work of fiction), such as a film, a work of literature, a television program, or a video game as intellectual property. Generally, a whole series is made in that particular medium, along with merchandising and endorsements. Multiple sequels are often planned well in advance and, in the case of motion pictures, actors, and directors often sign multi-film deals to ensure their participation². A media franchise, just like genres, is successful because it is already familiar to the audience.

In the country, Darna is considered the most iconic of all local superheroes as well as the most successful multimedia franchise. Since 1953 — when Mars Ravelo³ first conceptualized her for *Pilipino Komiks* — Darna has appeared in 15 movies and in an animated series produced by GMA in 1989. She was also a popular product endorser and was featured in a production by Ballet Philippines in celebration of *Darna's* 50th year in 2003⁴.

Regardless on what medium Darna is reincarnated, she continues to fascinate countless generation of fans. Her crossover appeal can be attributed to the familiar conventions that are always found in the *Darna* universe. This function is similar to the intertextual archetypes that Eco (1986) described. Intertextual archetypes are the established and frequently reappearing narrative situations or frames that are easily recognized by the audiences and that hold a certain fascination for them. Characters in the *Darna* universe — such as Ding and her mortal villain Valentina, as well as the ever present *puting bato* (white stone), considered the source of her power, and the immortal line, “*Ding, ang bato!*” (Ding, the stone!) — are all part of the conventions that make *Darna* fun to watch and give a sense of nostalgia for those already familiar with *Darna*.

It is important to outline the conditions that surround the licensing of a popular character. Moran (1998) said that much like a copyrighted character, a format can be used as “basis of a new program, the program manifesting itself as a series of episodes, the episodes being sufficiently similar to seem like installments of the same program and sufficiently distinct to seem like different episodes” (13). There are two elements that may be in the format package but not actually part of the format. The first is the “bible” — a compilation of information about the scheduling, target audience, ratings, and audience demographics of the program for its broadcast on its original territory. This may be likened to

the strict “style guide” being followed in some of Mars Ravelo’s famous works (e.g., *Darna* and *Captain Barbell*). The second is a consultancy service provided by the company owning the format. In this regard, when licensing a Ravelo-created character, part of the agreement requires a member of the Ravelo family to be present in the production.

In relation to *Darna*, in order to maintain her “credibility” and “timelessness” in the eyes of the public, certain conditions are first agreed upon. Continuity, after all, is important in the propagation of *Darna*’s myth as an enduring, eternal, and timeless hero. Just like Fernando Poe, Jr. (Deza, 2000), *Darna* gets an image of immortality through the retention of features and conventions she had been known for. In *Darna*’s case, the rights are *assigned* to Mars Ravelo’s family and as such, according to the Copyright Law, they are entitled to all the rights and remedies that Mars Ravelo had when he created *Darna*. This right shall continue to remain in the hands of the author during his lifetime and for 50 years after his death. Copyright is defined as the exclusive rights granted to authors to control and exploit their work within a certain timeframe⁵. This copyright is also made up of various rights to copy, all of which are exclusively held by the original owner until they are assigned to another party by being either sold or licensed to others. The copyright contract also allows for reproduction, derivative works, adaptation or translation, broadcast, and public performance (Haynes, 2005).

Some of the conditions stipulated in the contract for any Mars Ravelo-licensed creations include the posting of Mars Ravelo’s name before the film or show’s title. The producer must also follow a “style guide”, especially for characters like *Darna* or *Captain Barbell*, including costume and logo designs. The producer must “consult” the Ravelos before making any changes in the design. In cases of TV shows like *Darna* and *Captain Barbell*, Ms. Regina Ravelo said that the contract required that a representative from the Ravelo family be a member of the show’s creative team. The contract also requires the producer to submit to the Ravelos a copy of the script or story line for their approval. There is also a “morality clause” which states that actors playing the lead characters should not figure in scandals, controversies or drug issues, or appear in bold films⁶.

This part of the paper now looks at how IPRs affect the business and creative side of using a copyrighted character like *Darna*.

Overview of Intellectual Property Rights

Haynes (2005) said that apart from the authors, inventors, scientists, etc., media organizations are also considered as creators since the state provides legislative mechanisms protecting any broadcast-related material. Originally, patents, copyrights, trademarks and other forms of intellectual property were conceived to encourage individuals to create innovative works and as a way of protecting their products. But in the current media environment, they now perform an economic role by not only providing a source of income for its creators, but by serving the interest of transnational corporations and the business elite (13-14).

The growing economic importance of IPRs led to the creation of Trade Related Intellectual Property Rights (TRIPS). It was the first global standard on IPR that treated trademarks, copyrights, and patents as key tools of international trade and not just mechanisms for rewarding innovation and creativity (Haynes, 2005: 22). TRIPS is a multilateral international treaty that attempts to provide a common set of laws on intellectual property around the world and is administered by the WTO, although the governing body is the World Intellectual Property Organization (WIPO). According to Haynes, TRIPS was heavily criticized because it adapted Western principles of private property to the rest of the world that resulted in benefiting only the leading industrialized nations while producing unfair competition in global and local markets (Haynes, 2005: 158). TRIPS has raised a number of highly contentious issues among developing nations, particularly the owning of indigenous knowledge and resources by transnational corporations only interested in enforcing intellectual property for commercial gain (Haynes, 2005: 23).

The Philippines has been a member of WIPO since 1980 and a signatory to several multilateral agreements for the protection and promotion of intellectual property rights⁷. In the country, the Copyright Law requires the state to protect and promote intellectual property rights in the Philippines as found in both the 1973 and the 1987 Constitutions. The former provides that “the exclusive right to inventions, writings and artistic creations shall be secured to inventors, authors, and artists for a limited period”, while the latter explicitly mandates that “the State shall protect intellectual property”.

The first laws protecting intellectual property rights were enacted in the Philippines in 1947. In 1995, special courts were designated by the Philippine Supreme Court to hear cases involving intellectual property rights. By 1997, the Philippine Senate and the House of Representatives passed Senate Bill No. 1719 and House Bill No. 8098 on June 4, 1997 and June 5, 1997, respectively. Both bills were consolidated into what is now known as Republic Act No. 8293, also known as the Intellectual Property Code of the Philippines. This was approved and signed into law by then President Fidel Ramos on June 6, 1997.

According to RA 8293,

[T]he State recognizes that an effective intellectual and industrial property system is vital to the development of domestic and creative activity, facilitates transfer of technology, attracts foreign investments, and ensures market access for our products. It shall protect and secure the exclusive rights of scientists, inventors, artists and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such periods as provided in this Act.

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The use of intellectual property bears a social function. To this end, the State shall promote the diffusion of knowledge and information for the promotion of national development and progress and the common good. It is also the policy of the State to streamline administrative procedures of registering patents, trademarks and copyright, to liberalize the registration on the transfer of technology, and to enhance the enforcement of intellectual property rights in the Philippines.

Among the highlights of the Copyright Law are the definition of Literary and Artistic Works as original intellectual creations in the literary and artistic domain protected from the moment of their creation and shall include in particular:

- a. Books, pamphlets, articles and other writings;
- b. Periodicals and newspapers;

- c. Lectures, sermons, addresses, dissertations prepared for oral delivery, whether or not reduced in writing or other material form;
- d. Letters;
- e. Dramatic or dramatico-musical compositions; choreographic works or entertainment in dumb shows;
- f. Musical compositions, with or without words;
- g. Works of drawing, painting, architecture, sculpture, engraving, lithography or other works of art, models or designs for works of art;
- h. Original ornamental designs or models for articles of manufacture, whether or not registrable as an industrial design, and other works of applied art;
- i. Illustrations, maps, plans, sketches, charts and three-dimensional works relative to geography, topography, architecture or science;
- j. Drawings or plastic works of a scientific or technical character;
- k. Photographic works including works produced by a process analogous to photography; lantern slides;
- l. Audiovisual works and cinematographic works and works produced by a process analogous to cinematography or any process for making audiovisual recordings;
- m. Pictorial illustrations and advertisements;
- n. Computer programs; and
- o. Other literary, scholarly, scientific and artistic works.

Also included under protected copyrights are derivative works which are: (a) dramatizations, translations, adaptations, abridgements, arrangements, and other alterations of literary or artistic works; and (b) collections of literary, scholarly or artistic works, and compilations of data and other materials which are original by reason of the selection or coordination or arrangement of their contents.

The “Non-Existent” IPR: *Darna* and the Official Mars Ravelo *Darna* Website

The official Mars Ravelo *Darna* website (URL: <http://marsravelodarna.tripod.com>) was established in 1999 from the initiative of Mike Virtucio and Eric Cueto, both avid *Darna* fans. According to Virtucio (personal communication, July 8, 2006), even if they both lived on opposite sides of the world, they had managed to work together to create a comprehensive website for all *Darna* fans and enthusiasts. Virtucio supplied the content coming from his collection of *Darna* memorabilia and with additional content and website design from Cueto. He also narrated how he was able to befriend Rita Ravelo when he got her number from Atlas Comics which previously carried *Darna* titles. After finishing the website, Cueto eventually requested Virtucio to ask Rita Ravelo’s permission for their site to be called the official *Darna* website which Rita Ravelo verbally agreed to. She was then credited as a contributor and gave the *Darna* website crew and all devoted fans a free hand to manage and update the website, only occasionally correcting historical errors about *Darna*. The website, as Virtucio attests, is not income-generating since logos from advertisers and sponsors are absent from their website. From then on, the website has become the main source of all *Darna*-related information, even serving as promotional tool for all *Darna*-related activities. The website even has a link that showed *Darna*-inspired artworks created by fans.

The website, being a product of the Internet, is by nature democratic since everyone with access to it can create or recreate a media product. The Internet’s democratic nature is considered a blessing by those who create the content using the materials coming from the Internet by downloading and copying them for free. However, it can also be a bane for media companies that want to prevent their products from being uploaded and downloaded by people for free.

The operation of the *Darna* website — where no contracts and royalties were required for the use of *Darna*’s image, and where the creators were given a free hand to update or modify the website — suggests a more reciprocal relationship between the owner of the copyrighted character and the creator of the media content. The website creators were able to create new products based on an existing media product while the Ravelos were able to use the website as a means to

reach out to fans, to build new audiences, and promote all *Darna*-related activities.

The Day the Fans Saw “Red”: Licensing *Darna* for *Branded*

Branded is a recent addition to the *Spoofs Unlimited* line. According to James Caparas, *Branded* marketing supervisor, *Branded* is a T-shirt line that involves licensing of trademarked products for printing in their shirts. *Branded* features cult brands and cult names mostly associated with Filipino popular culture (J. Caparas, personal communication, October 13, 2006). *Darna*, *Captain Barbell* and *Lastikman* are the Mars Ravelo characters licensed to *Branded* for printing. Briefly, a license is a tie-in merchandise involving the rights to the product or its image to other media industries. It is the contractual agreement granting permission to use IPRs under agreed conditions. Licenses may include the rights to make, use, reproduce, sell or import material that is copyrighted or has a registered trademark (Haynes, 2005: 155).

Caparas said that the idea of establishing *Branded* was inspired by cult shirts popular in the United States, the ones with the logos of *Coke* and *Budweiser*. An advantage of using a well-known product or brand like *Darna* is its familiarity. However, licensing well-known brands also entailed limitations and this presented a challenge to *Branded*. Caparas said that international brands like *Bazooka* and *Tide* did not allow their products to be licensed. In addition, people, especially the *masa* (masses), according to Caparas, tended to see shirts with branded logos as promotional materials not worth buying. Aside from this, there are also IPR-related conditions attached to the business side of licensing like royalties (Php 20,000.00 for *Darna* alone, the highest among the three Ravelo creations) which automatically go to the owners even before the *Darna*-designed T-shirts were manufactured and sold. In addition, the shirts can only be sold in the country. Lastly, one of the conditions usually associated with licensed products is that trademarked designs approved by the owners of the original product will be released and that any deviation, even a small one, is subject to their approval. When asked about the furor that the new *Darna* design caused among the fans, Caparas said that it was the new design developed by the Ravelos. This new design for *Darna*, he explained, was intended by the Ravelos for the

international market. Upon discussion of the complaints made by the fans from Darna_Fanfiction *Yahoo!* group about the changes in *Darna*'s costume, Caparas said that the term "original" is actually confusing and misleading. Most people equate the "original" *Darna* to actress Vilma Santos' costume and portrayal so they were naturally inclined to look for her costume. However, if the costume design for the movie version is the template, then actress Rosa del Rosario's costume (in the first *Darna* movie) should be called the "original." In the end, Caparas said that it should be Nestor Redondo's illustrations that should be called "original" and even the Ravelos do not own the rights to Redondo's work. This is the reason the Ravelos are developing new designs that they can copyright on their own. This confusion with the owner of the rights as well as changes in costumes stemmed from the fact that previously, little or no attention was paid to "copyright" and "trademarks".

Using a well-known brand like *Darna* for licensing has both business and creative implications for the owners and the licensee. For the owners of the license, it means a steady income through royalties. For the licensee, it also meant a ready market generated by familiarity with the product. Licensing, however, meant placing limitations on creativity since the licensee must strictly adhere to the conditions set by the owners and any deviation is subjected to their approval.

The Midas Formula: GMA Recreates *Darna*

The first *Darna* TV series premiered in February 1977 on Channel 9 starring then 15-year old Lorna Tolentino. In late 2004, Hugo Yonzon (head of *Mango Comics*, and current license holder of *Darna*) and executives from GMA signed an agreement licensing *Darna* for serialization⁸. The series premiered in April 2005, starring actress Angel Locsin. It was a consistent top-rater in its seven-month run and remained the fulcrum of GMA's ratings dominance in 2005⁹.

According to Epstein (2005), there are at least nine common elements of the Midas formula:

1. They are based on children's fare — stories, comic books, serials, cartoons, or, as in the case of *Pirates of the Caribbean*, a theme-park ride.
2. They feature a child or adolescent protagonist (at least in the establishing episode of the franchise).

3. They have a fairy tale-like plot in which a weak or ineffectual youth is transformed into a powerful and purposeful hero.
4. They contain only chaste, if not strictly platonic, relationships between the sexes, with no suggestive nudity, sexual foreplay, provocative language, or even hints of consummated passion. This is to ensure that the movie gets the PG-13 or better rating necessary for merchandising tie-ins and for placing ads on children's TV programming.
5. They include characters for toy and game licensing.
6. They depict only stylized conflict — though it may be dazzling, large-scale, and noisy in ways that are sufficiently unrealistic and bloodless (again allowing for a rating no more restrictive than PG-13).
7. They end happily, with the hero prevailing over powerful villains and supernatural forces (and thus lend themselves to sequels).
8. They use conventional or digital animation to artificially create action sequences, supernatural forces, and elaborate settings.
9. They cast actors who do not command gross-revenue shares.

GMA's *Darna* has traces of the elements described above. First, not only did GMA choose an already popular character, it was also marketed to the younger audience, those who are not considered "regular soap opera viewers" — and made them the core audience during prime time. The action adventure and animation aspects, not to mention *Darna*'s generational appeal, worked well in ensuring the success of the GMA-produced series.

The series' success was hinged on the strength of the *Darna* franchise and its continuity. First, during the promotion of *Darna*, the showing of the first part of the primer gave a background to the story and origins of *Darna*, of Mars Ravelo and of the stars and the producers engaged in several *Darna*-related movie projects. There were also several written articles that the researcher found regarding *Darna* that always included its history¹⁰. The biggest association was, of course, in the arena of the stars who played the villains, the leading men, Ding and most especially, the actresses who played Darna. There was mention of Vilma Santos, considered the most popular Darna, and emphasis on cast members who also portrayed roles in past *Darna* movies like Gina

Pareño, Lorna Tolentino, Celia Rodriguez, and Tonton Gutierrez. They were part of the *Darna* continuity that makes for easier audience engagement. Considered a “dream role” for any actress, portraying Darna has become a vehicle to increase a star’s popularity and an assurance that the star already has a place in popular culture.

To play her part, or even those of her friends and foes, is a coveted prize that immortalizes actors and defines careers. Those who walk in their shoes are among giants and legends.” (Jorge, 2005)

Darna is a mix of old (Mars Ravelo) and new (GMA) characters and plotlines. Characters like Darna, already a popular part of Filipino culture, evokes a vague feeling of *déjà vu*. This element of nostalgia also worked well in generating and sustaining interest for the *Darna* series since it already has an audience who will undoubtedly be curious on how GMA will tell a superhero story that had become an important part of popular culture.

The TV series made several references to scenes and lines found in previous *Darna* reincarnations. For example, GMA used the original Mars Ravelo concept of the white stone coming from the Planet Marte as the source of Darna’s powers. The presence of her most famous arch-nemesis Valentina (played by Alessandra da Rossi), her Lola Milagros (played by Gina Pareño), and, of course, Ding (played by *Starstruck* runner-up CJ Muere). Consequently, in order to make *Darna* appeal to the new generation, GMA decided to have additional characters. GMA, in order to add more drama, made Valentina and Narda cousins, and Narda and Ding as grown-ups (they were younger in Mars Ravelos’ original story). Narda is a market vendor by day and a janitress by night, while Ding is a student. There were also additional villains like Mambabarang (played by Eddie Garcia), Molecula (played by *Starstruck* alumna Christine Reyes), Nosforamus (played by Tonton Gutierrez), and Braguda (played by Celia Rodriguez). There is also the orphan Iking (played by Francis Magundayao), Narda’s adopted little brother, and Lenlen (played by yet another *Starstruck Kids* alumna Ella Guevarra), a young girl with telekinetic powers. GMA also gave Darna heat vision powers¹¹ when Darna first did battle with Braguda and Nosforamus. This is in

addition to her powers of flight, super strength, super speed, and indestructibility to all manmade weapons.

It is significant to point out the effect of one of the major changes that GMA did with *Darna's* story. Ding, as a major character in *Darna*, was killed and, the researcher being a member of several *Darna* e-groups (Darna_Fanfiction, the official GMA *Darna* forum, and Darna_Fantaserye), was able to experience first-hand the furor it caused for the fans. Of course, especially for those long-time fans, the death of Ding is a “sacrilege” to the *Darna* universe. Newer fans, however, were not as outraged since their “attachment” to the conventions were not as deep-rooted.

However, the creative team behind *Darna* — wary of the major development that killing Ding may cause, devised a way in which Ding’s character would still make an appearance. They did it by having Narda adopt a child and naming him Ding. This point of reference to Ding actually serves an economic purpose. Major character changes in licensed characters are a major no-no because it needs to be given consideration for sequels and merchandising. Lastly, there is also GMA’s utilization of merchandised items. Grossberg (1998) defines merchandising as the sale of media products associated with the original product. A so-called bundle of rights is included in any copyright agreement. Included in this bundle of rights are the secondary rights, also known as spin-off rights. This meant that the network secured merchandising rights, soundtrack rights, and format rights for *Darna*. Secondary rights are associated with the exploitation of a program in other media and through non-media related merchandising. In most cases the brands are licensed under



Promotional image of Angel Locsin as Darna. Retrieved June 2006 from <http://www.igma.tv>

protection of both copyright and registered trademarks (Haynes, 2005: 87). Virtucio observed that merchandising is also big business not only for the ones holding the license, but also to the “pirates” who sell fake *Darna* merchandise. According to Turner (2004), there is every commercial reason why those who own the content would make it available over as many media platforms as possible. If the corporation in question also has a financial interest in providing content to these other platforms, then there is more reason to take advantage of this convergence of technologies and systems of delivery with very few additional costs involved. Some *Darna*-merchandised items include the incorporation of interactive elements like downloadable wallpapers, ringtones, MMS for cell phone users, the use of websites to arouse interest and curiosity, the GMA-licensed items like slippers (being sold in SM Malls, according to Virtucio), *Darna Dunkin Donut* tumblers, the sale of *Darna* costumes, the use of the *Darna* theme song by GMA artists (Jonalyn Viray’s *On My Own* album contained *Di Ka Nag-Iisa*, *Darna*’s theme song), *Darna* MTV, and of course, endorsements like the *Robitussin* ad which utilized the *Darna* concept.

“*Si Narda at si Darna ay Iisa*”: The truth behind IPR

Epstein (2004) said that profitable media franchises started with Walt Disney and eventually led to its adoption by Hollywood. He traced the beginning of a media franchise to Walt Disney’s *Snow White and the Seven Dwarfs* (the first film in history to gross \$100 million) produced in 1937. The picture was labeled a folly by the moguls who ruled old Hollywood because it was aimed at only a small part of the American audience: the children. But Disney worked from the concept that children, with adults in tow, could be the driving force of the entertainment industry. It demonstrated that the potential of the child audience had been severely underestimated by Hollywood because children were going to see movies more than once, just as they did with other cartoons. *Snow White and the Seven Dwarfs* was more than just a successful box-office event, however. It was also the first film to have a soundtrack — including the hit song *Someday My Prince Will Come* that became an enormously successful record — as well as the first film to have a merchandising tie-in. Most importantly, as far as the Disney model was concerned, it had multiple licensable characters — Snow White, seven dwarfs, and the

wicked witch — who took on long lives of their own, first as toys and later as theme-park exhibits. With *Snow White and the Seven Dwarfs*, Disney did not only define a new audience for movies; he had suggested a future course of the entertainment industry. Epstein noted that the real profits would come not from squeezing down the costs of producing films but from creating out of them intellectual properties that could be licensed in other media over long periods.

The official *Darna* website, *Branded* and GMA showed the advantages of using a popular licensed character like *Darna*. However, there are still issues regarding the use of copyrighted material. Citing the website created by Cueto and Virtucio, the license to call their website the “official” *Darna* website came from a simple verbal agreement since the creators and the Ravelos have developed a close friendship through the years. That the website was not income-generating may have factored in the equation. Another example is the ongoing rumor of a *Darna* movie to be produced by GMA. Disagreements over the license between the Yonzons and the Ravelos are preventing GMA to push through with the plan. Another gray area is in terms of changes in content. The effect of any major alterations to be made with a copyrighted character is always given consideration, resulting in limitations and restrictions in creativity. However, the opposite can also be argued since writers would always need to think of novel but believable ways to keep the characters alive. Similarly, people engaged in merchandising items (like *Branded*) of licensed characters would also be at the mercy of the copyright owners since they would not be able to make modifications unless they consult with the holder of the license. Yet, despite the said limitations, the strength of using copyrighted and trademarked characters lies in the latter’s familiarity to the audience. And given the need is for companies to profit, a popular character like *Darna* always seems to be the best solution.

IPRs have become another tool in the accumulation of profits not just by the owners of the copyrighted character but, most importantly, of the corporations who license these products. IPRs also restrict the creativity of those who reproduce the characters and prevent the “common” people from recreating, reinventing and reproducing copyrighted materials based on their own interpretation.

In this regard, the democratic space that the Internet provides seems to be the last bastion of hope for those who really care about the true ideals of IPR — as a motivation for people to create innovative

works that sometimes makes use of already established and popular characters. However, this is also now in danger of being overtaken by corporations that will do everything in their power to protect copyrighted materials.

Notes

- ¹ Franchising (from the French “*for free*”) is an arrangement whereby someone with an idea for a business (the franchisor), sells to another person (the franchisee) the rights to use the business’ name, sell a product, or provide a service to someone else. It is a method of doing business wherein a franchisor licenses trademarks and tried and proven methods of doing business to a franchisee in exchange for a recurring payment, and usually a percentage piece of gross sales or gross profits as well as the annual fees. Modern franchising came to prominence with the rise of franchise-based restaurants (e.g., McDonald’s).
- ² All media franchise-related information taken from Media Franchise. Retrieved June 9, 2006 from http://en.wikipedia.org/wiki/Media_franchise
- ³ Ravelo is also the creator of *Dyesebel*, *Captain Barbell*, *Lastikman*, as well as drama narratives *Roberta*, *Trudis Liit*, *Maruja* and *Basahang Ginto*. Ravelo also created *Bondying* and *Facifica Falayfay* and wrote *Wanted: Perfect Mother*. Even Mars Ravelo can already be considered a franchise since most of his works were licensed and adapted and continues to be popular.
- ⁴ Darna-related information taken from the official Mars Ravelo Darna website <http://www.marsravelodarna.com/id3.html>
- ⁵ To differentiate copyright from other kinds of IPR, patent is the monopoly right sanctioned by the state to a creator of an invention to exclude others from copying and exploiting the creation. Trademark is a distinctive word, phrase, logo, domain name, graphic symbol, slogan or other device that is used to identify the source of a product and to distinguish one manufacturer’s products from another’s. Trademarks must be registered to be effective (Haynes, 2005: 151-158).

- ⁶ Cruz, M. (2006, April). Kinks in filming *Darna* revealed. Retrieved June 15, 2006 from http://news.inq7.net/entertainment/index.php?index=1&story_id=71924
- ⁷ All related information on IPR in the Philippines is taken from Intellectual Property Rights in the Philippines. Retrieved May 10, 2006 from http://www.virtual-asia.com/ph/bizpak/bizguides/book_07.htm
- ⁸ Even if the Yonzons were the license holders of *Darna*'s serialization, Ms. Regina Ravelo admitted that the contract for *Darna* was also coursed through them and according to Ms. Redgie Magno, production unit manager of *Darna*, any changes or additions made in relation to *Darna* were also consulted with the Ravelos (R. Magno, personal communication, May 26, 2006).
- ⁹ Red, I. (2005, June). *Darna* flies way up high, *Meteor Garden* trails behind. Retrieved March 17, 2006 from the http://www.manilastandardtoday.com?page=goodLife03_june10_2005
- ¹⁰ Dino Erece's *Darna* in *Bandera* dated August 3, 2004; Larry V. Sipin's *Darna for President* in 2003; and Jessica Zafra's *Power to the People* dated May 2005 are some examples.
- ¹¹ The original description of *Darna*'s powers is limited to the "allure of Venus, the glory of Apollo and the strength of Samson" (*Darna_Fanfiction* e-group archive).

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