

The spin-off as a modality of the transformation right in Mexico.

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The term spin-off is a modality of the transformation right, under which a derivative work is created, exploring new elements of a pre-existing universe. This concept can be translated as “spin-off”, since the spin-off is a creation that is detached from the original work, taking with it elements of the universe, such as original places or characters, but exploring them from new perspectives. This figure allows the audience to continue living within the fictional universes with which it connects.

Spin-offs are a tool to satisfy the public's interest in exploring additional aspects of already known narrative universes. Unlike sequels or prequels, which generally follow or precede the main story, spin-offs allow new explorations of characters or subplots, offering to expand the universe without saturating the original story. The spin-off can extend the protection time of an intellectual property, limiting the protection time to the originality of the spin-off.

According to Silke Von Lewinski in her interpretation of the Berne Convention, the transformation process must involve a recognizable connection with the original work, without this completely disappearing in the new creation. Thus, the spin-off, which is separated from the original work, but continues to draw on its universe or characters, so we can question whether the figure in question is considered a transformation or acquires independence to the point of being an original work?

Therefore, I consider that this questioning should be based on a detailed (semiotic) analysis of the elements that the “supposed” derivative work may share with the original one. Since, the protection provided by copyright is not absolute and works are protected only in what they are original. Therefore, it is not enough that there is a nexus between the hypertext and its hypotext.



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