

SharkMovieNerds × Monopoly
= Sharknerd-opoly

Notes from the Game's Creator



What Inspired the Creation of "Sharknerd-opoly?"



For over four decades, following the 1975 release of Steven Spielberg's film "Jaws" many different shark films have been produced.

The Asylum, an independent film company has brought to life films depicting scenes featuring shark infested tornadoes in "Sharknado," the vicious take down of a plane, and the Mecha Shark submarine of the "Mega Shark" series. Many shark B-movies such as these have been made as a parody of monster movies.

Currently, during the time of Sharknerd-opoly's production, Germany is working on a project entitled "Sky Sharks," a film in which zombie Nazi soldiers and their modified flying war sharks are revived in the present era.

Last year, in 2018, Jason Statham famous for his action movie roles starred in the marine adventure shark film "The Meg," which brought in over \$530.2 Million at the box office.

In 2017, acknowledging the love of shark movie fans, our company proposed the idea of a special event, the "Tokyo International Shark Film Festival" to help further popularize shark films worldwide. Following that sentiment, we endeavored to produce a game where players could experience the thrill and suspense of shark films.



▲ Tokyo International Shark Film Festival 2017 Winter



▲ Tokyo International Shark Film Festival 2018 Spring

Why Use Monopoly as a Base?



Monopoly is known worldwide as a capital acquisition board game where players buy and sell property placed around the board, while drawing cards to turn luck in their favor and gain special opportunities. It is essentially a business game where players aim to accumulate the greatest wealth.

This structure was what initially caught my attention.

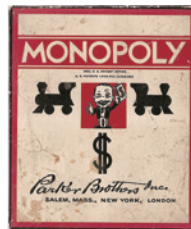
Shark films are also set in various cities around the world, specifically in the United States where we often see the valor of the brave hero or the guile of the evil politician.

Additionally, in countries around the world starting with the United States, Monopoly has become public domain which has sparked the production of hundreds of adaptations of the game by many different game designers.

In a similar fashion, with the goal of implicating the exciting story structure of shark movies, Sharknerd-opoly was born!



◀ Initial Monopoly game components released in 1935.



◀ Early design of the game box.



The History of Monopoly (1)

Patent and Expiration

Monopoly was patented in the United States by a salesman named Charles B. Darrow in 1935, and sales began following a license agreement with the toy manufacturer Parker Brothers.

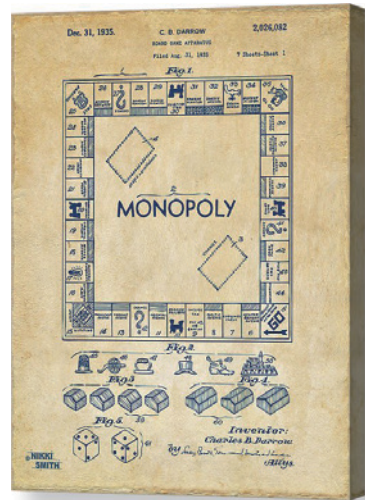
Later, in 1952, the patent expired, but “Monopoly” had already become very famous as a trademark as there was almost nothing similar to it in the US board game market.

The rights to the method of gameplay have been granted in several countries including the United States, and like all other patents, its term of validity is 20 years after application or 17 years after receiving patent approval.

The basic patent for the popular trading card game “Magic: The Gathering” (US Patent #5662332) was granted in 1997 but has since expired in 2014. Subsequently applied patents will also expire gradually.

In Japan, patent rights regarding the method of gameplay are not acknowledged, so the “Yu-Gi-Oh” trading card game produced by the company Konami was first conceived with references to the rules of “Magic: The Gathering.” In the subsequent expansion into the US, a partnership with the patent-owner Wizards of Coast and the parent company Hasbro Inc. was established, and Konami achieved great success in the United States.

During that time, I provided consulting for Konami's patent and the playing rules for the “Yu-Gi-Oh” trading card game while working at a former company.



▲ Monopoly U.S. Patent
No. US2026082A

The History of Monopoly (2)

Releases in Japan

Bankers

In 1953, Hanayama, a firmly established toy manufacturer in Japan, released an adaptation of Monopoly entitled "Bankers" which featured the names of real places in Japan.

A short time before this, the San Francisco Peace Treaty came into effect in 1952 and Japan had just restored its sovereignty as the Korean War continued (1950-1953). During this time, Japan continued its economic revival while monitoring the political intentions of the United States.

Although patents weren't recognized in Japan at the time, presumably the Hanayama company, quietly waited for the patent in America to expire afterwhich they released the game Bankers as an adaptation of Monopoly.

Since the scope of copyrights (regarding art/creative works) in Japan for board games and card games were also ambiguous at the time, the original game Monopoly could've been released as it was, but in adapting the game for Japan, a country that wasn't largely familiar with the American cities in the game, it was changed to the more modern Japanese style.

Some time later, a Japanese translation of "Monopoly" was also released by Hanayama in Japan, but it was released in 1965, 12 years after the release of "Bankers." Regarding the release of the Japanese version, it is unknown what kind of negotiations occurred with the original US manufacturer Parker Brothers at that time.



▲ Bankers, Japan's first monetary board game, released in 1953.



▲ Monopoly, Japanese version released in 1965.

The History of Monopoly (3)

Appearance of Anti-Monopoly

In 1973, Ralph Anspach, a professor of economics at the San Francisco State University, devised a new game entitled "Anti-Monopoly," in which the victory condition was the redistribution of wealth, unlike "Monopoly," in which the victory condition was a monopoly of wealth.

Using the university's publishing department, Anspach made sales throughout the states via mail order which in turn gained him huge popularity. As a result, he was able to start his own company and began making general sales.

In retaliation to Anti-Monopoly's success, Parker Brothers and the then newly established company General Mills sued Anspach on grounds of "Trademark Infringement" and "Unfair Competition"

Despite the fact that the patent had expired, the two companies had a vested interest in having an exclusive hold on Monopoly and games of a similar type.

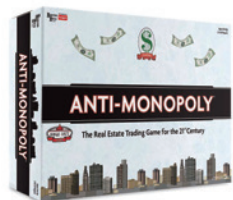
In the first trial, defendant Anspach lost his case, and more than 10,000 "Anti-Monopoly" games in the warehouse were seized by court order and disposed of. However, Anspach maintained his conviction.

Not only had the patent for the game on which the basis of "Anti-Monopoly" was created already long expired, the victory condition was indeed the complete opposite of "Monopoly." Additionally, as a scholar, Anspach felt that a game that highlights redistribution of wealth should exist for the benefit of those studying economics.

Not willing to give up, in 1976 Anspach filed for an appeal of the initial judgment.



▲ The second edition of the game highlighting wealth circulation.



▲ Latest version of the game currently for sale.

◀ Professor Anspach's invention of Anti-Monopoly.

The History of Monopoly (4)

The Real Inventor!

In the case against Anspach, Parker Brothers Inc. and General Mills brought "Anti-Monopoly" under scrutiny, claiming unfair competition. Their argument was that "circling around the board" was a unique feature devised and utilized only by "Monopoly" and was already widely recognized as such regardless of the status of the patent.

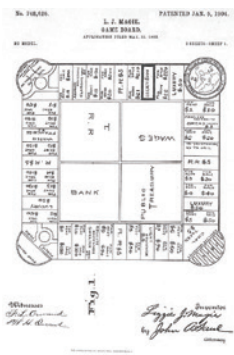
However, with Anspach's intensive research, new information was brought to light.

Before the creation of Monopoly by Charles B. Darrow, there were games with the exact same board-circling and land-purchasing format entitled "The Landlord's Game" patented in 1904 and its later version patented in 1924 already in existence.

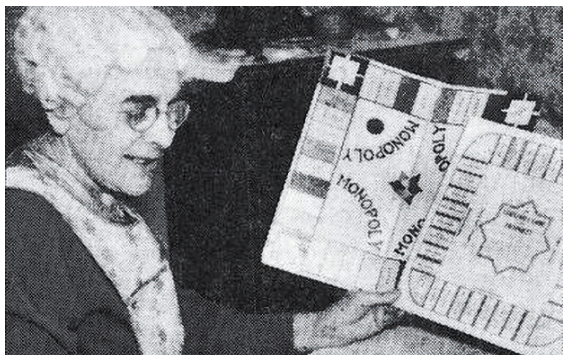
These games did not enter into sales agreements with major manufacturers, and they were hand-crafted and distributed only in some parts of the eastern United States. Therefore neither the members of the court of the first trial nor Mr. Anspach at the time knew of them.

The inventor of these games was Elizabeth Magie, making her the true mother of board games featuring a circling format. In a testimony from her family, it was revealed that Darrow had bought the rights to Magie's game for \$500.

Additionally, Anspach asked third parties to observe purchases of "Monopoly" and "Anti-Monopoly" at toy stores as a test to prove that there was no confusion of the two games amongst consumers.



▲ Patent of
"The Landlord's Game"



▲ Inventor Elizabeth Magie

The History of Monopoly (5)

Victory in Appeals Court

The case lasted for six years until 1982, when finally the members of the appeals court sided fully with Professor Anspach.

The losing party, Parker Brothers and General Mills were ordered by the court to compensate Anpach for all of his products that were seized and disposed of after the first trial. Compensation for the potential sales profits that were lost during the six-year period was also ordered.

The basis for the decision was that the Monopoly patent had already expired and that games created of a similar type format could not be tried as unfair competition. It was held that as long as a trademark could be differentiated from another in existence it could not be considered infringement. Following that same sentiment, the court declared that the word "monopoly" itself was a generic word, therefore ruling that it was not illegal to use it in the promotion of products.

It was also revealed that Parker Brothers was aware of the fact that Darrow created "Monopoly" based on Magie's "The Landlord's Game." The fact that this information was kept concealed did not leave a good impression on the court.

Monopoly Loses Its Trademark



▲ "The New York Times" February 23, 1983 article announcing the victory in favor of "Anti-Monopoly."



▲ Professor Ralph Anspach after victory in the Supreme Court.

The History of Monopoly (6)

Supreme Court Sides with Anspach

Dissatisfied with the appeal court's decision, Parker Brothers, Inc. and General Mills tried to take the case to the Supreme Court, however their petition was denied, allowing the appeal court's ruling to stand.

As a result, Anspach's claims were fully acknowledged.

This occurred in 1983.

Following this, the companies reached a settlement granting Anspach compensation for court costs and damages.

In the end, after continued negotiations, with "Monopoly" remaining a trademark of Parker Brothers, Anspach assigned the "Anti-Monopoly" trademark to the company while continuing to hold the rights to produce the game under license.

It could be assumed that some of the company's fear was that Anspach's company could produce other more radical games or that it might fall under the control of one of their competitors.

Interestingly, as of spring 2019, the sons of the late Professor Anspach are producing and selling the "Anti-Monopoly" game under their company of the same name Anti-Monopoly Inc.

The news about Monopoly losing the monopoly on its own name became a major topic in the United States, with reports published in "The Wall Street Journal" and "The New York Times", as well as "The Guardian," a highly reputable publication in the U.K. The story quickly became known to board game fans around the world.



The History of Monopoly (7)

Rise of the “Opoly” Brand

The news of “Monopoly” being ruled as a generic term quickly spread among numerous American game designers, sparking the boom of the creation of games using the Monopoly format.

Despite the expiration of the patent being a known fact, no one had thought to capitalize on the brand by creating similar or different versions of games of that type. It wasn't until this time that makers began producing their own arrangements of Monopoly.

To avoid trademark infringement, makers added the suffix “-opoly” to their newly created game titles.

Among these companies was Late for the Sky Productions, a company founded by a university student in Ohio in 1984. Since the company was established, it has released over 100 “-Opoly” games.

Special materials including blank game boards and blank cards have also been released for young aspiring game designers to create their own board games.

Additionally, the board game production company USA-Opoly Inc. (founded in 1994) has worked with famous titles and brands such as “Harry Potter” and “The Beatles” and released many special collaboration products on a large scale.

Though the company has “Opoly” in its name, they received a license to use the suffix in their company title from Parker Brothers (now known as Hasbro Incorporated).



The History of Monopoly (8)

Usage of Images and Icons in Products

Images and icons used in "Monopoly" have also become public domain.

According to the copyrights laws in America, as well as Japan, after having exceeded a certain number of years since publication, images become free to use by anyone once the copyright protection period has ended.

As a result, many designs derived from Monopoly have been released as non-official products on Amazon in the US.

In Japan, protection for images used in board and card games include design rights (20 years) and a corporate copyright for applied arts (50 years according to old law). To illustrate, if sales of a product featuring an image began in 1965, the image is protected until the end of 2015 and only becomes public domain starting in 2016.

Therefore, in "Sharknerd-opoly," the iconic character Mr. Monopoly was the inspiration for the image of our game's mayor candidate of "Shark Attack City," who is also a gentleman with a top hat, yet appears slightly younger than his counterpart.



▲ Cushions featuring public domain Monopoly images.



▲ Derivative works featuring Mr. Monopoly (Amazon US)

Differences with Monopoly



Though Sharknerd-opoly and Monopoly appear similar in design, there is a major conceptual difference that separates the two.

That being the elimination of the bank and the system of buying and selling lands with money.

Therefore, Monopoly enthusiasts, may at first feel the absence of the real estate and monetary system is unusual.

As mentioned in the beginning, Sharknerd-opoly is a game with the main purpose of having players relive the thrill & suspense elements that characterize shark movies.

It is an exhilarating, yet sadistic game where players trample over their rivals as they scramble to avoid being caught by the man-eating shark.

In that sense, it may not be viewed as a typical "-Opoly" game.

However, the game pays homage to the original creator of the "board-circling" element and its timeless charm.

It is my sincere wish to one day visit the graves of Charles B. Darrow and Elizabeth Magie and pay my respects to these noteworthy figures.

Cyberdyne Inc, Solid Game Team

President Nobuyuki Takahashi

