

VIRTUAL WORLDS, REAL LAW

EYE-POPPING STUFF FOR LAWYERS

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ESE

INTRODUCTION

- UNLIKE PRETTY WELL EVERYONE ELSE HERE, I CAN HONESTLY SAY **IANAL**
 - I'M A COMPUTER GAMES DESIGNER
- MY SPECIALIST FIELD IS **VIRTUAL WORLDS**
 - DON'T WORRY, I **SHALL** EXPLAIN WHAT THESE ARE
- RIGHT NOW, VIRTUAL WORLDS ARE AT THE **CUTTING EDGE** OF INTERNET LAW
- THIS IS BECAUSE THERE IS **NO PRECEDENT WHATSOEVER** FOR THEM
 - OR THERE **IS**, BUT IT **DENIES** ITS OWN VALIDITY...!
- **YOUR** CHANCE TO AFFECT LAW-MAKING **FOREVER!**

HISTORY

- VIRTUAL WORLDS BEGAN WITH **MUD1** IN 1978

Narrow road between lands.

You are stood on a narrow road between The Land and whence you came. To the north and south are the small foothills of a pair of majestic mountains, with a large wall running round. To the west the road continues, where in the distance you can see a thatched cottage opposite an ancient cemetery. The way out is to the east, where a shroud of mist covers the secret pass by which you entered The Land. It is raining.

*w

Narrow road.

You are on a narrow east-west road with a forest to the north and Gorse scrub to the south. It is raining. A splendid necklace lies on the ground.

*

- TEXT-BASED, UP TO **36** PLAYERS SIMULTANEOUSLY
- CREATED **RIGHT HERE** AT ESSEX UNIVERSITY
 - ROY TRUBSHAW AND RICHARD BARTLE (THAT'S ME)

ASCII GRAPHICS

- GAMES SOON APPEARED WITH primitive GRAPHICS

```
[ ][ ][ ][ ]- -[ ] orc sword shield chain
[ ] A      S [ ] A Jennie,c
/ >  ++++ [ ] A 2 skeletons
[ ]      ++++ [ ] B trolls
[ ] B      dn [ ]
[ ][ ][ ][ ][ ][ ][ ]
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```
Swing hits with moderate damage
Skeleton is slain
Orc is blocked by your armour
Troll: kia ardata luuppatar ne
```

```
>throw bottle at troll
R mace Hits Hits On Stamina Exper. M. Pnts.
L bottle 35 5 10 6523 9
```

- *ISLAND OF KESMAI, 1981*

2D GRAPHICS

- 2D GRAPHICAL GAMES SHOWED UP IN THE EARLY 1990S



KINGDOM OF DRAKKAR, 1992

- BUT IN 1994 (IMMEDIATELY PRE-WWW), **10% OF ALL** INTERNET TRAFFIC BELONGED TO **TEXT MUDDS**

ULTIMA ONLINE

- THINGS CHANGED WITH *ULTIMA ONLINE*, 1997



STATS

- PEOPLE PAY A MONTHLY FEE TO PLAY *ULTIMA ONLINE*
 - \$12.99 A MONTH AT THE MOMENT
- IT GARNERED **100,000** SUBSCRIBERS WITHIN A YEAR
- NOW, **8 YEARS LATER**, IT HAS SOMETHING LIKE **170,000** SUBSCRIBERS
 - AFTER PEAKING AT 250,000 IN 2003
- IT **STILL** TAKES OVER **\$2,000,000** A MONTH
 - AND IT'S BEEN RUNNING FOR NEARLY **100 MONTHS!**
- **UO** MADE REGULAR COMPUTER GAMERS **NOTICE** VIRTUAL WORLDS
 - AND REGULAR COMPUTER GAME **DEVELOPERS...**

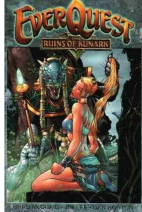
EVERQUEST

- *ULTIMA ONLINE* RULED UNTIL *EVERQUEST*, SPRING 1999



STATS

- *EVERQUEST* HAS AROUND **420,000** SUBSCRIBERS
 - THAT'S MORE PEOPLE THAN **ICELAND!**
- OVER **\$5,000,000** A MONTH IN SUBSCRIPTIONS
- SUPPORTS **ACTION FIGURES AND COMICS**



- NEW RELEASES ARE **CHALLENGING** ITS CROWN
 - *WOW* 350K, *SW:G* 275K, *EQ2* 310K, *DAOC* 250K, ...

BUT ELSEWHERE...

- *EQ* IS JUST A PIPSQUEAK COMPARED TO **LINEAGE**



- **LINEAGE** (1997) HAS OVER **2 MILLION** PLAYERS

STATS

- *LINEAGE* AND *LINEAGE 2* HAVE A **COMBINED** POPULATION GREATER THAN THAT OF **EIRE**
 - 2.1 MILLION EACH
- **50%** OF THE POPULATION OF SOUTH KOREA HAVE TRIED *LINEAGE* AT LEAST **ONCE**
 - POPULATION OF S. KOREA IS ~48 MILLION
- OTHER **>1 MILLION** FAR EASTERN VIRTUAL WORLDS:
 - *LEGEND OF MIR*
 - *FINAL FANTASY XI*
 - *MU ONLINE*
 - *RAGNAROK ONLINE*
 - *KINGDOM OF THE WINDS*

ARCHITECTURE

- ONE **FINAL** THING I NEED TO EXPLAIN IS HOW THESE "GAMES" ARE **IMPLEMENTED**
- THE GAME **WORLD** IS RUN ON COMPUTERS OWNED AND OPERATED BY THE **DEVELOPER**
 - THE DEVELOPER RUNS MANY SUCH "SERVERS"
 - LARGE GAMES HAVE **40-50**, EACH MADE UP OF **4-10** COMPUTERS, OFTEN PARTITIONED **GEOGRAPHICALLY**
- THE **SERVER** TALKS TO THE **CLIENT** SOFTWARE THAT RUNS ON **EACH** PLAYER'S PC
 - ACCEPTS THE PLAYER'S **COMMANDS**
 - DRAWS WHAT THE SERVER **TELLS IT** TO DRAW

OK, SO THE LAW...

- NOW THAT I'VE GIVEN A BRIEF OVERVIEW OF WHAT VIRTUAL WORLDS **ARE**, AND WHY THEY'RE BECOMING **NOTICEABLE**, AM I AT LAST GOING TO GET ONTO SOME **LAW** STUFF?
- YES!
 - JURISDICTION
 - PROPERTY
 - COMMODIFICATION
 - INTELLECTUAL PROPERTY
 - PLAYER RIGHTS
- WELL, **ALMOST** YES...

ONE LAST THING...

- THIS **SHOULD** BE OBVIOUS, BUT JUST IN CASE IT ISN'T...
- VIRTUAL WORLDS ARE **NOT** THE REAL WORLD
- THINGS **ILLEGAL** IN THE REAL WORLD MAY BE **OK** IN THE VIRTUAL WORLD
- IT'S ILLEGAL FOR PEOPLE TO **MURDER** PEOPLE
 - BUT IT MAY BE FINE FOR A **CHARACTER** TO MURDER A **CHARACTER**
- **ANY** REAL-WORLD ILLEGAL THING YOU CAN SUGGEST, I CAN COUNTER WITH A REASON WHY IT MIGHT BE **VALID** IN A VIRTUAL WORLD

JURISDICTION

- I KNOW WHAT YOU'RE THINKING...
 - IF SOMEONE IS IN **AMERICA** AND THEY BLASPHEME AT SOMEONE IN **ENGLAND** ON A SERVER IN **CANADA**, WHICH NATIONAL LAW APPLIES?
- THIS **IS** RELATIVELY **OLD HAT**, YES
 - AS IS THE FACT THAT THE SERVER COULD BE DISTRIBUTED ACROSS **SEVERAL** COMPUTERS IN **SEVERAL** COUNTRIES, SUCH THAT YOU DON'T EVEN KNOW **WHERE** THE CODE IS BEING EXECUTED
- THERE'S **MORE** TO IT, THOUGH!
- IN PARTICULAR, THERE'S AN ARGUMENT THAT RL LAWS HAVE **NO JURISDICTION** AT ALL!

LET'S PLAY A GAME...

- I NEED **TWO** VOLUNTEERS
- 1) TAKE IT IN TURN TO **SAY WORDS**
- 2) TAKE IT IN TURN TO SAY WORDS ON THE **SAME SUBJECT** (EG. UK CITY NAMES)
- 3) TAKE IT IN TURN TO SAY WORDS ON THE SAME SUBJECT (UK CITY NAMES), WHERE:
 - YOU CAN'T **REPEAT** WORDS
 - EACH WORD MUST **START** WITH THE SAME LETTER THAT **ENDED** THE PREVIOUS WORD
 - YOUR **OPPONENT** WINS IF YOU CAN'T THINK OF A NAME
 - **OR** IF YOU SAY A NAME ENDING IN **M, R** OR **Y**

PLAY

- WHAT THIS SHOWS IS A **PARADOX** ABOUT GAMES
- YOU **COULD** HAVE PLAYED THE 3RD GAME UNDER THE 1ST OR 2ND SET OF RULES, BUT YOU **DIDN'T**
- ONLY WHEN **ADDITIONAL** RULES WERE INTRODUCED DID YOUR IMAGINATION LET RIP
 - THE EXTRA RULES MADE IT MORE **FUN**
- TOO **MANY** RULES WOULD MAKE IT UNFUN, THOUGH
- WHEN THEY PLAY GAMES, PLAYERS AGREE TO RESTRICT THEIR BEHAVIOUR IN ORDER TO GAIN *freedoms* THEY **DIDN'T** HAVE WHEN **NOT** RESTRICTED!
- DOES THIS RING ANY BELLS?

RULES

- GAMES, LIKE LEGAL SYSTEMS, OPERATE USING **RULES**
- WHILE **EVERYONE** OBEYS THE RULES, THE GAME WORKS
 - TECHNICAL TERM IS "**MAGIC CIRCLE**"
- WHEN YOU **BREAK** THE RULES, THAT'S **CHEATING**
- BUT WHO HAS THE AUTHORITY TO **MAKE** THE RULES?
 - REAL LIFE: "WE, THE PEOPLE"
 - GAMES: "WE, THE PLAYERS"
- GAMES PLAYERS OBEY RULES FOR THE **SAME** REASON CITIZENS DO – BECAUSE THEY **SET** THE RULES
 - AND THEY **DON'T** HAVE AN **ARMY** TO ENFORCE THEM

JURISDICTION?

- RW: WE DON'T LIKE WHAT YOU'RE DOING, **STOP** IT
- VW: WELL WE **DO** LIKE IT, SO WHY SHOULD WE?
- RW: YOU'RE BREAKING THE **LAW**
- VW: WHY DO **WE** HAVE TO FOLLOW **YOUR** LAWS?
- RW: BECAUSE THIS IS A **DEMOCRACY**
- VW: SO'S **THIS**, AND WITH **100%** SUPPORT
- RW: IF YOU DON'T OBEY THE LAW, WE'LL LOCK YOU UP
- VW: THAT'S **TYRANNY**, NOT **DEMOCRACY!**
- RW: GUARDS! **OFF** WITH THEIR **HEADS!**
- [MORE ON THIS LATER]

PROPERTY

- NOW FOR SOMETHING RATHER MORE CONCRETE
- CHARACTERS IN VIRTUAL WORLDS **OWN** THINGS WITHIN THE CONTEXT OF THE VIRTUAL WORLD
 - SWORDS, HOUSES, **MAGIC WANDS**, ...
- DO THE **PLAYERS** OWN THESE THINGS
- DO THE PLAYERS OWN THE **CHARACTERS?**
- AT THE TIME OF WRITING, THERE'S A CHARACTER FROM *STAR WARS: GALAXIES* FOR SALE ON EBAY FOR **\$2,000**
 - THIS IS ACTUALLY ABOUT \$500 MORE THAN THE GOING RATE

WIDESPREAD

- **ALSO ON EBAY:**
 - *GEMSTONE IV* LEVEL 96 RANGER **\$911**
 - *WORLD OF WARCRAFT* LEVEL 60 ROGUE **\$899**
 - *DARK AGE OF CAMELOT* LEVEL 50 CLERIC **\$800**
 - *ANARCHY ONLINE* 220 FIXER **\$540**
 - AND **HUNDREDS** MORE
- IN-GAME CURRENCY ALSO FOR SALE
 - *EVE ONLINE* 3 BILLION ISK **\$800**
 - *SHADOWBANE* 100 MILLION GOLD **\$700**
- THOSE ARE **CURRENT** BIDS – THEY'LL ACTUALLY **SELL** FOR **MORE**

OTHER SALES

- THINK ABOUT THIS A MOMENT: PEOPLE ARE PAYING **REAL** MONEY TO BUY **IMAGINARY** MONEY
- ALSO IMAGINARY **PROPERTY**:
 - *MU ONLINE* THE 2 BEST EXCELLENT RINGS **\$450**
 - *ANARCHY ONLINE* ROBUST BACKPACK **\$172.50**
 - *ULTIMA ONLINE* HAT OF THE MAGI **\$164.99**
- AND IMAGINARY **REAL ESTATE**:
 - *ULTIMA ONLINE* VENDOR PROPERTY NEXT TO BANK **\$450**
- IN **DECEMBER** AN ISLAND FOR SALE IN *PROJECT ENTROPIA* SOLD FOR **\$26,500**
 - THAT'S **\$26,500**

ANALYSIS

- EBAY IS **NOT** THE MAIN MARKETPLACE
- **IGE** HAS **100** PEOPLE IN CUSTOMER SERVICE ALONE
- **ITEMBAY** MAKES MORE MONEY IN **COMMISSIONS** THAN ALL THE VIRTUAL WORLDS IT SERVICES DO IN **SUBSCRIPTIONS** – COMBINED!
- IF YOU ADD UP ALL THESE SALES OF VIRTUAL GOODS, THEY MAKE FOR A COMBINED **GDP** THAN THAT OF **NAMIBIA**
 - THEY'LL OVERTAKE **JAMAICA** SOMETIME THIS YEAR
- **GDP PER CAPITA** IS ON A PAR WITH THAT OF **RUSSIA**

BUT

- THE THING IS, MOST VIRTUAL WORLDS **BAN** VIRTUAL OBJECT SALES
- MAIN REASON: IT'S **CHEATING**
 - THE *MONOPOLY* EXAMPLE
- “I WANT TO TRADE, YOU WANT TO TRADE, WE BOTH GAIN. WHAT'S NOT TO LOVE?”
- IT RUINS THE GAME FOR THE **90%** OF PLAYERS WHO **DON'T** TRADE IN VIRTUAL GOODS, **THAT'S** WHAT!
- BUT IS SUCH A BAN **LEGAL**?
 - EVERY PLAYER SIGNED AN **EULA** ACCEPTING THE BAN
 - THE PLAYERS **DON'T OWN** WHAT THEY'RE SELLING ANYWAY
- OR **DO** THEY?

COMMODIFICATION

- AS FAR AS SOME PEOPLE ARE CONCERNED, IF IT **LOOKS** LIKE A DUCK, **WALKS** LIKE A DUCK AND **QUACKS** LIKE A DUCK, IT'S A **DUCK**
- VIRTUAL GOODS **LOOK** LIKE REAL GOODS, ARE **TRADED** LIKE REAL GOODS, SO **REAL** PROPERTY LAWS SHOULD APPLY
 - AND REAL **TAX** LAWS?
- "THERE WASN'T A LEVEL 50 BATTLEMAGE IN THE BOX WHEN I BOUGHT IT. I MADE IT, SO IT'S **MINE**"
- UNFORTUNATELY, IF THIS WERE **TRUE** THEN VIRTUAL WORLDS WOULD **DIE**

IMPLICATIONS

- IF I BOUGHT A UNIQUE MAGIC SWORD FOR \$1,000 AND THE NEXT DAY THE DEVELOPER CREATED 20,000 **IDENTICAL** SWORDS, COULD I **SUE**?
- IF I HAVE **INVENTORY** I COULD SELL FOR \$250,000 AND THE DEVELOPER ANNOUNCES THEY'RE GOING TO **CLOSE** THE GAME, CAN I FORCE THEM TO **STOP**?
 - ON MARCH 15TH 2004, EBAY USER SHAKTI_122 PAID **\$3,000** FOR AN ACCOUNT ON **EARTH AND BEYOND**
 - ON MARCH 16TH 2004, ELECTRONIC ARTS ANNOUNCED THEY WERE **CLOSING** *EARTH & BEYOND*
 - EA **ALSO** ANNOUNCED THEY WOULD **NOT** BE LICENSING THE SOFTWARE TO **ANYONE**

WHY WOULD THIS BE BAD?

- IF PLAYERS COULD SUE IF THEY LOST SOME OF THEIR INVESTMENT, VIRTUAL WORLDS COULD NEVER **EVOLVE**
 - **EVERY** CHANGE AFFECTS SOMEONE ADVERSELY
 - "NERFING"
- WOULD **ROB** DESIGNERS OF ARTISTIC FREEDOM
 - J. K. ROWLING COULD **LEGALLY** DISTRESS **MILLIONS** BY KILLING OFF **HARRY POTTER**
 - WHY CAN'T VIRTUAL WORLD DESIGNERS UPSET A **FEW** PLAYERS WHO BUILT THEIR VIRTUAL HOUSES ON THE SLOPES OF A **VOLCANO**?
- WOULD BE **IMPOSSIBLE** TO DEVELOP A GAME WITH A THEME SUCH AS "ESCAPE FROM COLDITZ"

IT GETS WORSE

- SOME PLAYERS WHO "FARM" GOLD OR OBJECTS CAN **TIE UP** THE MARKET
 - IF YOU WANT SOMETHING, THE **ONLY** WAY TO GET IT IS FROM ANOTHER PLAYER WHO HAS A PROGRAM RUNNING THE WHOLE TIME GETTING IT AUTOMATICALLY
- PLAYERS WANT THESE PEOPLE **BANNED**
 - CHINESE ADENA FARMERS IN *LINEAGE 2*
- YET *DARK AGE OF CAMELOT* WAS **SUED** FOR BANNING ACCOUNTS RUN BY **BLACK SNOW**
 - A COMPANY RUNNING A GOLD FARM OUT OF **TIJUANA**
 - NEVER WENT TO COURT
 - BLACK SNOW **DIDN'T PAY THEIR LAWYERS...**

COTTAGE INDUSTRY

- FOR SALE RECENTLY ON EBAY: ONE 10 GOLD FARM!



IP

- VIRTUAL CHARACTERS AND OBJECTS ARE JUST COLLECTIONS OF BITS IN A DATABASE
- BUT A painting IS JUST A COLLECTION OF ATOMS ON A CANVAS
- IF I, AS A PLAYER, CREATE A CHARACTER, DO I OWN ITS **IMAGE?**
- **NO**, BECAUSE I SIGNED THE EULA SAYING I DIDN'T
- **YES**, BECAUSE I HAVE **MORAL RIGHTS** TO MY IP THAT I **CAN'T** SIGN AWAY
 - AT LEAST UNDER **EU** LAW - I CAN IN THE **USA**
- "**MICROSOFT** DOESN'T OWN STUFF I WRITE IN **WORD**"

WHY NOT LET PLAYERS KEEP IP?

- IF PLAYERS KEEP IP, THEY CAN CONTROL ITS **USE**
 - YOU CAN'T SHOW MY CHARACTER IN YOUR **SCREENSHOTS**
 - **DON'T** REMOVE MY CHARACTER EVEN THOUGH I **STOPPED** PAYING MY **SUBSCRIPTION**
 - THAT **ADVERT FOR MY CAR** IS MY IP AND YOU'VE **NO RIGHT TO DEFACE IT**
 - PAY ME A **ROYALTY** FOR RENDERING MY CHARACTER!
 - REMOVE THIS **WHOLE AREA** AND ALL THIS **FUNCTIONALITY** I CREATED
 - (DID I **MENTION** THAT PLAYERS CAN ADD PROGRAMMING CODE AND OBJECTS TO SOME VIRTUAL WORLDS?)

AN ACTUAL CASE!

- NCSoft (WHO DEVELOPED *LINEAGE*) HAVE A 2004 GAME CALLED *CITY OF HEROES*
- SET IN A HOME-GROWN **COMIC BOOK** UNIVERSE



CHARACTER CREATION

- COH HAS A POWERFUL **CHARACTER CREATION SYSTEM**



BUT...

- BUT **MARVEL COMICS** HAVE **SUED** NCSoft!
- REASON: IT'S **POSSIBLE** TO CREATE CHARACTERS THAT **LOOK LIKE** MARVEL CHARACTERS
 - NCSoft DOESN'T AUTOMATICALLY FILTER THEM OUT
 - (ALTHOUGH IT **DOES** FILTER OUT NAMES, EG. WOLVERINE)
- **VERY** HARD TO FILTER BY APPEARANCE
 - MARVEL HAVE OVER **4,000** REGISTERED CHARACTERS
- HAS TO BE DONE **MANUALLY**
 - NCSoft FOUND **11** VIOLATIONS FROM THEIR 125K PLAYERS
 - AND 5 OF **THOSE** WERE CREATED BY MARVEL THEMSELVES...
- BUT NCSoft CLAIMS COPYRIGHT ON USER CREATIONS!

DUMB MARVEL?

- IF MARVEL **WIN**, THEY ESTABLISH THAT MEANINGFUL IP CAN BE HELD IN **VIRTUAL** CHARACTERS
- SO THE **NEXT** CHARACTER THAT MARVEL CREATES HAD BETTER **NOT** MATCH ANY OF COH'S **125,000**?
 - TIMES UP TO **8**, BECAUSE EACH PLAYER GETS 8 SLOTS
- BUT WHY DON'T THEY SUE **KIDS** FOR DRESSING UP AS **SPIDERMAN**? OR FOR DRAWING **THE INCREDIBLE HULK**?
- IT'S NOT LIKE NCSoft ARE **SELLING** THESE CHARACTERS
 - IT'S MORE LIKE THEY'RE SELLING A BIG BOX OF **CRAYONS**

ALSO

- *CITY OF HEROES* ISN'T THE **ONLY** GAME WITH A POWERFUL CHARACTER CREATION SYSTEM
- **STAR SPANGLED KID** (DC COMICS):
- DC



LONG STANDING

- THIS SORT OF THING HAS BEEN GOING ON FOR **DECADES**
 - NEARLY **EVERY** TEXT MUD HAS SOME CHARACTER CALLED **GANDALF**
- IF **MARVEL** WIN, WHAT OTHER DOORS WILL OPEN?
 - THERE'S A CHARACTER IN *MORROWIND* WHO LOOKS JUST LIKE MY NIECE NICOLA
- YET NCSOFT **IS** CLAIMING COPYRIGHT ON IMAGES CREATED BY THEIR **PLAYERS**
 - EVEN THOUGH CREATING COPIES OF COPYRIGHT CHARACTERS IS **AGAINST** NCSOFT'S **EULA**
- OK, THAT'S ENOUGH ABOUT PROPERTY...

RIGHTS OF THE AVATAR I

- RAPH KOSTER'S **THOUGHT EXPERIMENT**:
 - WHAT IF AVATARS (CHARACTERS) HAD **RIGHTS**?
- REDRAFTED U.S. **BILL OF RIGHTS** AND FRANCE'S **DECLARATION OF THE RIGHTS OF MAN** IN TERMS OF **AVATARS**
 - WWW.LEGENDMUD.ORG/RAPH/PLAYERRIGHTS.HTML
- ACTUALLY, AVATARS HAVE **NO** RIGHTS
 - KOSTER WAS USING THE THOUGHT EXPERIMENT TO SEE WHAT RIGHTS **PLAYERS** HAD
 - THIS IS THEREFORE AN OFT-MISUNDERSTOOD PAPER!

RIGHTS OF THE AVATAR 2

- THE ORIGINAL DRAFT OF THE PAPER **WENT DOWN LIKE A LEAD ZEPPELIN**
- KOSTER **REWROTE** IT AS "ADVICE TO ADMINS"
 - SOMEONE'S FINGER IS ON THE **POWER** BUTTON
 - WHAT THIS SOMEONE SAYS **GOES**
 - IF THIS SOMEONE DOESN'T PROVIDE A CODE OF CONDUCT, THEIR PLAYERS DESERVE **ALL THEY GET**
 - PLAYERS SHOULD BE **CONSULTED** OVER CHANGES TO THE CODE OF CONDUCT, BUT CAN BE **IGNORED**
 - CODES OF CONDUCT SHOULD BE **FAIR** AND SHOULD BE APPLIED **FAIRLY**

RIGHTS OF THE AVATAR 3

- SO WHAT DOES THIS MEAN IN TERMS OF ACTUAL **RIGHTS** OF PLAYERS?
 - PLAYERS HAVE RIGHTS IN THE **REAL** WORLD, OF WHICH THE VW IS A PART
 - IN CONSIDERING RIGHTS, VWS SHOULD **ONLY** BE THOUGHT OF IN TERMS OF BEING PART OF THE REAL WORLD (SO IN-GAME STEALING ETC. CAN BE OK)
 - DEVELOPERS CAN **TAKE THEIR BALL HOME** IF THEY LIKE
 - PLAYERS DON'T **HAVE** TO PLAY BALL IF THEY **DON'T WANT TO**

FREEDOM OF SPEECH 1

- PLAYER RIGHTS CAN THUS BE SUMMARISED AS "IF YOU DON'T LIKE IT, **LEAVE**"
- BUT WHAT IF THEY **CAN'T** LEAVE?
 - "HEY, **YOU** ADDICTED ME, YOU HAVE TO ACCEPT YOUR **RESPONSIBILITIES**"
- WELL **TOUGH LUCK!** FREEDOM OF SPEECH LAWS **PROTECT** DEVELOPERS HERE
 - BUT ONLY IN COUNTRIES THAT **HAVE** THEM
- AND WHAT ABOUT **REAL-WORLD** HARM?
 - "A RAPE IN CYBERSPACE"

FREEDOM OF SPEECH 2

- IF A VW DEVELOPER **DELIBERATELY** KILLED A CHARACTER SO AS TO **TRAUMATISE** ITS PLAYER, **THAT** WOULD BE WRONG
- UNEXPECTED CONTEXT SHIFTS CAN **ALSO** FALL FOUL OF THE LAW
 - READERS OF HARRY POTTER HAVE EXPECTATIONS
 - HARRY **DOESN'T** GET TO SMOKE DOPE AND SHAG HERMIONE (OR *VICE VERSA*)
 - BUT IF THE BOOK **WARNED** YOU ON ITS COVER THAT IT WAS **X-RATED**, IT **WOULD** BE OK?

COMMON CARRIER

- PLAYERS **ALSO** HAVE FREEDOM OF SPEECH
 - UNFORTUNATELY, THEY CAN BE RATHER **TOO** FREE...
- **COMMON CARRIER** LAWS PROTECT MEDIA OWNERS FROM THE WORDS OF THEIR USERS
 - BT ISN'T LIABLE IF YOU SLANDER SOMEONE BY PHONE
- BUT WHAT IF YOU **ABUSE** PEOPLE IN A VW?
 - VW WILL **WANT** TO GET RID OF YOU **ASAP**
 - BUT **THAT** MEANS THERE'S AN **EDITING** PROCESS
 - WHICH **IN TURN** MEANS COMMON CARRIER LAWS **DON'T APPLY..!**

PLAYER RIGHTS

- SOME SUGGESTION THAT **SOCIAL CAPITAL** MAKES VIRTUAL WORLDS LIKE A **COMPANY TOWN**
- THIS WOULD MEAN DEVELOPERS CAN'T EVICT PLAYERS FOR **WHAT THEY SAY**
- PLAYERS COULD THEREFORE:
 - SPOIL THE GAME'S **SETTING**
 - SHOUT OUT **SOCCER** SCORES IN A **TOLKIEN** WORLD
 - **ADVERTISE** OTHER GAMES
 - OR, MORE LIKELY, **PORN** SITES
 - PICKET **NEWBIE** AREAS
 - SOLICIT **VOTES** FOR REAL-WORLD ELECTIONS

BACK TO GOVERNANCE

- "CODE IS LAW"
 - LAWRENCE **LESSIG**
 - ACTUALLY QUOTING WILLIAM J. MITCHELL
- THE KIND OF LAW IS "LAW OF **NATURE**", THOUGH, NOT "LAW OF THE **LAND**"
- **SOME** PLAYERS FEEL THAT IF THE VIRTUAL WORLD DOESN'T **STOP** THEM FROM DOING SOMETHING, IT MUST BE **ALLOWED**
 - BECAUSE OTHERWISE THE DEVELOPERS COULD **CODE IT OUT**, RIGHT?
- NO, THEY **COULDN'T**. TRIVIAL EXAMPLE: PROFANITY

SOLUTION?

- DEVELOPERS HANDLE THIS BY CODING EXTRA POWERS TO THEMSELVES
 - "SURE THE CODE **LETS** YOU DO **THAT**, BUT YOU MIGHT LIKE TO **RECONSIDER** BECAUSE IT **ALSO** LETS **ME** DO **THIS!**"
 - THEREFORE THEY'RE MORE LIKE **GODS** THAN GOVERNMENTS
 - IMPORTANT: THIS IS **WHETHER THEY LIKE IT OR NOT!**
- MOVES TO democratise VIRTUAL WORLDS ARE THEREFORE **DOOMED**
 - SOMEONE IS **ALWAYS** A GOD
- BUT THE REAL WORLD IS A STAKE-HOLDER
 - PLAYERS LIVE IN BOTH THE REAL **AND** THE VIRTUAL WORLD

ELSEWHERE 1

- THERE'S **NO** CASE LAW IN THE EU OR USA YET
- THERE **IS** SOME IN **CHINA** AND **KOREA**
 - ONE GUY **SUCCESSFULLY** SUED TO GET HIS STUFF BACK AFTER HIS ACCOUNT WAS **HACKED**
 - £780 IN COMPENSATION PLUS £780 FOR MENTAL **ANGUISH**
 - A WOMAN **DELETED** HER EX-BOYFRIEND'S CHARACTER
 - "I DID IT AS REVENGE FOR BREAKING UP WITH ME"
 - SOPHOS CAUGHT A **VIRUS** WRITTEN SPECIFICALLY TO SNAFFLE *LINEAGE* **PASSWORDS**
 - **SERVER** SOFTWARE STOLEN AND CLONED IN CHINA

ELSEWHERE 2

- OTHER **NEAR** LAW SUITS
 - **CUSTODY** BATTLES FOR VIRTUAL PROPERTY
 - GUILDS **RIPPING OFF** THEIR MEMBERS
 - CUSTOMER SERVICE REPS SELLING STUFF THEY HAD THE POWERS TO CREATE FROM **THIN AIR**
- SOME SPECIFIC-TO-GAMES **LEGISLATION**
 - THAILAND BANNED VIRTUAL WORLD SERVERS FROM OPERATING BETWEEN 22:00 AND 06:00
 - KOREA INTRODUCES **RATING** SYSTEM FOR VIRTUAL WORLDS, AND CONSIDERS **PKING** AS A FACTOR

SUMMARY

- THIS IS MY **49TH** SLIDE, AND I'VE BARELY **SCRATCHED** THE SURFACE
- THERE'S A **LOT** OF WORK GOING ON **RIGHT NOW** IN THIS AREA
 - LEGAL SCHOLARS HAVE **EMBRACED** THE STUDY OF VIRTUAL WORLDS LIKE **NO OTHER** FIELD HAS
 - PSYCHOLOGY, AI, GENDER STUDIES, DRAMA STUDIES, SOCIOLOGY, ...
 - ACTUALLY, THE GEOGRAPHERS WEREN'T SO BAD
 - ANNUAL **STATE OF PLAY CONFERENCE** AT NYLS
- AS **ALWAYS**, IT'S A **GOOD TIME** TO BE A **LAWYER!**