Chapter 7.12
"You're In Our World Now."™
Ownership and Access in the Proprietary Community of an MMOG[1]

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ABSTRACT

This chapter considers how the interactive and social nature of massively multiplayer online games (MMOGs) presents challenges to systems of organisation, control, and regulation used for more conventional media products. It examines how the interactive structures of games cast players as producers of content, not merely consumers. This productive role creates a distributed production network that challenges the ideas of authorship which underpin copyright and intellectual property. The role of the publishers is shown to encompass community as well as intellectual property management. The communities generated within these games are a key source of economic benefit to the publishers. The contract that determines the conditions of access and the forms of governance inside proprietary worlds is considered in light of this newly intensified relationship between commerce and community. Questions are raised about the accountability of publishers, the role of the market, and the state in determining conditions of access.

INTRODUCTION

MMOGs are a form of new media that challenge, and will reshape, many of the conventional practices associated with media. These intensely social games, in which hundreds of thousands of players create communities and content with each other, exceed many boundaries associated with the organisation, regulation, and control of media. In particular players help constitute these games through their production of game play, derivative works, secondary economies, and strong social networks. This disrupts some of the key foundations underlying other media. For instance, productive players challenge both the institutions of intellectual property and discourses of consumer rights. The creation of ongoing communities inside proprietary worlds raises

issues about the terms of access and the recourse to justice such communities have. The role that contract law takes in determining the rights of players has implications for a much broader set of online applications which can be defined as *social softwares*.

In this chapter I will explore the structure of MMOGs, looking at how the emergent quality of these games necessarily means that authorship resides in part with the players. The ceding of some control to the players leads to contention and disagreement. Dialogue between developers, publishers, and player communities indicates an ongoing struggle for power in some areas. I will explore how the rise of active fan and *mod* communities (players who modify games in various ways or create new artwork and other content for games) has led to the development of new business models, where publishers seek to harness the innovative and creative capacities of players. Who should own the results of players' labours, who can exploit the intellectual property in fan-created items is very much dependent on the type of business model being employed by the publisher. These distributed production networks present some major challenges for all stakeholders in the process.

However, fan-based creation of new game objects is not the key focus of this chapter. The even more interesting feature of MMOGs, and the one that presents an even greater challenge to current practices, is the value of the social networks. MMOGs rely on subscription-based models for revenue, and as such, the ongoing and long-term involvement of players is key to their success. The ways in which social networks are facilitated through the structures of the games are explored, and it becomes clear that the commercial success of these games is very much bound up in the affective investments of players. The stronger the social ties within the game, the longer the player will subscribe. This intensified relationship between commerce and culture raises interesting and contentious issues.

If players conduct large parts of their social lives inside the proprietary spaces of game worlds, the terms of access to those spaces become very important. Access is not only to the content created by the developer, but to the other players and to their own electronic identities. The end user licence agreements (EULA) and terms of service (TOS) to many games are one-sided contracts that work to the benefit of the publishers. As managers of intellectual property, publishers are used to dictating terms which work to the benefit of themselves and the authors of the works they are managing. With social applications such as MMOGs however, they have become managers not only of intellectual property but of communities as well. The level of accountability publishers have with regard to their player communities is shown to be very low. Decisions to ban players and deny them access to their communities and their own electronic identities are made without any requirement of a neutral point of view or fairness. With no appeal mechanisms in place, the contracts institute an unseemly high level of power for the publisher over players' affective connections and identities.

I argue in this chapter that commonly used neoliberal discourses of the empowered consumer, which hold that players, as consumers, have the power to exit from the product if they find the management of the service unfair, ignore players' role as producers, as well as the high cost of exit. I also argue that understanding MMOGs in terms of more conventional media properties, and thus in terms of intellectual property, ignores the role of affect in the production of value in MMOGs.

Finally, I look at the ways in which the unruly player populations challenge and circumvent the various formal and legal restrictions imposed by publishers. Player productivity and agency may well lead to individual experiences of empowerment through these games. However the terms of access ultimately rest with the publisher and as such represent the power to terminate such experiences of connection and empowerment.