

Copyright 2010: A SecondLife or Death?

Author Biography:

Kim Barker is a second year PhD student with the Department of Law & Criminology at Aberystwyth University, with a keen interest in intellectual property issues. The current research project is concerned with the area of Copyright and Online Games, focussing specifically on the areas of intellectual property and in-game property rights.

Keywords: Copyright; Online Games; MMORPGs; Intellectual Property

Abstract:

Copyright is under intense pressure to provide protection to a vast array of digital media. In copyright history, there has been a recent expansion to encompass computer software. Despite this, demands are still being made for copyright to do more. In light of the increased reliance on, and increased capabilities of the internet, it is necessary to determine whether copyright is suitable for online gaming and digital technologies 300 years after its inception.

Despite the long history of copyright, there are doubts over the applicability of a three hundred year old analogue legal principle to the modern digital media. Can copyright be stretched still further to protect game developers' interests in Massively Multiplayer Online Role Playing Games? Can copyright protect the rights of users in MMORPGs, and more importantly, does copyright prevent users selling their in-game property, game accounts and avatars to other users?

Second Life developers do not retain the IPRs of game generated content, instead granting ownership to gamers, entirely contradicting Sony's EverQuest license. Game users have sought to sell game accounts and in-game assets on online auction sites including eBay until Sony and eBay reached an agreement to prevent gamers from doing so. All this because the user license states that EverQuest's developers retain ownership of rights.

Due to the differences in the *Second Life* license, real world legal battles have arisen over virtual assets. What implications do they have for the intellectual property system, and more worryingly, does this reflect the general attitude that copyright no longer affords adequate protection to valuable virtual property? The author will address these questions by exploring the legal anomaly of *Second Life* and its unique terms of service that afford users the rights to their game-generated content.