

Legal Issues in Virtual Worlds: intellectual property, content regulation and governance

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Should public policy frameworks be adapted to support use of virtual worlds? If so, how?



Key issues:

- Intellectual property
- Content regulation



- Governance
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- Service provider as 'manager of communities'
(Humphreys)

Governance

three key stakeholders:

- Government
- Service provider
- Users/players/residents

Problems:

- Regulation via intellectual property model
- Tendency (at least in Australia) to over-regulate
- Lack of understanding/ perception that not all vws are alike: intellectual property, privacy, content, rmt, ethics ...

Potential governance mechanisms:

- General law (common law, statute)
- EULA
- Rules
- Code
- Norms

Complex relationships between various aspects of governance:

- *Blizzard v MDY* (US District Court, 2009)
licence to use the game software subject to the user's compliance with the EULA and ToU
- *EVE*: destruction of the Band of Brothers alliance

Classification wrangle in Australia:

- Classified as a computer game: Classification (Publications, Films and Computer Games) Act 1995
- Classified as Internet content: Broadcasting Services Act 1992
- Distinction between content and communication
- Self-regulation eg social networking

Regulation must:

- Be sensitive to the particular needs of the relevant vw community
- Recognise that not all vws are alike
- Reflect importance of community norms and enforcement mechanisms
- Reflect diversity of users/individual experiences
- Reflect importance of network as an organising agency

National governments should:

- Support the development of vws by creating consistent, supportive frameworks
- Avoid fragmentation of the user's experience
- Require the service provider to have an accessible, transparent ToU
- Govt → service provider → citizen

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