

Law of the Level

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In Search of Space Prosecutors

[ARS Technica](#) recently reported on the theft of significant amount of virtual currency from an online bank. The theft was carried out by the former CEO of the bank and the virtual currency was eventually sold for the very real amount of \$5,000.

Some background is helpful. The game involved, [Eve Online](#), is a massively multiplayer game where the player pilots a spaceship in a massive universe. The game distinguishes itself in part by the sheer amount of shenanigans permitted by the game design and the terms of service. Players may cheat, lie, steal, murder, and generally make themselves a menace to civilized space society. The most complex and lucrative heists, such as corporate and bank heists, can require coordination between dozens of players over the course of years. Occasionally, stolen items or goods can amount to serious real money. The TOS attempts to prevent people from cashing in on their ill-gotten gains outside of the game by prohibiting the sale of in game items/currency for real currency.

As the value of stolen goods increases, the likelihood of a victimized user bringing claim for recovery of lost items increases. Indeed, claims to this effect have already been brought in China where micro-transactions have blurred perceptions regarding what constitutes "property", though it is worth noting that theft was not permitted in the games the disputes arose from. In the absence of an elite corps of SPACE PROSECUTORS (similar to space pirates, only they fire lasers by the hour), a company should consider how best to protect themselves from claims brought by the targets of these virtual heists. Changing a game that prides itself on a distinctly free experience is often inadvisable, even if it is the strongest means of protection, due to the risk of alienating the player base. Another solution is a clearly drafted EULA. Some terms to contemplate including:

- A clear statement that theft and espionage within the game is permitted under the TOS.
- A term explicitly disclaiming any player ownership interest to in game items and currency.
- A limitation on liability that notes that the company is not responsible for lost items, has no obligation to replace items and is under no obligation to investigate the theft of items.
- A privacy policy that restricts any right for one player to obtain personal information relating to any other player.

In games that emphasize role playing, such as Eve Online, a particularly eloquent solution is to build corruption and vice into the roleplaying experience and counter those behaviors by providing support for player run enforcement mechanisms (such as player courts). Allow players to develop, implement and participate in the system of justice creates an internal balance while simultaneously educating the players on the possibility of virtual crimes. Ultimately, a combination of community management, game design and legal contracts provides a company with the tools to manage player expectations regarding a game, prevent gross excesses under the rules, and minimize the exposure a company may face from claims arising from disgruntled users.

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