

‘The Legal Landscape of Virtual Worlds and Copyright’

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[author’s submitted copy: please cite published version]

in Legal Geographies of Intellectual Property (forthcoming, Edward Elgar 2026)

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I. Introduction

Geography and virtual worlds is a topic that was recognized within the scope of academic enquiry quite early in the evolution of virtual worlds, defined broadly.¹ The geography of games specifically as virtual worlds has been explored through multiple lenses, such as feminist digital geographies,² folk geographies and heritage,³ musical orientation,⁴ and emerging scholarly focus on the area gaming and geography.⁵ This Chapter will extend the analysis to the legal landscape, meaning how ‘[t]he law shapes and defines its place of application to the extent that the two become inextricably interwoven to form a sphere of authority,’⁶ layered onto the landscape of virtual worlds. This approach forces a reconsideration of the validity of incentivization in copyright and of collaborative creativity in these spaces. Further, this work provokes consideration of the way cultural heritage is evolving and shaped by virtual worlds by examining copyright and contemporary culture in virtual worlds as well as the effect on global intangible cultural heritage (‘ICH’) or ‘living heritage’ in the future. The place-informed approach is based around the platform-hosted virtual world as a place, considering the user community, customs, and norms related to creativity and copyright law, and terms and conditions (‘T&Cs’); T&Cs shape an alternative semi-privatized space, moving into a pseudo-public sphere—‘something that shifts the onus from norms to alternative guarantees of societal integration’ through private contract law.⁷

*With many thanks to Drs Jenny Kanellopoulou and Smita Kheria for their editorial guidance and support.

¹ Jonathan Taylor. ‘The Emerging Geographies of Virtual Worlds’ (1997) 87 *Geographical Rev.* 172.

² Orlando Wood, ‘Feminist Geographies of Online Gaming’ (2021) 2 *Digital Geography and Society* 100015.

³ Anthony Buccitelli, ‘Locative Gaming, Folk Geographies, and the Experience of Cultural Heritage’ (2017) 16 *Cultural Analysis* 7.

⁴ Philip Kirby, ‘Musical Orientation in Virtual Space: Videogame Score and the Spatiality of Musical Style and

⁵ Michael Morawski & Sebastian Wolff-Seidel (eds), *Gaming and Geography* (Springer 2024).

⁶ Jenny Kanellopoulou, ‘Of Place and Law,’ *in* Tim Edensor *et al.* (eds), *The Routledge Handbook of Place* (Routledge 2020), 564.

⁷ *Id.*

Laws that directly regulate physical actions and impacts, rather than the virtual, may more clearly translate to geographical mapping. Although nascent and complex, the legal landscape of virtual worlds typifies the co-created intangible landscape. Laws designed for physical spaces now must translate to the virtual, and new interpretations and applications must evolve. Some areas of law will have effect in virtual worlds without any intervention, warranting close attention to the legal impact.

Massively multiplayer online games ('MMOs') operate as the harbinger of modern media, culture and creativity. The sociolegal mores and structures of persistent co-constructed virtual places in MMOs is a prescient sandbox of the future of legal regulation of the social, cultural, and creative. MMOs are some of the earliest virtual worlds as persistent, mutually constructed places, necessitating adaptive approaches to the legal landscape. MMOs are virtual platforms 'which allow a large number of players to access an online game environment simultaneously and interact with one another to achieve the game's objectives symbiotically.'⁸ Globally, online gaming is increasingly popular, generating \$27.97 billion in 2024.⁹ Even solely within the United Kingdom, the online gaming population is predicted to rise to 11.56 million by 2027, a 6.64 percent increase from the 2023 population of 10.84 million.¹⁰ Although the majority of the general population might not currently consider participating in MMOs in the context of gaming, wider societal interactions, communications, and activities are increasingly occurring in a form of virtual space, even if not yet an analogous virtual world. Technological ease, access, and literacy are also on the rise.¹¹ Virtual platforms, such as social media, are working to appeal to the masses, and much of the structure and design is gamified.¹²

MMOs through the lens of legal geography offer insight into this multilayered space.¹³ In addition to the challenges of jurisdiction, scale, and custom,¹⁴ users have more facility than

⁸ Vishag Badrinarayanan *et al.*, 'A Dual Identification Framework Of Online Multiplayer Video Games: The Case Of Massively Multiplayer Online Role Playing Games (MMORPGs)' (2015) 68 J. of Business Res. 1045, 1046; NB: 'MMO' and 'MMORPG' are generally interchangeable terms.

⁹ Nick Baker, 'Online Gaming Statistics 2024', (6 Aug. 2024) USwitch Research Series, <https://www.uswitch.com/broadband/studies/online-gaming-statistics/>.

¹⁰ *Id.*

¹¹ Ayse Yaşar *et al.*, 'Gaming Without Frontiers: Competition and Copyright in the Changing Video Game Sector,' CREATE Working Paper 2023/10, <https://eprints.gla.ac.uk/307648/2/307648.pdf>.

¹² *Id.*

¹³ Also coined as the 'lawscape,' in Andreas Philippopoulos-Mihalopoulos, *Spatial Justice: Body, Lawscape, Atmosphere* (Routledge 2014).

¹⁴ Luke Bennett & Antonia Layard, 'Legal Geography: Becoming Spatial Detectives' (2015) 9 Geography Compass 406.

ever to make creative contributions to the platforms and to have active input into the shape of the communities. Some MMOs have persisted for decades, demonstrating that ‘...law and space actively shape and constitute society, while being themselves continuously socially produced’¹⁵ virtually and globally. The success and sustainability of current virtual worlds are fully dependent on their engaged user base, especially as advances in technology allow for great user input, collaboration and sustainability of the world itself. Community and cultural responses that can be actively observed but it is difficult to meaningfully engage for researchers or consultants who are not directly involved in the virtual world. MMOs provide an opportunity to learn about and observe rapidly developing, contained legal and reciprocal constitutivity.¹⁶

A multitude of intellectual property rights(‘IPRs’) may attach to MMOs. This Chapter will focus on copyright and, to a lesser degree, trade marks in relation to commercial use. IPRs already regulate intangible rights; copyright provides rights related to culture and creativity and attaches as soon as the statutory criteria are met.¹⁷ Artistic and literary works fixed in a tangible medium of expression that are original to an author can generate proprietary rights with no additional action from the creator or creators.¹⁸ The law cannot anticipate all future manifestations of creativity, so must mould to virtual environments, novel collaborative creation, and modern technological tools.¹⁹ Creative works and cultural practices have already grown in established virtual worlds, organically and within developed frameworks, and are now nearly entirely owned and regulated by corporate entities. The legal landscape of virtual worlds is obfuscated from view on many fronts, including technological literacy, access, and layers of influence, on a spectrum from subtle to forthright. As significant creative and cultural works are increasingly created in virtual worlds with novel means of production and collaboration, it is essential to look to how existing law is shaping virtual worlds and to understand how these platforms might provide guidance for more widespread uptake.

¹⁵ Sarah Blandy & David Sibley, ‘Law, Boundaries and the Production of Space’ (2010) 19 Soc. & L. Studies 275, 278.

¹⁶ On reciprocal constitutivity: David Delaney, ‘Legal geography I: Constitutivities, complexities, and contingencies’ (2014) 39 Prog. In Human Geography 96.

¹⁷ Discussed in greater detail *infra*.

¹⁸ Copyright, Design, and Patent Act (1988) (CDPA); Trade-Related Aspects of Intellectual Property Rights (1995) (TRIPS).

¹⁹ Copyright law is currently grappling with the protectability of AI-generated works in varied manifestations. This Chapter will address culture and creativity broadly in virtual places rather than focus on the specific tool.

MMOs offer faster meaningful responsiveness for users not only in terms of technologies with in-game activity and creativity, but also with game developers in co-creating the virtual world. Virtual communities are integral to the space²⁰ and can well be considered ‘early settlers’ of virtual worlds.²¹ The value of sense of belonging and identity is well understood for humans in physical spaces; this actively translates to virtual spaces. Founders of MMOs also clearly recognized the function of belonging and working together online, even when users cannot physically see each other and, historically, could only communicate via text.²² As creative and cultural spaces, these communities also form their own customs and rules around use of copyrighted or copyrightable works.²³ MMOs embrace this so far as to be considered a ‘negative space’ for IP, prospering despite low or flexible enforcement of IP rights traditionally considered necessary for creative businesses to succeed.²⁴

Last, virtual worlds, as MMOs and otherwise, are spaces for cultural expressions and evolution. In particular, ICH is impacted by practice in a virtual world. ICH is defined as in the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage:

1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. The “intangible cultural heritage”, as defined in paragraph 1 above, is manifested inter alia in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.²⁵

²⁰ Howard Rheingold, *The Virtual Community: Homesteading on the Electronic Frontier* (Cambridge: MIT Press 2000).

²¹ Gernot Hausar, ‘Populating Digital Spaces: Learning from Players of Massive Multiplayer Online Games as Early Settlers in the Digital Ecosystem’ in Michael Morawski & Sebastian Wolff-Seidel (eds), *Gaming and Geography* (Springer 2024).

²² Dan Burk, ‘Copyright, Culture, and Community in Virtual Worlds’ (2016) 5 *Laws* 40.

²³ *Id.*

²⁴ Aline Arenque & Amanda Costa Novaes, ‘IP Negative Spaces in Today’s Evolving Video Game’ 4 *IPCouncil*

²⁵ Art. 2.

MMO communities practice more traditional ICH such as holding funerals, birthdays, and holiday celebrations virtually as well as practice budding living heritage unique to the community, such as annual festivals. These online communities also may create communities offline as well.²⁶ Many of the ICH practices are shared and now develop online; especially in the context of MMOs or other virtual places, it is ubiquitous to have some governance by T&Cs, often creating an ownership right to ICH for the platform providers. ICH also, by definition, is the intangible practice; once it is fixed in a medium, it can be ossified or be unduly influenced commercially.²⁷ Further, concerns around indigenous communities should be noted for both cultural interference or proprietisation through copyright via use and evolution of ICH in virtual worlds.²⁸ As a concept, ICH is not widely discussed in relation to technology development,²⁹ but the potential impact on cultural development, ownership, and community identity generationally is enmeshed in virtual worlds and will certainly continue to meld as access and technology improve experiences.

This Chapter will proceed by expanding on MMOs and communities in virtual worlds in Part II; Part III follows by examining the tensions amongst the intangible forces shaping the legal landscape in virtual worlds, blurring the lines between corporately owned IPRs and community created works and ICH. Finally, this Chapter will highlight that, although T&Cs retain power to shape the boundaries of virtual worlds, the instruments do not reflect the new reality of virtual spaces.. The consequences of this incongruity are already bleeding over into wider societal online practices.³⁰ The adhesive T&Cs are significantly imbalanced, yet, with MMOs, often not enforced and not reflective of the understandings and expectations of the parties. MMOs seem to have come to a precarious harmony under what often appear to be draconian contractual requirements, not reflecting the new realities of community engagement and creation. These virtual worlds and normative boundaries should serve as a prescient sandbox model for broader social platforms and also call for a clearer revision of T&Cs to improve understanding for communities in virtual worlds.

²⁶ See Part II for greater detail.

²⁷ Megan Rae Blakely, 'GLAMourising Intangible Cultural Heritage: When Copyright, Technology & ICH Meet,' *Display at Your Own Risk*, in Andrea Wallace and Ronan Deazley, eds, *Display At Your Own Risk: An experimental exhibition of digital cultural heritage* (2016), <https://displayatyourownrisk.org/blakely/>.

²⁸ Burk, n. 22.

²⁹ The United Kingdom joined the 2003 Convention only in 2023 as the 183rd party; even in recent decades, the relevant governmental bodies did not consider that the United Kingdom had any ICH at all. See Laura-Jane Smith & Emma Waterton, 'The Envy of the World?' in Laura-Jane Smith & Natsuko Akagawa (eds), *Intangible Heritage* (Routledge 2009).

³⁰ Monopolistic social media companies that also host creative and cultural practices are not following suit in relation to the 'community first' legal practices and do enforce the T&Cs.

II. Law and Communities Shaping Virtual Worlds

Virtual worlds are born of technologies and shaped by legal language and rules; however, the symbiotic interactions, enforcement and recognition of authorities, and scope for collaborative contributions adds complexity.

The terminology of ‘virtual worlds’ encompasses a wider landscape of interactive platform, and a virtual world can operate as a place and space for social interactions that reflect real world activities as well as creative and cultural works. The 2023 European Commission Report defines a virtual world as a:

(1) platform (‘persistent, immersive environments’), (2) means of access (‘based on technologies including 3D and extended reality (XR)’), and (3) purpose (‘blend physical and digital worlds [...] for a variety of purposes such as [...] entertainment’).³¹

The EC Report addresses a variety of crucial industries and engaged with communities through a Citizen’s panel: ‘The Citizen’s panel recommendations support the Commission’s work on virtual worlds and the future of the internet. They are structured around eight values and principles: freedom of choice, sustainability, human-centered approach, health, education, safety and security, transparency and inclusion.’³²

The engagement with a representative sample of citizens is laudable. However, there is a notable lack of serious engagement with MMOs or like persistent, highly interactive virtual places, which could be significantly informative of how to effectively approach virtual worlds in mainstream industries. It is unclear if these omissions may be unintentional or rather due to stigma, misunderstanding, or barriers to access around MMOs. MMOs fit neatly historically and contemporarily within these broader definitions encompassing technological progress and wider mainstream uptake. MMOs have had longer to develop, and game developers have addressed the challenges many larger platforms seeing now – although the most successful took markedly different approaches. The constitution of virtual worlds is complex and ‘reflects a dynamic relationship between spatial forms and social discourses

³¹ European Commission, Strategy on Web 4.0 and Virtual Worlds (11 July 2023), https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3718.

³² European Citizen’s Panel of Virtual Worlds’ https://citizens.ec.europa.eu/european-citizens-panels/virtual-worlds-panel_en, producing a final report: https://citizens.ec.europa.eu/european-citizens-panels/virtual-worlds-panel_en.

with corresponding productions of control, authority, and power... contemporary productions of space.’³³

Considering the mainstream regulation and understanding of virtual worlds, even the scholarly terminology of how to understand technology and law in light of our relatively rapid societal shift into evolution of terminology to describe how we exist online. The choice to use ‘virtual worlds’ as a term that has fallen from regular use in legal studies was intentional, and this intentional choice can be seen in other emerging work.³⁴

Choices at a high regulatory level, such as by the EU Commission, can have a direct knock-on effect on communication and power in these developing spaces. Scholarly linguistic decisions often reflect the regulatory choices to attract the appropriate audience:

The term ‘virtual worlds’ appears to us as the latest iteration of ‘metaverse’, since the latter lost some of its appeal after Facebook’s rebranding to Meta. We do not have a preference on the choice of term and note that many still opt for ‘metaverse.’³⁵

Language has a significant impact on shaping boundaries in place and space, and this is true in particularly true in a virtual world context, where often primary communication is verbal or written.³⁶ Visual cues can often be dictated by creative choices by the user or framed within the parameters of the world design itself. History and choices about this terminology are central to creating and developing the space; even within intellectual property more broadly, issues around ownership and trade mark can be facilitated by linguistic complacency.³⁷ However, further attempts to align common terminology are scattered and open to co-opting by corporate platforms.³⁸

It is difficult to argue this is not due to the societal sci fi undercurrent³⁹ anticipates future technological evolution and integration.⁴⁰ Existing terminology too associated with

³³ Melinda Benson, ‘Rules of Engagement,’ https://download.ssrn.com/14/07/26/ssrn_id2472469_code1225638.pdf, 217.

³⁴ Ayse Yaşar & Fabian Ziermann, ‘Conceptualising Virtual Worlds: A Narrative-Driven Architecture’ (12 Jun. 2025) CREATE Working Paper, <https://zenodo.org/records/15525138>.

³⁵ *Id.*

³⁶ Matteo Nicolini, ‘Legal Geography, Linguistics, and Borders.’ *In: Legal Geography. Ius Gentium: Comparative Perspectives on Law and Justice* (Springer 2022); Gregory Lastowka & Dan Hunter, ‘The Laws of Virtual Worlds’ (2004) 92 Cal. L. R. 73.

³⁷ This has come especially to the forefront with ‘Meta’ in relation to virtual worlds, but the issue of grabbing market control early and controlling a narrative is certainly not a novel issue with emerging technologies.

³⁸ Companies seeking to move into this space must have seriously considered the risk of ‘genericide’ of their trade mark, but their behaviour proves their confidence that moving into the space ‘early’—as they perceive—could create secondary meaning and defeat genericide while establishing market dominance in wider uptake of virtual worlds.

³⁹ Benjamin Tyson Duranske, *Virtual Law: Navigating the Legal Landscape of Virtual Worlds* (ABA 2008).

⁴⁰ GIKII, <https://www.gikii.org/>, accessed 29 Sep. 2025.

subcultures, like ‘cyberspace’⁴¹ failed to retain traction over time, and in some ways, it is possible that these origins and terminology facilitated the designation of MMOs as early virtual worlds as niche and less important than they are.

Early on, The World Wide Web/ Internet⁴² would always been capitalized and written out. The founders and early adopters of the internet intended for the platform as a whole to be a radically democratic, decentralized system.⁴³ Although there were hypotheses the internet in that form would lead to ‘no more geography,’ the true evolution shows a much different reality—but one also very much shaped by law.⁴⁴

As the landscape of the internet itself expanded from texting and message boards to forums and further to what now is more recognizable as a social platform or virtual world, law has wrestled with definitions mapping onto traditional rules and naming conventions. The development of interactive platforms with visual components to form social and entertainment spaces became the ‘virtual worlds’ in law.⁴⁵

Launched in 2003, Second Life offered a visually interactive virtual world MMO, guided by users’ communities and creativity, with no particular goals or inbuilt tasks.⁴⁶ Users are represented as virtual humans as visual avatars; users could attend live music events, enrol in classes, design clothing, and compete in races, for example. Aspirational early predictions suggested that this evolution might mean moving past the idea of a geographical space⁴⁷ although this hope for a more unified global and democratized space has not come to fruition. The functionality, access, general social tech literacy did not keep up with the aspirations in Second Life around integrating wider use in education, healthcare, and other mainstream activities that could potentially occur in a virtual environment. The terminology of ‘virtual worlds’ largely fell out of favour after Second Life, suffered from general overclaiming in relation to the wider societal impact and uptake.⁴⁸ However, the platform persists and hosts

⁴¹ William Gibson, Pattern Recognition. (

⁴² Tim Berners-Lee *et al.*, ‘The World Wide Web’ (1994) 37 Comm. of the ACS 76.

⁴³ *Id.*

⁴⁴ Duranske (n. 39).

⁴⁵ See e.g., Michael Madison, ‘The Narratives of Cyberspace Law (or, Learning from *Casablanca*)’, 27 Colum. J. L. 20.

⁴⁶ Second Life is still live and can be viewed for context at: ‘Second Life,’ Linden Research, <https://secondlife.com/>, accessed 29 Sep. 2025. See *infra* this Section for specific examples and activities in virtual worlds.

⁴⁷ Andreas Rahamatian, ‘Cyberspace and Intellectual Property Rights,’ in Nicholas Tsagourias & Russell Buchan (eds), *The Research Handbook on International Law and Cyberspace* (Edward Elgar 2015).

⁴⁸ See eg Interview with Philip Rosedale in Amber Atherton, *The Rise of Virtual Communities: In Conversation with Virtual World Pioneers* (Apress 2023).

some of the more complex virtual social structures currently online.⁴⁹ ‘Virtual worlds’ is still most accurate as a term that is flexible and largely anticipated the current landscape. However, the term lost its traction over time, leaving a linguistic vacuum; no one descriptor seems to have fully gained popular consensus for standardization.

After a brief dip into Web 3.0 as following numerical conventions,⁵⁰ the EC Report and sparser literature tries to incorporate a Web 4.0 approach; the lack of uptake here means it is unlikely to persist. Given the historical pattern of language and the failings around Web 3.0, virtual worlds remains the most favourable choice as most accurate and neutral. This phenomenon echoes the sentiments around the creeping disfavour of ‘metaverse’ as a catch-all for a more encompassing virtual world, circling back to earlier and accurate terminology. Wider access and understanding grew to the realization that this was more than a game or obscure tool.

It is essential for legal practitioners and scholars to retain criticality around terminology for emerging technology and resist the enthusiastic tide of marketing, such as with adding ‘Metaverse’ (capitalized) to their client briefings and articles to mean any modern virtual world. Not only was Meta not the first to coin the term or even the concept of a ‘Metaverse,’⁵¹ this was a purely monopolistic overreach attempt to own virtual worlds that had existed for decades without any noticeable improvement. Other than presuming there are more mainstream user base might adopt the Meta version of virtual worlds, likely based on the users’ persistent social connections on the platform. The Metaverse (capitals essential) may be one thing: an online virtual platform owned by Meta. But it is also essential to resist the implication—or the dictation that the Meta-owned Metaverse (or Meta-owned metaverse) is the future of virtual worlds or more drastically is the Virtual World. As noted, persistent use of ‘metaverse’ as a generic may well impact trade mark rights;⁵² it is almost certainly well strategically considered to try to ensure proprietary rights are retained. Therefore, the use of capitalization—or not—is a commentary on its own.

The language used for these spaces has and will continue to be a potent and likely underrated influence in the control and evolution of virtual worlds. Linguistic apathy or passive adoption

⁴⁹ ‘Second Life’ (n. 45).

⁵⁰ Alex Murray *et al.*, ‘The Promise of a Better Internet: What Is Web 3.0 and What Are We Building?’ (12 Apr. 2022), available at: <https://ssrn.com/abstract=4082462>.

⁵¹ Neal Stephenson, *Snow Crash* (Random House 1992).

⁵² CDPA 1988.

of centralized corporate platforms will reinforce the structures and dominance of our future virtual worlds. This has not been lost on market players, especially in relation to the power of communities, identity attachment, and co-creation – or the impression thereof. The contemporary rhetoric around monopolistic social media relies on emphasizing social connections and ‘communities.’⁵³ Corporate messaging is designed to give perception of creating ‘virtual communities,’⁵⁴ which presents a precarious opportunity for co-opting the corporate platform as the primary virtual space and place, rather than an optional platform. Community adoption and acceptance is vital for this approach to succeed and has been well explained through the early 2003 theory on ‘User Acceptance of Information Technology’ through to the contemporary review and development in 2025 around ‘Unified Theory of Acceptance and Use of Technology’ (UTAUT).⁵⁵ So although there may be the outward impression of full, organic co-constitution, research has provided clear patterns for shaping online habits and behaviour.

Early virtual world communities that have persisted offer important insights into how our virtual worlds are shaped, prior to heavy research and investment in directing user engagement. Chip Morningstar and Randy Farmer are the co-creators of the Lucasfilm Games MMO ‘Habitat.’ Habitat is billed as ‘the grandfather of modern MMORPGs,’ launched in 1985.⁵⁶ The open source project is relaunched and still available to play as ‘Neohabitat.’⁵⁷

Farmer: Let me first distinguish social media from online communities. We’ve conflated those words over the years. I try not to, but a lot of people say “the Twitter community” or “the Facebook community.” There’s no community there. You don’t take big piles of people and call them a community just because they use an application; that is a shared tool. It’s like saying I use a hammer, I’m part of the hammer-using community! An online community requires a shared context, something that is valuable to its users.⁵⁸

This framework seizing is emblematic of the control and dialog around a place and space to construct the law and environment – in this case, the virtual environment. The context and magnitude of shaping virtual world communities has been a prominent feature since the

⁵³ Mark Zuckerberg, ‘Founder’s Letter’ (28 Oct. 2021) Meta, <https://about.fb.com/news/2021/10/founders-letter/>.

⁵⁴ Atherton (n. 48).

⁵⁵ Davit Marikyan & Savvas Papagiannidis, ‘Unified Theory of Acceptance and Use of Technology: A review’ in Savvas Papagiannidis, *TheoryHub Book* (2022), based on Viswanath Venkatesh *et al.*, ‘User Acceptance of Information Technology: Toward a Unified View’ (2003) 27 MIS Quarterly 425.

⁵⁶ Randy Farmer, ‘Neohabitat,’ <https://frandallfarmer.github.io/neohabitat-doc/docs//>, last accessed 29 Sep. 2025.

⁵⁷ *Id.*

⁵⁸ Interview with Chip Morningstar and Randy Farmer, Cocreators of Lucasfilm Games ‘Habitat’ in Atherton (n 48).

outset. Coopting the term ‘community’ is actively seizing upon the illusion of collaborative creation of the virtual worlds based on the established communities within MMOs; centralized platforms have learned and incorporated these lessons where regulators are lacking.

Shaping and defining communities is crucial in relation to the ICH is also practiced in MMOs as ICH is defined by the practicing community.⁵⁹ Gaming cultures reflect ‘real world’ ICH but also develop their own ritual and customs passed down through generations.⁶⁰ Game studies has observed this international ICH transposed into a virtual world, having far reaching ramifications around cultural heritage, identity and community which will amplify as wider societal access and uptake occurs even without the specific ‘ICH’ terminology.⁶¹ Howard Rheingold, a community expert, early founder of virtual worlds, and member of the WELL provides context on community and culture:

Rheingold...There’s an expression that it’s really not a community until it’s had a funeral. Indeed, weddings, breakups, rites of passage that occur in face-to-face communities are also important milestones online. Another way of shifting discussions to communities is the presence of rituals. The rituals that work best are when they just emerge naturally. When someone says, “what does it look like where you’re sitting?” Or “what did you have for breakfast today?” Anything that catches people’s interest and that they then turn into a regular event.⁶²

In addition to rituals or regular events that are specific to the virtual world, rituals that have evolved over generations that shape identity in wider human society are practiced in MMOs. Generational, core cultural practices suffuse the virtual world. MMOs hold world-specific annual events as well as traditionally recognized ICH rituals such as birthdays, holidays parties, and even funerals. These can be extremely popular but are largely invisible to the general public.

On occasion, virtual world events and rituals capture wider social notice; a recent Netflix documentary, a media landscape and communication framework reaching beyond the specific vernacular of the virtual community).⁶³ The cultural and creative undercurrent in MMOs does not often translate well or capture the interest of mainstream society, but more frequently,

⁵⁹ Convention for the Safeguarding of the Intangible Cultural Heritage (2003).

⁶⁰ Ahmed Elmezeny & Jeffery Wimmer, ‘Games without Frontiers: A Framework for Analyzing Digital Game Cultures Comparatively’ (2018) 6 Media & Comm. 80.

⁶¹ *Id.*

⁶² Interview with Howard Rheingold in Atherton (n. 48).

⁶³ ‘The Remarkable Life of Ibelin’ (2024) Netflix.

stories that emphasize these rituals and connection cross boundaries to bridge the unseen virtual with the physical world. For instance, the Netflix documentary ‘The Remarkable Life of Ibelin’ shared parents’ experiences of learning about their son’s rich online life with friends around the world through the MMO World of Warcraft after died at age 25.⁶⁴ This interpreted perspective opened a window into the layered virtual world co-occurring and impacting lives, hiding in plain view.

Although most rituals and community traditions, generational or evolving, will not affect such a wide audience, the success and awareness raised from the documentary are essential steps in communicating the high cultural, creative, and human connection, reinforcing the often unseen value in MMOs. In this pivotal time, ICH is in danger of evolving under a corporately managed or even paid place of practice with illusory control for users; similar to collaborative creativity that is not now well managed under statutory or common law. In these ways, cultural and creativity are shaped through language, formal and informal law, crucial factors in understanding the legal landscape of virtual worlds.

Many presentations and works begin with a financial and numerical accounting of MMOs, similar to early works on the uptake of the ‘Internet.’ This approach might seem trite, however, it is essential to demonstrate value and trajectory to an audience likely less familiar with such platforms. These platforms are early and more sophisticated versions of more widespread social media platforms which are now seeking to grow into wider social spaces integrated into society.

MMOs can also be misunderstood through reputational bias, such as stigma around gaming as an unsophisticated form of entertainment, or by the perception of catering to more specialised entertainment interests. However, even more casual players seeking to understand or participate in the complexities of virtual worlds may encounter significant difficulty in penetrating the activities and communities themselves. Many virtual worlds are shrouded and gatekept through a multitude of barriers. On a fundamental level, technological access has been less widespread through communities and globally; this is accompanied by financial barriers. Not only must users purchase appropriate gaming equipment which can be in some cases quite expensive, they also must purchase the game, a monthly subscription in some

⁶⁴ *Id.*

cases, and have reliable Internet. Further, a significant time commitment is required to fully engage with these virtual worlds and be integrated into a community. Some of this delay is due to practical reasons, as in newer accounts are sometimes restricted to prevent prohibitive behaviours such as harassment or spamming advertisement. The more complex challenge here is with building relationships in an entirely virtual environment with anonymous strangers, often around shared activity and collaboratively acknowledged social value and trust indicators.⁶⁵ Often entire vocabularies, skills, and knowledge or ‘lore’ are essential to participating in MMOs.

Understanding constructed spatiality in virtual worlds is therefore critical, especially in these spaces when co-constitution does more than to shape or influence the place. In the strongest sense it is to call it into being or modify its social significance through the distinctive practices of naming, classifying, ruling, governing, or ordering associated with law most broadly conceived. It is to invest entities with distinctively legal signifiers (rules, rights, obligations, prohibitions, facilitative regulations, and so on) that situate these entities within networks or constellations of power which strongly condition actual performances and events with respect to these entities. Usually constitutive moments are iterative and responsive as entities are successively reconstituted in open-ended, often contested processes.’⁶⁶

Lacking legal enforceability and clarity on many social behaviours in virtual worlds, communities created various systems and rules. For instance, Habitat still struggled with virtual stealing and trust; similarly, MMOs still create external checks and balances with trusted members and systems. Developers have realized trust in the virtual space will bolster sustainable engagement.⁶⁷ These trust systems are often created through the pseudo legal co-construction of expectations and enforcement transposed into the virtual worlds.⁶⁸ The decentralised and secure approach, the most community directed form of a virtual world, is not only difficult to achieve, but the importance of the decentralization may not be widely understood, leading to lower demand:

Farmer: Everyone focuses on the virtual worlds that we worked on at the firm, but our ultimate success was that we removed the necessity for a central server, in that case implemented on top of a virtual world. In doing so, we made the first fully decentralized metaverse in the late 1990s!

⁶⁵ Burk (n. 22).

⁶⁶ Delaney (n. 16).

⁶⁷ As evidenced by the persistent communities over decades, such as with Neohabitat (n. 55).

⁶⁸ Randall Farmer & Bryce Glass, *Building Web Reputation Systems* (O’Reilly Media 2010)

Morningstar: One contributor to the demise of Electric Communities was that there wasn't great demand for decentralized, secure, virtual world infrastructure at the time, even though it solves important coordination problems, as Randy was just explaining. An unintended but fantastic consequence of framing a decentralized, secure metaverse in a graphical environment was that the metaverse and its implications were visualized in a virtual world, which gave them the same moral intuitions as if it were the real, physical world. It helped your brain understand the problems with the metaverse in a way that you could make sense of them and come up with possible solutions. So human engineers were able to think about the underlying technical problems of decentralization.⁶⁹

General sentiment during formation of established virtual worlds echoed the importance of public access and decentralization: 'The lesson I take from this is that no matter how wonderful your walled garden is, it can't compete with the public, open internet.'⁷⁰

Conversely, nearly 20 years later, the walls of the digital ecosystem gardens seem to have strengthened,⁷¹ with implications reaching far beyond competition law. Especially as early founders intended high levels of community co-constitution and decentralization, public information and featuring of these lessons from persistent MMOs is essential. The virtual and legal landscape is reflective of the participatory community and can only be properly steered and sustained if the ever expanding community is fully informed of the power of influence in the virtual.

III. Intangible forces shaping the legal landscape: law, culture, and creativity

The interwoven spheres of authority shaping the legal landscape of MMOs includes top-down forces, such as corporate enforcement of IPRs, and bottom-up forces from the virtual communities. Although these exist as dichotomous forces with clearer divisions in traditional media industries with heavy IPR enforcement and communities with limited technical capacity to contribute creatively, MMOs with their virtual places have evolved to incorporate more symbiosis. The developers engage deeply with the communities and even encourage (non-commercial) infringement, with a high level of infringement tolerance generally. The users are often more technologically savvy and can grow to incorporate the virtual communities into their own lives, social and cultural practices. This organically evolved approach may currently hold a precarious harmony, but the legal landscape is far from revolutionary.

⁶⁹ Atherton (n. 48).

⁷⁰ Jeff Atwood, 'Avoiding Walled Gardens on the Internet,' Coding Horror (29 Jun. 2007), <https://blog.codinghorror.com/avoiding-walled-gardens-on-the-internet/>.

⁷¹ Yaşar (n. 11).

The persistent communities in MMOs have distinct social rules and expectations, set up and enforced through various mechanisms. Just as with the physical world, statutory instruments, regulations, and common or case law will all have effect where applicable. Similarly, T&Cs are a regular feature of governing the physical world, but T&Cs are certainly more prominent as a legal structure shaping the space. Socially mediated and co-created laws and mores within a virtual world as a place and space are common when existing law does not properly transpose or exist. These issues were not entirely unanticipated, and early scholarship on considerations in legal landscapes retains significance in the field.⁷²

Traditional legal considerations around protecting existing copyright and trade marks still figure prominently, but there are more specific legal issues that coalesce around a virtual world's landscape. A platform's place and space are largely governed by T&Cs, community messaging, and mutually agreed-upon behavioural enforcement and signalling. Examples include fan art, community streaming, NDA beta testing, featuring or reputation awarding, and arbitration. Participants willingly accept these rules, often through NDAs for unpaid beta testing, where the reward is access to unreleased spaces in the virtual world and enhanced reputational clout, so relationship management can mask the imbalanced legal framework and business model.

Leveraging tailored rewards and featured community activities that might infringe copyright with no negative consequences reinforces the shape of the law in MMOs. The enforceable 'real world' law', especially in the T&Cs as adhesive contracts—written, issued, and updated by companies with sophisticated legal representation, is often explained and managed by front line 'community managers;' the more stringent terms are often unutilised, with much of the front-facing messaging running counter to the T&Cs. User complaints are often resolved entirely outside formal legal routes, leaving scarce precedent due to official and unofficial arbitration and frequently internal resolution of complaints through community management. Complaints can be resolved by giving aggrieved users more intangible 'rewards' in game, which are subject to the same T&Cs as all other services. Courts appear to be upholding T&Cs that reserve rights to the developer, with users holding a unilaterally terminable licence.⁷³

⁷² See e.g., Duranske (n. 39); Lastowka & Hunter (n. 36).

⁷³ E.g., *Cassell et al v. Ubisoft Entertainment S.A. et al*, case number 2:24-cv-03058 [2025].

So although some traditional legal mechanisms on multiple levels are applicable and enforceable in virtual worlds, the virtual landscape has evolved in a way that often encourages infringement and circumvents legal enforcement. MMOs prove that community co-creation of virtual environments still can result in a successful, sustainable creative enterprise, but enforceable legal instruments still may hold if a company with a persistent community changed tact.

Understanding copyright law in MMOs requires a multi-level analysis. The most established method analysis would look to statutory laws on a domestic and international level. The majority of countries in the world are parties to the Trade Related Agreement on Intellectual property rights ('TRIPS'), which establishes minimum standards for protecting intellectual Property Rights, backed by trade sanctions.⁷⁴ Domestic implementations may vary and build upon TRIPS.⁷⁵ So understanding the legal landscape of MMOs in relation to copyright could logically begin here.

The next layer of analysis would look to T&Cs, which are well integrated into many consumer experiences; however, accessing most platforms requires acceptance of some form of lengthy and often unread T&Cs. Lawyers draft T&Cs from appropriate boiler plate templates and customise to their clients' needs as standard practice. This practice is efficient and ensures essential legal terms are included and are sometimes negotiated.

In the case of online T&Cs for virtual worlds, these contracts are not negotiable the other contracting party, the users. Such contracts are known as 'adhesive.' The other party may agree and accept the terms or if they do not agree then they may not access the virtual world. As the T&Cs are written by lawyers working for their client developer, T&Cs are most favourable to the developer. Additionally, many T&Cs will be updated with additional clauses to reflect new technological developments and challenges, or to comply with changes in regulatory law. What is uncommon is to find causes removed from adhesive T&Cs. From a logical standpoint, a game developer may well leave overly protectionist clauses in the T&Cs, even if there is no intention to ever enforce the clauses so long as they are legal. An analysis of 30 popular games indicated that the T&Cs are heavily geared towards the rightsholder developers, with nine of the T&Cs prohibiting use of any kind of video content; the study rightly notes 'the legal treatment is vastly different from the lived reality of game

⁷⁴ TRIPS (1995).

⁷⁵ *E.g.* CDPA (1988).

creators and users in the industry.’⁷⁶ This empirical study evidences that unexamined or unnecessary terms are left in these adhesive contracts, even when the terms do not reflect enforcement and use intentions. Many T&Cs do not reflect the expectations or community management but a protectionist legacy of persistent boilerplate contracts.

Internet users are generally conditioned and expected not to read the T&Cs, but T&Cs are largely found to be enforceable so long as there is the ability to read and to consent, such as with ‘clickwrap,’ clicking a button to agree with an active link for full terms.⁷⁷ Active community members and users, particularly in MMOs, are more likely to look to T&Cs for guidance.⁷⁸ But the adhesive, snowballing T&C means it is challenging to fully understand, even for a sophisticated user. This sidelining of the legal document reinforces the importance of the interaction of the legal landscape and the virtual space and community reliance collaboration for understanding and construction.

One reason that MMO users are not entirely concerned by protectionist T&Cs, in addition to the developer messaging and behaviour, is the expectation that consumer protection laws remedies are available; these laws vary jurisdictionally. Traditional ways in which users might be protected by consumer protection laws would be in relation to general online purchases and faulty products back into consumer protection laws have not fully calibrated to the nature of virtual worlds and related virtual purchases currency and capital. Further, the nature of a ‘service’ as opposed to a ‘good’ provides scant protection post-delivery or download.⁷⁹

Legal treatment of MMOs and virtual worlds as a service is a significant win for developers and providers. Virtual worlds on hosted platforms as spaces are now generally legally recognized to be a ‘service’ rather than a ‘good’ by law and affirmed emphatically in most T&Cs. The legal distinction means that fewer rights and guarantees are available to users as consumers of a service than a good. One significant impact in virtual worlds is that there is no external current statutory guarantee of access to the platform; T&Cs state the ‘service’ can be terminated at any time. Further any intangible items are also a service, so no recompense is

⁷⁶ Amy Thomas ‘Can You Play? An analysis of video game user-generated content policies,’ CREATE Working Paper Series (22 May 2022), <https://zenodo.org/records/6564948#.YozIfVTMK3A>.

⁷⁷ Paul Morrow, ‘Cyberlaw: The Unconscionability/ Unenforceability of Contracts (Shrink-Wrap, Clickwrap, and Browse-Wrap) on the Internet: A Multijurisdictional Analysis Showing the Need for Oversight’ (2011) 11 Pittsburgh J. Tech. L. & Pol. 1.

⁷⁸ Megan Rae Blakely ‘User Perspectives on Terms and Conditions’ (forthcoming 2026, *Interactive Entertainment Law Review*).

⁷⁹ *Id.*

available. As more corporate platforms have grown exponentially by successfully retaining and managing virtual communities the greater the relational imbalance – while simultaneously earning the trust and labour of users while owning the creative and cultural outputs through providing a ‘service.’

Considering the acceleration and the uptake of virtual worlds, both in the expansion of MMO’s and E-sports and the apparent race to capture the market for wider social practices in corporately owned virtual spaces such as with Meta, understanding legal landscape in virtual worlds and how the place and space itself has already established and evolved as essential. Although this virtual landscape may not be fully understood in a mainstream context, the underlying practices of sophisticated users, younger native users and corporate practice is already designed, moulded and extant. The power imbalance and centralisation and hyper normalisation of adhesive, protectionist T&Cs, governed by amelioration of complaints with intangibles in the virtual world (still governed by the T&Cs), closed arbitration, and veneer of community to further the corporate platform is a looming concern.

One significant way the gaming industry departed from traditional media in relation to the public was with legal and stylistic interactions. Traditionally, prominent media companies would actively enforce copyright protections not only from other companies, but also actively enforced against smaller creators and fan communities:

‘MMORPGs and their associated player communities parallel brands and brand communities in that they are likely to provide players with opportunities for self-definition and identification. Prior research posits that the psychological bond of identification, or the perceived sense of oneness or belongingness with a social referent that motivates individuals to achieve self-enhancement by working toward the benefit of that social referent is an important predictor of member behavior in brand and consumption communities.’⁸⁰

Gaming industries learned this early and embraced many smaller creators and highly engaged users, whether as a creative or competitive choice. The developers recognized that the media itself could also be more easily interactive and improved by not only tolerating infringement, but encouraging controlled infringement was pioneering in entertainment media. This ‘encouraged infringement’ approach was at odds with conventional legal approaches:

‘Copyright owners have a fraught relationship with such communities... The existence of enthusiastic followers indicates that the creative work was at least something of a success; even otherwise obscure or unprofitable works can be kept viable by an interested group of fans. The Internet and related media

⁸⁰ Vishag (n. 8), 1046.

now provide channels for dissemination of fan discussions, debates, and demands; the Internet also provides focal gathering points for otherwise scattered or marginal followers that at one time might have gone unnoticed. In some senses, enthusiastic fans are an author's best commercial resource; the continuing devotions of fans to a particular work helps provide ongoing public exposure, promotion, and consumption, typically all for free.

At the same time, because fans of a work are not in the employ of the copyright holder, the activity and interest provided by fans can represent a loss of control over the work. Again, widespread Internet access has fostered the exchange of stories, artwork, and video elaborating on the content of popular copyrighted works. Creative fans may incorporate aspects of the work into user-generated materials that extend the work in directions the initial creator did not intend, or to which the initial creator may object.⁸¹

This encouraged infringement built intentionally created communities in the gaming industry recognised and understood that an engaged community means a more sustainable business model and growth, improved communication and reputation. In some cases, this engaged community also provides free and beneficial labour in the form of advertisement, publicity, testing, and development.

This power imbalance and exploitative potential have been highlighted in academic study for decades, but the landscape has not changed: 'These new virtual spaces will not in any sense be "free," either from commercial manipulation or in terms of actual costs for users. As with all computer technology, access is restricted to those with financial resources, those who do not live in technologically marginal areas, and those with the requisite technical skills.'⁸² Even considering these insights, it is difficult to envision that the extent to which the inequality of labour and legal rights have persisted in virtual spaces, likely due to the clandestine nature of party relationships and keen balancing by platform providers.

This heavily engaged community also saw the rise of 'community managers.'⁸³ Some community managers will be employed by a game developer but often will be partnered or acknowledged representatives but unpaid. The community managers may explain any important changes the user community needs to know might take general questions and feedback or deal with minor issues in the game. These structures create a collaborative internal governance and shapes all users' experience in a virtual world. The model has come to rely on the community structures and engagement. Further, this structure builds user confidence, trust, and affiliation with the company and the related virtual world, leading to

⁸¹ Burk (n. 22).

⁸² Taylor (n. 19), 189.

⁸³ Luna Lund, 'Cyber-regulatory Theories: Between Retrospection and Ideologies' (3 Jun. 2019) *Unio EU Law Journal*, <https://officialblogofunio.com/2019/06/03/cyber-regulatory-theories-between-retrospection-and-ideologies>.

enforceability of community-constituted law. The social rules are inevitably co-constituted with users, developers and symbiotically shape and are shaped by the specific virtual world.

Many established users will take on leadership roles within their communities unofficially as well. They will design group activities, manage online behaviour, further reputation building, establish world signifiers and participation barriers/controls. These sorts of social laws are also shaped by the virtual, rather than physical, geography of MMOs.

What the early progressive gaming companies recognized was the power of community social engagement and creation, rather than enforcement. Consider the early take on virtual world regulation:

Rosedale: One thing to consider is that people's fundamental nature is to be good to each other and that online environments can preserve that as well as destroy that. So it is key to provide a platform that preserves people's basic desire, their default behavior, to be good to each other. Give people control. One of the important ways to do that is to give people fair but significant power. The more you strip power away from people, the more they act like 11-year-old boys, the more angry they get. So you should empower users fairly and equally and in a way that spans different behavior types.⁸⁴

Rosedale's insight demonstrates that in creating these virtual landscapes, founders were considering underlying sociolegal theories, even without being versed in jurisprudence. These contentions are supported by ample evidence that personalizing a target is less likely; 'seeing' someone – an avatar or a face can often led people self-correct bad behaviours, even not limited by physical geography and culture.⁸⁵

As with many communities having strong social ties and mores, formal legal complaints and actions are rare. In the case of virtual worlds, this is not only due to strong reputational and social connections, but also due to T&Cs requiring arbitration and company community management to redress user concerns. These practices have led to a lack of evidence of enforcement and precedent.

Some case law and practice provides guidance, but overall, legally, this area persists with a problematic lack of precedent and transparency.⁸⁶ These precedents will depend on jurisdiction, and many major media developers are based in the United States, so less

⁸⁴ Atherton (n. 48).

⁸⁵ *Id.*

⁸⁶ *Eg.* if user modifications to the game are allowed, common practice dictates separate T&Cs govern 'mods,' leaving many rights to the user creator with licenses to the developer; *Nova v Mazooma Games* [2007] EWCA Civ 219 provided legal guidance on the idea-expression divide that delineates how much of a work is protected by copyright.

consumer-friendly terms in relation to mandatory arbitration are likely binding or may never reach courts at all for clarification on legality. Cases will often only reach litigation if a service is fully closed, and these decisions have confirmed the highly limited rights for paying user communities in a subscription era. *Cassell et al v. Ubisoft Entertainment S.A. et al* indicates—at least in the United States, where many developers are based, that users only receive a licence for a game with unilateral termination rights at any time.⁸⁷ Even where the activation code for the game expired in 2099 and for users who bought a physical copy of the game, courts confirmed users had no recourse for their purchase, drawing attention from the wider gaming community.⁸⁸

‘Stop Killing Games’ is one user-driven initiative, organizing community members and bringing the user voice forward.⁸⁹ In addition to highlighting issues around these imbalances, interested users were encouraged to sign the ‘Stop Destroying Video Games’ EU Citizens’ Initiative. Whilst that Initiative is now closed, a public consultation for the EU Digital Fairness Act, which has potential to encompass and address some of these issues was opened, closing on 24 October 2025.⁹⁰

When legitimate disputes are decided in arbitration, no public judicial opinion or precedent is available., For companies, closed arbitration or extra-legal solutions will be a preferable option as the contractual practices may continue without judicial intervention and without any potential reputational harm. Companies that can absorb a significant financial hit may offer complete refunds, even for associated hardware, avoiding those pitfalls, as seen with the full closure of Google’s Stadia.⁹¹ Short of this action, arbitration will almost certainly be more cost effective for the company; challenging arbitration clauses would rarely be financially or temporally tenable for an individual party.

⁸⁷ This class action was voluntarily dismissed 13 Jun. 2025.

⁸⁸ Dustin Bailey, ‘Ubisoft Says You "Cannot Complain" It Shut Down The Crew Because You Never Actually Owned It, And You Weren't "Deceived" By The Lack Of An Offline Version "To Access A Decade-Old, Discontinued Video Game’ (9 Apr. 2025) Games Radar, <https://www.gamesradar.com/games/ubisoft-says-you-cannot-complain-it-shut-down-the-crew-because-you-never-actually-owned-it-and-you-werent-deceived-by-the-lack-of-an-offline-version-to-access-a-decade-old-discontinued-video-game/>.

⁸⁹ Ross Scott, ‘Stop Killing Games,’ <https://www.stopkillinggames.com/>, last accessed 29 Sep. 2025.

⁹⁰ ‘Stop Destroying Video Games,’ European Citizens’ Initiative, last accessed 29 Sep. 2025; <https://eci.ec.europa.eu/045/public/#/screen/home/disabled>; Consultation for the EU Digital Fairness Act (closing 24 Oct. 2025), European Commission, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14622-Digital-Fairness-Act_en, last accessed 29 Sep. 2025.

⁹¹ ‘Stadia Announcement FAQ,’ Google (8 Mar. 2023), <https://support.google.com/stadia/answer/12790109?hl=en>.

Without clearer legal precedent, companies looking to enter the market as well as those seeking to maintain competitive sustainability have less certainty in relation to enforceability of T&Cs and will take a protective and precautionary approach. Additionally, the lack of litigation means that problematic terms are rarely challenged and may persist in the snowballed, adhesive boilerplate contract.

Integrating this landscape from a social practice perspective, most prominent in this space and virtual place, may reveal that ultimately regulation and ‘law’ making in virtual worlds will look very different, and although the traditional T&Cs—and even statutory copyright law—may remain as a protectionist mechanism, it may simply fade in relevance.

Speculatively still enforceable, the virtual world environment is vastly more co-constituted than traditional legal mechanisms, despite underlying vast power imbalances.

III. Conclusion

Engaging with the legal landscape of MMOs highlights the importance of understanding authority, control, and law in these places, as well as the pronounced, but often unseen, co-creation that shapes the space. Wider social uptake alongside increasing technological literacy and integration into more mainstream populations means there is a realistic and imminent probability that many social, cultural and creative activities will increasingly occur in similar virtual worlds. Thus understanding the evolution of the legal landscape is essential to ensuring that the official and unofficial laws, rules and regulations are reflective of communities and social values.

MMOs can provide significant insight into the boundaries of virtual spaces. Although litigation and T&Cs may indicate dichotomous interests between users and developers, communities and companies have evolved in some symbiotic ways. These relationships have the potential to exemplify how creativity and culture might look in virtual worlds and hosted platforms. The legal landscape, although evolutionary, is not revolutionary. Protectionist, adhesive T&Cs underpin these places, but MMOs demonstrate that companies can be successful and sustainable and not invoke outdated IPRs. Even encouraging infringement and responding to communities has the potential to model virtual worlds as cultural and social practices move online for wider swaths of the population.

The impact of law on space and temporality, coupled with the adhesive power imbalance, traces the ownership and integration of creative and cultural practices into corporations as

well as demonstrates how traditional law is not enforced or does not translate into contemporary collaborative creation. The illusion of control via community—but also the technological empowerment to create—in MMOs is seeping into the wider uptake of virtual worlds, so the persistent spectre of legal enforcement cannot be ignored in examining the influential geography in these spaces. The negotiated harmony achieved with persistent MMOs should be a model for virtual worlds generally, and T&Cs should be amended to reflect the actual practices and relationships of parties. The evolution of virtual communities in MMOs should be seriously considered as a prescient sandbox for online dynamics and the importance of community cultural and creativity.