PLAYING WITHOUT RULES?
REGULATING IMITATION AND INNOVATION IN THE GAMES INDUSTRY

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Imitation in Games is Plentyful
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Imitation as Genre Building
Evolution of Matching Tile Games

Imitation in Games is Plentyful

Juul, 2010
Games are Complex Works

Ideas

Rule based System

Art style

Expressions
How can an innovative sector with huge turnovers remain profitable and sustainable without clear-cut IP protection?

How do developers handle the tension between imitation and innovation?
Research Design

Qualitative Empirical Copyright Research

Discourses and Practices of Creative Production
Research Design

- Discourse Analysis of Cloning Cases
- Industry Handbook Analysis
- Interview Study with 25+ Designers, Programmers, Artists, Producers/Managers, Lawyers
- Reach-out Workshops and Panels w/ Researchers and Professionals
Discourse Analysis of Cloning Cases

Industry Handbook Analysis

Interview Study with 25+ Designers, Programmers, Artists, Producers/Managers, Lawyers

Reach-out Workshops and Panels w/ Researchers and Professionals
Imitation as remixing game principles and graphical elements is generally accepted

- *Cloning* is not considered a problem in general
- However, in the mobile sector, the amount of 1:1 cloning is considered problematic

Copyright and other IP legislation is not prominent in the daily practice.

Game developers do not want more copyright protection
... is a common practice among different disciplines and sub-sectors.

“A lot of time it's more about picking the right ingredients that are already there. I mean, 95% of what we do, you can say, okay, in some way it always exists somewhere.”
### Differences b/w Sub-Sectors

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“I want my games to be fun, and the second important thing is that they sell, but the first thing is they should be fun.”

Indie Developer
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“I was really there right from the start, and we researched if such a game could be a success. And then I came up with some really good reasons it could be.”

Market Researcher, Large Studio
### Evaluation Criteria

- **Indie Developers**: Game itself
- **Big Companies**: Market Success

### Reference Points

- **Indie Developers**: Personal Taste and Preferences
- **Big Companies**: Market Research

### Understanding of Game Development

- **Indie Developers**: Creative Expression of Idea
- **Big Companies**: Combination of Resources and Expertise

### Distribution and Disclosure

- **Indie Developers**: Sharing, Public Claims of Authorship
- **Big Companies**: Secrecy
“To a certain degree, I think I identify my personality with my work. […] I mainly focus on personal stories and moral questions and everyday life.”

Indie Game Designer
“Don’t start with an idea, start with your assets. […] I don’t want to say: don’t innovate at all – but be smart about it.”

Manager, Large Studio
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“I think in the hardcore indie industry, it's okay to share ideas, because they are very strange nerds and they would never steal. There is something like a codex.

But for example in our company (. ) I have a lot of friends who work for our competitors and I never talk about our current games or the games we have in development, because (. ) that's a hard market, it's war.”

Manager, Large Studio
Summary of Findings

Remixing as a common practice

*Cloning* is not considered a problem, but part of the deal

IP Law not a huge factor

Different strategies to cope with the tension inspiration vs. imitation

- Indies $\rightarrow$ Low IP Regimes
- Larger Studios $\rightarrow$ TV Formats