

January 12, 2009

Happy New Year! It's hard to believe we've been publishing *The Escapist* for three and a half years now.

When we first launched *The Escapist* in July, 2005, we wanted to create a different type of game publication – one that wasn't afraid to tackle the hard issues facing the game industry. Since then, we've covered the economics of used games, piracy, Abandonware, addiction, gender diversity in gaming, sexual content and censorship, and more in over 180 issues and thousands of news posts and discussions.

Looking back at our record of published material, we began to see that certain core values, unexpressed but ever present, had shaped which articles we'd published and which topics we'd covered. We resolved that in the New Year, we would compile and publish these values in a written statement. We'd clarify our biases. We'd express our positions. We'd be open about what we stood for, and encourage others to be, too.

And so, in the interest of transparency to our audience, and in hopes of creating a conversation here and within the game media community at large, we are happy to formally introduce *The Escapist's* Official Position Paper. The paper is also available in PDF format [here](#).

Our Position Paper gives our answers to questions such as:

- Is the used games and games rental business good for consumers and game companies?
- Is piracy of games justifiable?
- Should companies use DRM to protect their games?
- Do game companies have a right to control gameplay within their games?
- What rights and obligations do game companies have in regards to user-created content?

Whether you are an industry professional, an entertainment consumer, or both, these are important questions for our industry, and we hope you'll take the time to check out our positions and think about your own.

We suspect most of you will probably agree with most of our answers. Some of you will no doubt disagree with some. A few of you may feel the need to burn us down for disagreeing on one hot issue or another. We welcome any and all of you to let us know what you think in the forums, in a letter to the editor, or on your blog.

The long-time reader of *The Escapist* may well note that not every piece we've ever published agrees with the positions we outline today. Don't be surprised if you see us publish something that disagrees with some of the positions above in the future, either. Op-ed – “opposite to editorial” – has a long and honorable history in publishing, and we will continue to welcome the contributions of writers and thinkers with views that may not agree with our own.

Speaking of writers and thinkers, *The Escapist* would like to offer a special thank you to Warren Spector, Hal Halpin, and Scott Foe for their insights and comments as we prepared the position paper.

Cheers,

***The Escapist* Editorial Staff**

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# The Escapist Position Paper

## What are the core values of *The Escapist*?

*The Escapist* adheres to four core values that shape how it views the major political and ethical issues facing the game industry. These values are:

Intellectual property, or the right of creators to own the works of their mind and exercise the rights of said ownership;

Freedom of expression, or the right of individuals to speak free from government censorship;

Consumer responsibility, or the duty of consumers to exercise judgment and self-control in the purchase and consumption of their entertainment;

Free enterprise, or the right of individuals to buy, sell, and trade their property.

## How much compensation do game creators deserve for making a hit game?

We believe game companies are entitled to profit from their creations, and that individual game creators deserve to be rewarded for their time, energy, and creativity commensurate with similar compensation in other fields of creative endeavor, such as movies and music.

## Are games fairly priced?

We believe that given the cost to create games and the hours of entertainment provided, games provide more value for their price than virtually any other entertainment product.

Is the used games and games rental business good for consumers and game companies?

We believe there is nothing illegitimate about consumers desiring to rent games, sell old games, or buy used games, and that a properly structured market should enable this in a way that is fair to retailers, game companies, and consumers.

However, we believe that the current used games business and game rental business are poor business practices that put the retailer in ongoing conflict with the game companies, which see no remuneration from the used game sale or game rental. Game companies should be able to profit from the games they create, and current models prevent this. Should the situation not be resolved, it will lead to fewer games, less innovation, and higher prices.

To avoid this downward spiral, we believe that the game industry should develop new practices for used sales and rental.

## Is piracy of games justifiable?

We believe that piracy of games is stealing, and cannot be justified on any grounds. Piracy of games has been a leading cause of the decline of the PC as a platform, and costs game companies billions of dollars every year. The damage caused by pirates is absorbed by legitimate game consumers in the form of higher prices and, indirectly, in fewer games being made overall.



## Should companies use DRM to protect their games?

We believe that game companies have the right to protect their intellectual property through digital rights management (DRM) and other methods. However, we also recognize that many DRM technologies or licenses are obtrusive or detrimental to the play experience. These may actually worsen the overall problems the industry faces with piracy and illegitimate play, because crippling or flawed DRM is used to justify piracy. We encourage responsibility on the part of all game companies with respect to the means they use to secure and enforce their intellectual property rights. And we believe consumers can and should vote with their pocketbooks when game companies do not meet their expectations.

## Do game companies have a right to control gameplay within their games?

We believe that game companies have the right to control gameplay within their games. Thus, while acknowledging that virtual property is a commodity pursued by a large percentage of players, legitimately or otherwise, we believe game companies are entitled to forbid “gold farming” and “real money trade” in their products. These restrictions should be incorporated into the terms of service of the game, and courts should uphold them as an enforceable contract with the players.

## What rights and obligations do game companies have in regards to user-created content?

We believe that game companies have the right to control how the assets of their games are used, including placing restrictions upon (or assigning rights to) user-created content from games.

However, we believe that game companies have an obligation to inform their prospective consumers in advance of the rights and restrictions they intend to place on user-created content. This obligation is stronger the more central user-created content is to the experience.

When a game's key feature is the ability to generate and enjoy user-created content, the game's publisher should be up front about whether or not said content remains under the ownership of its creators, whether or not the content will be censored, and what restrictions will be placed on its use. Honoring this obligation is not just ethical, it is also good business sense that will help game companies avoid the scandals that all too often plague user-created content.

## Do games need to be censored?

We believe that games are an artistic medium capable of purposeful expression, fully entitled to the complete protections of the First Amendment. Games cannot be judged according to a different standard than movies, books, or music, by virtue of being “games.” Game creators must retain the full breadth of opportunity to use sex, violence, politics, satire and more in their works. There is no place for political censorship of games!

In order to reduce the likelihood of illegitimate government regulation, we believe that the game industry should, as a multi-billion dollar media enterprise, responsibly police itself, with transparent and open voluntary standards for game ratings implemented by an independent third party. We support the efforts of the ESRB to provide these standards. Parents and concerned consumers should have the information available to them needed to make informed judgments about what games to consume.



## Should game creators feel free to include realistic depictions of sex and violence in games?

We believe that game makers must have maximum artistic freedom in the creation of games, including realistic depictions of sex and violence in any form(s).

We do not believe that violence in games causes violence in real life, and reject as unfounded attempts to show a causal link between aggression and gaming.

We encourage parents and concerned consumers to inform themselves of the level of sex and violence in the games they are purchasing, and to select appropriate games based on the age, maturity and tastes of the intended player.

## Are games addictive?

We believe that creating and sustaining “flow” is central to good game design, and that the fun inherent in game play is closely correlated with the human capacity for learning and rich experience. As such, gaming is no more or less addictive than other rich, flow-creating experiences such as listening to music, working out, or programming.

We encourage consumers to be responsible in their pursuit of all hobbies and pastimes, including gaming, and to seek assistance and counseling if they find themselves engaged in patterns of behavior which are unhealthy or detrimental to their work, relationships, and life.

## Do we need more diversity in games?

As private individuals and companies engaged in business, we do not believe game companies have an obligation to create games about or for particular races, ethnicities, religions, genders, types of players, genres, platforms, or other segments. We believe they will and should do so insofar as it meets business objectives or artistic goals to expand the breadth and depth of the audience for games, or to target an under-served niche, and expect to see diversity increase for these reasons.