Behaviours and outcomes in unauthorised fan-made video game production

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What is a fan game?

“A new game project, initiated by fans, which takes inspiration from a pre-existing video game... a fangame adds a significant new experience, differentiating it from minor tweaks, mods, or hacks that merely transform an existing game experience. A fangame project is judged to be motivated by love for the original game, rather than piggybacking on existing engine or source code to make a new product.”

Original game may, or may not, be commercially available.
Space Quest 0: Replicated

Kings Quest 2 Remake

Narrative fidelity
Ash Grey pastiche sequel

Rayman 3D adaptation

Narrative innovation
Digital Innovation & Copyright Intervention

Legal status of Remakes: Constitute copyright infringement if they copy a substantial part of the original (which fan games do, almost by definition)

- Unauthorised use may signal (unmet) demand
- Unauthorised use may conflict with exploitation of original, and/or damage reputation
- Fan games can involve considerable innovation: technological and narrative (i.e. may be wanted from a policy perspective in their own right)

Interventions?

(1) tolerated use; (2) (pre-)litigation; (3) policy change (exception/non-use)

Methodological difficulties:

- unknown population
- highly heterogeneous practice
- reporting bias / survivorship bias (illegitimate activity)
- decay of records (digital memory hole)
Approach

Promising site for improving our understanding of the **edges of law** (theories of infringement, innovation, reputational effects)

**Inductive pilot exercise (fangame production and outcomes):**

- Multiple case study – products as units of analysis (BM Hill, 2011)
- Content analysis of 350 candidate fan games
- Qualitative sources (forums, reviews, press reports, rumors, takedown notices, release notes, tweets)

Generate hypotheses for future large-scale quantitative study
Transformation & outcomes

![Graph diagram showing transformation outcomes with quadrants labeled High and Low along the x-axis and y-axis. The diagram illustrates various outcomes such as High and Low combinations.]
Transformation & outcomes

Narrative Transformation
--------------------------------
→
Technical Transformation
--------------------------
→
Original code
Code engine
Hack
Mod
Middleware tools
Browser-based
Remake
Sequel
Transformation & outcomes

Narrative Transformation

Technical Transformation

Commercialised
Transformation & outcomes

Narrative Transformation ————————————————————>Technical Transformation

Commercialised
Permitted
Transformation & outcomes

- Commercialised
- Permitted
- Opposed
Transformation & outcomes

Narrative Transformation

Technical Transformation

- Commercialised
- Permitted
- Opposed
- Abandoned
Tentative findings

- Largest proportion are low-tech but contain moderate narrative transformation.
- Low-tech remakes are the least frequent group.
- Monetisation by rightsholders favors narrative transformation.
- Success of fan projects appears related to complexity and team size.
- Additional variables needed (availability of original and price; if not, date of market absence; fan game user base; measure of quality)
Behaviour, Structure, Interventions: lessons?

1. Context and behaviour
2. Contagion in networks
   – Fan communities
3. Research design
   – Sampling issues, content analysis, quantification
4. Dynamics (social/economic process over time)
   – Technological obsolescence; user-led innovation
5. Language (inter-disciplinary and inter-community/user)
   – understanding of law; understanding of under-reported activity
   – potential for improving interventions of rightsholders and policy makers
## Type: Narrative fidelity

<table>
<thead>
<tr>
<th>Motivation</th>
<th>Purpose / Rationale</th>
<th>Product types</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-create or update existing work</td>
<td>Format shifting</td>
<td>Remake</td>
<td><em>Streets of Rage 4 HD</em></td>
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<tr>
<td>Capture ‘spirit’ or tradition of original</td>
<td>Respond to technical obsolescence</td>
<td>Enhanced remake</td>
<td><em>Pokénet</em></td>
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<td></td>
<td>Expand audience / community</td>
<td>Demake</td>
<td><em>Mega Man 2.5D</em></td>
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<td></td>
<td>Display technical proficiency / practice</td>
<td>Tribute / homage</td>
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<td>Tech demo</td>
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## Type: Narrative innovation

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<tr>
<td>Tell new stories about familiar characters / works</td>
<td>Respond to niche demand not met by commercial product</td>
<td>Sequel, Prequel, Interquel, Pastiche sequel, Scenario / campaign, Adaptation, Character swap</td>
<td><em>Space Quest: The Lost Chapter</em></td>
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<td>Fill in narrative gaps, missing products</td>
<td>Satisfy existing audience / community</td>
<td></td>
<td><em>Space Quest IV.5</em></td>
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<td>Display narrative proficiency / practice</td>
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<td><em>Indiana Jones and the Fountain of Youth</em></td>
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