

The Stop Killing Games Report

StopKillingGames.com

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Chapter 1

Introduction

1.1 Stop Killing Games

This report gathers and presents the evidence and argumentation for why governments should take action to preserve game ownership. It includes a description of what killing a game involves, examples of where games have been killed and counter-examples of games that have seen support ended in a responsible fashion, a summary of the arguments made, and a series of recommendations for how to protect game ownership. We also include a glossary to explain technical or videogame specific terms.

LM: Include a focused explanation of what this action is asking for, and what it is not asking for

This document is an accompaniment to the Stop Killing Games campaign [3], which will target government action through petitions and contacting consumer rights groups.

1.1.1 Videogames

The first videogames were released in the latter half of the 20th century. From videogames played in an amusement arcade, the industry changed, developing for home games consoles, PCs, and more recently handheld devices including mobile phones. Globally, the videogames industry is worth £TODO, with an estimated TODOplayers, spending an average of TODOon videogames and game related purchases annually. Players encompass audiences from the very young to the very old, and gaming is popular across demographic groups. Videogames are a relatively new form of entertainment, but are becoming a central part of culture and art.

LM: Is there debate on whether they are art or product?

Early videogames were sold as physical products, such as cartridges that could be installed into a device, or on storage media such as CD-ROMs. For games sold in this fashion, they could not be patched after sale any multiplayer

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capability was limited to local play. It also meant that the task of keeping the game in a working state was left to the player who purchased it. As long as they kept their console and media in good condition, they could keep playing the game as long as they wished.

More recently, internet connectivity has made it easier to connect games, and has enabled development of new features for singleplayer games such as online leaderboards. Players could connect directly to each other's machines and engage in multiplayer games without needing to be in the same room. As internet connections improved, it has become cheaper to sell and distribute videogames through online storefronts such as Steam, Google Play, and more viable to include online connectivity features within games. Even some physical games sold now only serve as an activation key for a game delivered over the internet.

Citation
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A major shift in the concept of videogames, brought about with improvements in internet connectivity is that it is easier for publishers to retain control of key game components. As a result, games rely on the internet and on online components controlled by publishers, so the longevity of games is becoming tied to continued internet access. These online components will not always be available: there may be temporary service interruptions, difficulties with international relations resulting in censorship of communications, and at some point the publisher may choose to end support for these online components. When an interruption occurs, players may lose access to part or all of a videogame, this poses an unprecedented level of disruption for a consumer owned product.

Figure 1.1 shows the change in technology over time. From games that could exist entirely on one device, and be playable as long that device was in good condition, to online games where players each could control the game in its entirety, to modern online games where playability is dependent on continued support from the publisher.

LM: This is a placeholder graphic. It may be necessary throughout the report to use diagrams to illustrate the various ways that videogames are vulnerable, and how they can be protected. Use a diagram early on to present the history of games, from running on one device, to the publisher having more control over the net. Decide on a common visual language to represent various aspects and use these throughout

During a game's servicing period

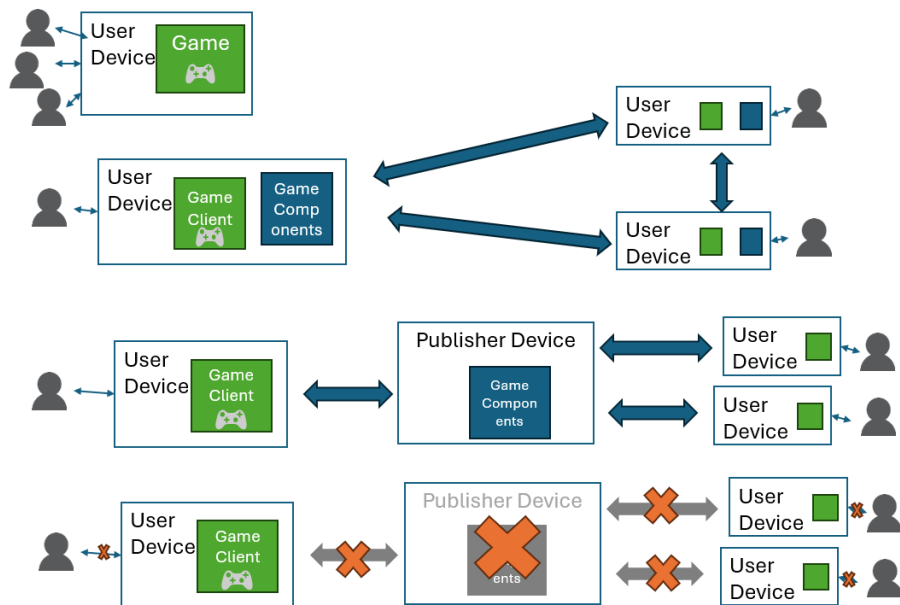
LM: Is this the right term to use?

minor disruptions will not cause a permanent loss of the product. However, when a publisher ends support, this could permanently render a game unplayable. We call this "*Killing a Game*". Publishers argue that this is permitted under the license with which the game is sold. Players argue that this is damaging a product that has been sold.

LM: Make sure these two preceding sentences are correct and agreed upon terminology.

The goal of this campaign is twofold:

Figure 1.1: Evolution of games



1. Settle the legal status of killing games — Are publishers legally allowed to render a game completely unplayable when they choose to end support, and under what conditions is this legal or illegal.
2. Guarantee playability of games sold after support ends — Create a framework requiring publishers to take action when planning, developing and distributing games such that after the support period ends, players can keep playing their game in some form.

We recognise that there will be cases where it may not be possible to ensure post-servicing playability of some game features. What we are asking for is that the core parts of a game remain playable even after support ends. In the remainder of this report we will provide examples of games that have been shut down appropriately, and games which have been killed outright. We will also describe in more detail the action we would like to see applied to publishers.

Chapter 2

Dead Games

2.1 Intro

LM: Present the concept of dead games

LM: Summarise the differences between killed games, at risk games, etc.

2.2 Killed Games

LM: Highlight some large examples of killed games. Include figures for player counts, pricing, dates, evidence and commentary

LM: Include a summary table of killed games, and the reason

Table 2.1 shows a summary of high profile games that have been killed, drawing from information crowdsourced online [1].

Table 2.1: List of killed games						
Game	Publisher	Launch Date	Support End	Lifetime	Player Count	Note
Example Game	Example Publisher	2010-01-31	2012-01-31	2 Years	200K	Online server removed

2.3 Good Examples

LM: The FAQ of the site includes a number of examples where games were shut down well, but it is not elaborated on how this is the case. Include these examples here and explain why these are good

- ‘Gran Turismo Sport’ published by Sony
- ‘Knockout City’ published by Electronic Arts
- ‘Mega Man X DiVE’ published by Capcom
- ‘Scrolls / Callers Bane’ published by Mojang AB
- ‘Duelyst’ published by Bandai Namco Entertainment

Table 2.2: List of games with good end of support action							
Game	Publisher	Launch Date	Support End	Lifetime	Player Count	Note	
Example Game	Example Publisher	2010-01-31	2012-01-31	2 Years	200K	Server exe offered	

Chapter 3

Arguments

3.1 Arguments for

LM: Present arguments why we should not kill video games

Analogy to physical ownership, it cant be taken away

When the warranty (support) for a physical good expires, the item that was under warranty does not immediately stop functioning. With digital goods there is no wear and tear, so when the support period ends, there is no reason that a digital file should have to stop functioning. The publisher would not be obligated to provide any support for things like malfunction or bugs after the support period ends. They should not be allowed remove functionality at the end of support.

Loss of art. Consider example of loss of early film, TV.

Impact on other areas, such as right to repair, Internet of Things, Medical technologyAlso, the increase in right to repair legislation being adopted could be leveraged to explain why game support should be extended.

Citation
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Citation
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3.2 Counter-arguments

LM: Discuss some of the points that might be made against this, and explain why we should still stop killing games. Much of these points will come from the SKG website, but they need citations to backup the claims that they make

3.2.1 legal

are games licensed or sold? This is a decision that the government must make clear. “The short answer is this is a large legal grey area, depending on the country. In the United States, this is generally the case.In other countries, the law is not clear at all, since license agreements cannot override national laws. Those laws often consider videogames as goods, which have many consumer

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protections that apply to them. So despite what the license agreement may say, in some countries you are indeed sold your copy of the game license. Some terms still apply, however. For example, you are typically only sold your individual copy of the game license for personal use, not the intellectual property rights to the videogame itself.”

law settled? “ It mostly is within the United States, but not in many other countries. Many existing laws are not written for a scenario where the seller destroys the product sold to the customer after the point of sale, since this is not something that normally happens in the real world. The fact that there is so much ambiguity on this practice is part of why we’re pursuing so many legal avenues.”

3.2.2 Multi-player

multiplayer only “ Not at all. The majority of online multiplayer games in the past functioned without any company servers and was conducted by the customers privately hosting servers themselves and connecting to each other. Games that were designed this way are all still playable today. As to the practicality, this can vary significantly. If a company has designed a game with no thought given towards the possibility of letting users run the game without their support, then yes, this can be a challenging goal to transition to. If a game has been designed with that as an eventual requirement, then this process can be trivial and relatively simple to implement. Another way to look at this is it could be problematic for some games of today, but there is no reason it needs to be for games of the future.”

large mmmorpg “Not at all, however limitations can apply. Several MMORPGs that have been shut down have seen ‘server emulators’ emerge that are capable of hosting thousands of other players, just on a single user’s system. Not all will be this scalable, however. For extra demanding videogames that require powerful servers the average user will not have access to, the game will not be playable on the same scale as when the developer or publisher was hosting it. That said, that is no excuse for players not to be able to continue playing the game in some form once support ends. So, if a server could originally support 5000 people, but the end user version can only support 500, that’s still a massive improvement from no one being able to play the game ever again.”

All features “Not necessarily. We understand some features can be impractical for an end user to attain if running a server only an end-user system. That said, we also see the ability to continue playing the game in some form as a reasonable demand from companies customers have given money to. There is a large difference between a game missing some features versus being completely unplayable in any form.”

ban or pre-empt online only “Not at all. In fact, nothing we are seeking would interfere with any business activity whatsoever while the game was being actively supported. The regulations we are seeking would only apply when companies decided to end support for games. At that time, they would need to be converted to have either offline or private hosting modes. Until then,

companies could continue running games any way they see fit.”

banned players “Not while the game is being supported. All our measures are focused on what becomes of the game once support ends. So if disruptive players in an online-only game become banned, but regular players may continue playing with active support, then they would not be entitled to run the game offline until support officially ended, which could be many years later.”

Citation
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3.2.3 Impact to developers / publishers

only applies after end of support

Forever support “No, we are not asking that at all. We are in favor of publishers ending support for a game whenever they choose. What we are asking for is that they implement an end-of-life plan to modify or patch the game so that it can run on customer systems with no further support from the company being necessary. We agree it is unrealistic to expect companies to support games indefinitely and do not advocate for that in any way.”

What impact would this have on videogame piracy? Piracy takes place when a game is supported and is being sold. As this action is targeting games after support ends, this is out of scope.

free-to-play “While free-to-play games are free for users to try, they are supported by microtransactions, which customers spend money on. When a publisher ends a free-to-play game without providing any recourse to the players, they are effectively robbing those that bought features for the game. Hence, they should be accountable to making the game playable in some fashion once support ends. Our proposed regulations would have no impact on non-commercial games that are 100% free, however.”

intellectual property “No, we would not require the company to give up any of its intellectual property rights, simply to allow players who purchased the game to continue running it. In no way would that involve the publisher forfeit any intellectual property rights.”

perpetual licensing of assets “No. While those can be a problem for the industry, those would only prohibit the company from selling additional copies of the game once their license expires. They would not prevent existing buyers from continuing to use the game they have already paid for”

security risk “Not at all. In asking for a game to be operable, we’re not demanding all internal code and documentation, just a functional copy of the game. It would be no more of a security risk than selling the game in the first place was.”

general harm “It is very unlikely, and is far more likely to benefit them. Many videogame developers have voiced their dissatisfaction with having a game they spent years of their lives working on destroyed by their publisher, being powerless to stop it. By having laws requiring the game to function, it would help their work and legacy endure. It is possible a small number of developers could find new requirements problematic if they were unprepared for them, but we anticipate if implemented, there would be a significant lead-in time giving developers time to prepare for the changes.”

Citation
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cost / bankruptcy “ It is extremely unlikely. The costs associated with implementing this requirement can be very small, if not trivial. Furthermore, it often takes a company with large resources at its disposal to even construct games of this nature in the first place. Small developers with constrained budgets are less likely to be contributing to this problem.”

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3.3 Impact on groups

LM: Some government actions needs to consider the impact on marginalised groups, or other impacts

Those on low incomes might be affected by the loss of games more than those on higher incomes, as the cost of the game (TODO cite figures) would have more of an impact.

Chapter 4

Action

4.1 Recommendations

LM: Include some recommendations for action or how laws / instructions for consumer body groups could work

These are a set of recommendations that could be put in place to achieve the goals of the Stop Killing Games campaign.

4.1.1 Recommendations for publishers

The recommendations would apply to any game where:

- A player has purchased the game
- A player has made an in-app purchase in a free-to-play game
- The publisher has decided to end support for the game

If the game has a single player component:

- The core single player part of the game must be playable
- Non-essential components such as leaderboards or other online decorations do not need to be supported

If the game relies on streamed assets:

- The publisher must offer an asset containing at least the minimum viable resources needed to be able to play the game without support
- The publisher should offer documentation allowing for players to patch in their own cached copies of online resources

If the game has a multiplayer component:

- Local play must be playable

- Server based play must be playable through a server software made available by the publisher
- The publisher should offer documentation allowing for setting up and managing server discovery, matchmaking

If the game has DRM, Anti-Cheat, or some other technical measure that relies on an online connection:

- It must either be patched out
- Or it must be changed so that an online connection is not required for it to function

4.1.2 Recommendations for government

Create a consumer action group or ombudsman capable of investigating claims of game support loss and subsequent loss of play, or grant powers to an existing consumer action group capable of offering this support.

Ensure that when someone purchases a game, this is considered the purchase of a good, and all the rights that consumers are subsequently entitled to apply.

Glossary

streamed assets Some games assets are too large to fit on the player's device, so need to be streamed from a server. Microsoft Flight simulator has 'petabytes' of data. [2]. 12

References

- [1] Forgot My Account. Central Server-Dependent Games Database. <https://docs.google.com/spreadsheets/d/1wUW0tYD8FvTjzG9BQXZlR6eHnEgVd7m/edit>, 2016. (Visited on 04/23/2024) (cited on page 4).
- [2] Z. B. published. Microsoft Flight Simulator Xbox: What is the 'offline mode' pack, and is it needed? <https://www.windowscentral.com/microsoft-flight-simulator-xbox-offline-mode-pack>, July 2021. (Visited on 04/23/2024) (cited on page 14).
- [3] Ross Scott. Stop Killing Games. <https://www.stopkillinggames.com/>, 2024. (Visited on 04/23/2024) (cited on page 1).