

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 [7], 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
Needed

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

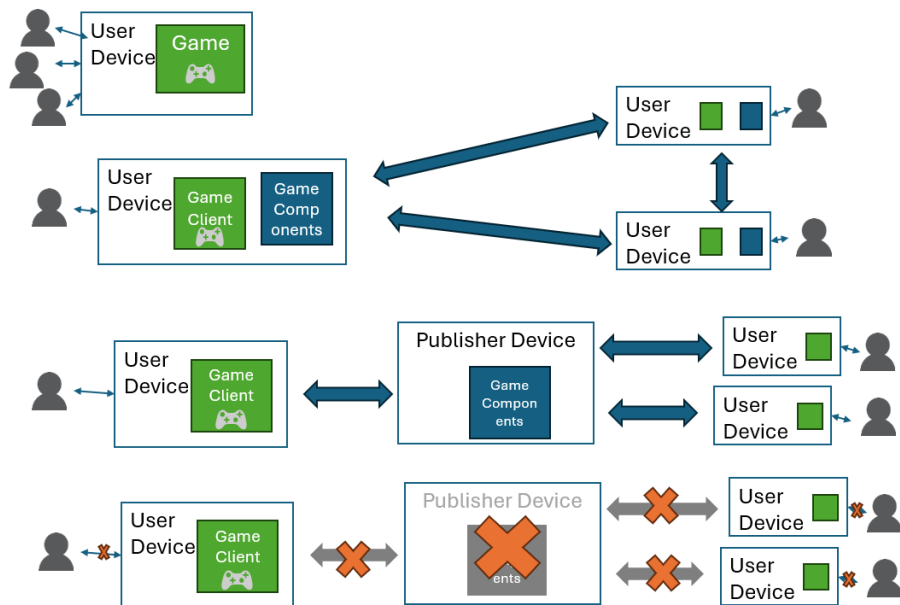
LM: Is this the right term to use?

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

There are many ways a game can “die”. For our purpose, we will consider cases where a game has lost playable features at the end of the support period, which it had at the start. Games could be partially functional, for example retaining a single player version of the game but losing access to features within it like online leaderboards. Games could have major loss of features, for example a combination single and multiplayer game completely losing the multiplayer aspect but retaining the single player version. Separate components of a game could die at different rates, for example a game could still be playable, but with additional online content delivered via DLC no longer playable. Or a game could be completely dead, with no recourse for the player to interact with any of it.

Citation
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LM: Big question: What about during the servicing period if a feature is added and then removed? Minecraft lets you download and choose from almost all of the public builds of the game, if there is a particular feature you want to play with. A game like Overwatch is constantly tweaking gameplay features throughout and you can only play the latest version. At end of life, which version should the player have access to

LM: Question: Delivery. This campaign is not targetting delivery / download of games files. Are we making the assumption that backing these up is the responsibility of the player. And if so, how should we mention it with regards to copy-protection systems? What about consoles where it may not be easy to back up game files?

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

2.2 Continued Playability Case Studies

We do not expect publishers to keep support for games forever. We also accept that in the transition to end of support, some features of games may be lost. But partial loss of features does not mean a game needs to become completely unplayable. In this section we will observe some case studies of games where the end of support was handled well and feature loss was minimised.

2.2.1 Gran Turismo Sport — Retaining Single Player

‘Gran Turismo Sport’ (Polyphony digital, published by Sony Interactive Entertainment) released for the Playstation 4 is a racing motorsports game. It was published in 2017 and end of support took place in 2024. The game sold almost 13 Million copies [5] worldwide. The game carried a combination of online and non-online gameplay features, including single player mode and competitive multiplayer. When the game’s support was ended, the publisher issued a statement [4] describing how end of support would function, including noting where features would remain and would be lost. This notice was published 3 months ahead of the final end of support date.

LM: Did they advise the date further in advance of this?

Gameplay features that would be retained:

- Singleplayer mode
- Individual player game progression, unlocks, save files
- Content included in the base game
- Content included in DLC, if it was purchased before end of support

Gameplay features that would be lost after end of support:

- Online play, including online multiplayer
- Customised ‘liveries’ applied to vehicles
- Tropies for online play

Discussion Offering a good lead time is important so that players know in advance when support will end.

That players can continue to play a majority of the core content of the game is a good post-support outcome. The loss of online multiplayer means a large function of the game has been lost, which is not good, as a core part of the game involved competitive racing.

LM: Local multiplayer? Leaderboards? Time tracks? Daily challenges?

The game was patched to ensure that all of the content in the base game and any purchased DLCs would be retained post-support, which is a good outcome. The removal of tropies, awards for online play, is an unavoidable consequence

of the loss of online support, however this does not impact the core gameplay. The removal of player-customised appearance settings for content (such as car ‘liveries’) is unfortunate, but this is a cosmetic change which does not impact the core gameplay.

Overall, the main game can still be played in some form, which is preferable to losing all access to the game, and as long as players retain the console they purchased the game on, they will be able to continue playing it beyond end of support. The loss of online play is unfortunate, and had the game been designed with an option to use an alternative server or direct player-to-player connection this could have been avoided. The loss of player customisations need not have happened if the game were designed such that these customisations could be stored locally.

2.2.2 Knockout City — Offering Private Servers

‘Knockout City’ (Velan Studios) was a multi-platform multiplayer game similar to dodgeball published in 2021. The game is an online multiplayer, free-to-play title, with purchases an in-game currency with which players could purchase cosmetic customisations. The game had 12 million players[8], and in 2022 the developers Velan Studios took over publishing from Electronic Arts. In February 2023, the studio announced plans to end support for the game in June 2023 [9].

This game was an online-only game, meaning that after end of support, without further intervention, the game would be left in an unplayable state. However, the developers decided to release a private server copy of the game for PC players [10]. This new PC version would allow players to connect directly to each other rather than requiring going through the publisher’s servers. It also included all of the previously paid-for cosmetic items and game levels. Private server versions were not made available for console platforms such as Nintendo Switch, Xbox or Playstation. The new PC version was made available for free.

Discussion The final outcome for this game is that it will be playable forever, as long as players have a working copy of the game and server. This is an illustrative example that even modern massively multiplayer competitive games can be built using the old model of distributing server software to players, and that this is the best model for ensuring long term game playability. Allowing players of the new PC private server version to retain access to all content means that there would be no loss of purchase to the player.

LM: How to word that this demonstrates there is no loss of sales / profit, given the game is already shut down and cosmetics were just given away free to everyone

The original developer took charge of publishing from Electronic Arts before the game’s end of support, which may have allowed them more control over how to handle the shutdown. It offered 4 months of lead time in its end of service announcement.

That console players lost access to the game is unfortunate, this is a limitation of the distribution model on consoles where players have less freedom to configure games. However as it is freely available for PC, players could pick the game back up at any time, if they use a PC.

LM: Caller's bane / Scrolls is an example similar to Knockout. Server release.

2.2.3 Mega Man X DiVE — Re-releasing an offline version

“Mega Man X DiVE” (Capcom) was an action game released for mobile platforms in 2020. It launched with single player, co-operative and competitive multiplayer. Over its lifetime it has TODO players,

LM: and the game offered micro-transactions to players???

Citation
Needed

In June 2023, the publisher announced end of support for the game, which would end in september 2023[2]. In August 2023, an offline version of the game was announced [1].

The offline version of the game was offered for sale on multiple platforms, including PC and mobile. This offline version includes the single player part of the game, and instead of microtransactions, it offers additional content as DLC.

Discussion This is an illustration of a case where a game has been ported from online to offline, essentially creating a new game with features from the previous one. The shift from a free to play online game to a paid offline game demonstrates that it is economically viable for a publisher to build both types of game.

LM: As the original game was free, but with microtransactions, it is questionable whether players who have paid for in-game content should have to pay again to

The loss of the multiplayer portion of the game is unfortunate, but with the new version of the game at least players can continue to experience the main single player gameplay.

2.2.4 Duelyst — Releasing Source Code

“Duelyst” (Counterplay Games) was a card strategy game self-published and later published by Bandai Namco. The game includes online TODO

LM: Finish investigation

Discussion Releasing the full source code for a game indicates that when a game reaches end of support and a publisher wishes to no longer invest in a game, there is no harm that comes from releasing the core functionality of the game for for players to use freely.

2.3 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 [3].

| 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 |

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
Needed

Citation
Needed

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

Citation
Needed

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
Needed

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
Needed

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.”

Citation
Needed

Citation
Needed

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. [6]. 15

References

- [1] Capcom. MEGA MAN X DiVE Offline - Pre-order now! MEGA MAN X DiVE Offline launches September 1, 2023! - Steam News. <https://store.steampowered.com/news/app/2183> Aug. 2023. (Visited on 04/23/2024) (cited on page 7).
- [2] Capcom. ROCKMAN X DIVE Official website. <https://web.archive.org/web/20230607082915/http://rxd> June 2023. (Visited on 04/23/2024) (cited on page 7).
- [3] Forgot_My_Account. Central Server-Dependent Games Database. <https://docs.google.com/spreadsheets/> 2016. (Visited on 04/23/2024) (cited on page 8).
- [4] gran-turismo.com. ‘Gran Turismo Sport’ End of Online Services. https://www.gran-turismo.com/gb/gtsport/news/00_1344615.html, 2023. (Visited on 04/23/2024) (cited on page 5).
- [5] J. Greer. Data Leak Reveals GT Sport Sold 12.7 Million Copies, Generating \$355M in Revenue. <https://www.gtplanet.net/data-leak-reveals-gt-sport-sold-12-7-million-copies-generating-355m-in-revenue/>, Dec. 2023. (Visited on 04/23/2024) (cited on page 5).
- [6] 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 17).
- [7] Ross Scott. Stop Killing Games. <https://www.stopkillinggames.com/>, 2024. (Visited on 04/23/2024) (cited on page 1).
- [8] Velan Studios. Knockout City | Knockout City, Today and Tomorrow. <https://www.knockoutcity.com/updates/final-blog-info-links>, 2023. (Visited on 04/23/2024) (cited on page 6).
- [9] Velan Studios. Knockout City | The Future of Knockout City. <https://www.knockoutcity.com/updates/knockout-city-special-announcement>, Feb. 2023. (Visited on 04/23/2024) (cited on page 6).
- [10] Velan Studios. Knockout City Private Server Edition. <https://www.knockoutcity.com/private-server-edition>, 2023. (Visited on 04/23/2024) (cited on page 6).