

Stealing the clothes off our backs: Naked Avatars Raise Awareness of Intellectual Property Rights in Virtual Worlds

by Dreamingen Writer, and Surfdaddy Orca

The Eighth Commandment, prohibiting theft, clearly implies the sanctity of property—the same holds true of the Tenth Commandment, which proscribes coveting “anything that is your neighbor’s.”

—Richard Pipes “Property and Freedom”

By now you’ve probably seen the jaw-dropping ads—the People for the Ethical Treatment of Animals’ (PETA’s) anti-fur campaign, “I’d Rather Go Naked.” The content may be PG, but the impact of seeing Eva Mendes and Alicia Silverstone tastefully au naturale is quite stunning.

A similar campaign was launched in March by a group of Second Life (SL) content creators led by an avatar named Chez Nabob. At issue is intellectual property rights. “Theft is becoming rampant with thieves getting more and more organized all the time. Many residents unwittingly purchase items that are actually the stolen intellectual property of another content creator,” says Chez.

The ethics of copyright, fair use, and the Digital Millennium Copyright Act (DMCA) may seem a far cry from pro-

tecting chimps, dogs, and cats. Whether animals or virtual goods—the digital sweaters, skirts, shoes, belts, and other items largely created in Adobe Photoshop and imported into SL to sell to other residents—naked avatars, like naked people, certainly attract attention.

“I considered what some real-life groups had done to raise awareness for their cause and landed on the concept PETA uses in their anti-fur campaigns. I thought parodying those ads would be an effective way to shed more light on the issue among the broader population of SL,” says Chez. See the accompanying exclusive interview with Chez Nabob.

The first round of ads features Damen Gorilla and sachi Vixen of Adam ‘n Eve, Minnu Palen of Minnu Model Skins—MM skins, Tigerlily Koi and Haedon Quine of Calla, Nyte Ca-

ligari of Nyte’N’Day, Caliah Lyon of Muse Fine Jewelry and Stroker Serpentine of Strokerz Toyz.

The DMCA is a United States copyright law which implements two 1996 WIPO treaties. According to Wikipedia, it criminalizes production and dissemination of technology, devices, or services that are used to circumvent measures that control access to copyrighted works.

The Chilling Effects Clearinghouse describes fair use as codified in Section 107 of the DCMA, which gives a non-exclusive set of four factors courts will consider in deciding whether a use is fair or not. These factors are:

- The purpose and character of the use,
- The nature of the copyrighted work,
- The amount and substantiality of the portion used, and
- The effect of the use on the potential market for or value of the copyrighted work.

“Well, personally, I define content creator rights as exclusive—content creators no matter what permissions get to decide what is done with their creations for after all they made it.” suggests Avatar Tarasia Ashbourne.

She continues, “I think that content creators deserve such exclusivity as content creation takes quite a long time and they should be treated with respect. Reselling should be done ethically—which to me, means contact the designers and asking if they may resell.”

Damen Gorilla of Adam ‘n Eve, another of the avatars appearing in the ads, goes even further, “In the specific context of Second Life I would like to see Linden Lab act properly on their own obligations, within both the DMCA legislature and their own ‘Terms of Service’ meaning consistent and speedy take down of infringing content, removal of infringing content from their servers and subsequent banning of persistent offenders, by IP (Internet Protocol) address, MAC (Media

**Content theft
steals the
clothes off
our backs**

Content creators labor over their shoes, hair, clothes and skins, spending countless hours honing their skills and perfecting their craft.

It takes a thief just a few seconds to rip a texture and steal the intellectual property of a content creator.

Don't buy stolen content.

Report content you suspect is stolen.

Please.

Together we can make a difference.

— Damen Gorilla | Adam n Eve

I.P. rights are worth protecting

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Related Links:

Eva Mendez, PETA	http://www.dailystab.com/eva-mendes-would-rather-go-naked-than-wear-fur/
Alicia Silverstone, PETA	http://www.peta.org/feat/alicia_psa/index.asp
Chilling Effects	http://www.chillingeffects.org/
Tarasia Ashbourne	http://www.slprofiles.com/slprofiles.asp?id=21402
Damen Gorilla	http://blog.secondstyle.com/2007/07/shoes-by-damen-gorilla.html
sachi Vixen	http://www.adam-n-eve.co.uk/index.php
Haedon Quine	http://callatropia.com/blog/index.html
Minnu Palen	http://shop.onrez.com/Minnu_Palen
Tigerlily Koi	http://www.blogger.com/profile/17382025309792032352
Caliah Lyon	http://musefinejewelry.wordpress.com/
Nyte Caligar	http://www.nyteaday.blogspot.com/
Stroker Serpentine	http://shop.onrez.com/Stroker_Serpentine

Access Control) address/EHA (Ethernet Hardware Address), credit card exclusion, and so forth.”

For Tigerlily Koi the issue is survival, “I’d say that for a lot of the content creators here in Second Life, this is our jobs, our livelihoods. There are single mothers struggling to make it, and that those women, and men too, rely on this. This is their work. Even though it may not seem important to anyone else, every one of us that creates something here for a living, put our hearts and souls into it.”

The problem of intellectual property theft in SL is not going away. Caliah Lyon comments, “Personally I think theft is impossible to circumvent wholly, the aim of the campaign is just to increase awareness as there hasn’t been much of a response from Linden Lab regarding the growth of theft in the past few months.”

“I’m not sure if [three strikes and you’re banned] can be implemented in SL,” she adds, “but it would go a long way to solving these problems if something similar went into effect. Although, I think one of the problems Linden Lab faces is that they’re understaffed.”

“I would like to see Linden Lab take a stronger line on IP theft, particularly where the DMCA is upheld,” says sachi Vixen. “At the moment it seems they take the items down and the thief is back in business in a new location in a week with the same items.”

“Protections for artists and content providers is simple,” says Damen Gorilla, “what I would like to see would be the vigorous upholding of IP rights, anyone who infringes would be dealt fairly and within the scope of the law, but consistently and swiftly so to send a message to others considering the theft of intellectual property, a message that there are consequences to their actions, there are applicable laws, it is reality and not ‘virtual.’”

Tigerlily Koi agrees, “I would love to see Linden Lab actually uphold the DMCA laws, rather than pretend to. I think that’s part of the biggest problem. They don’t remove the content that has been filed against immediately. It shouldn’t be investigated before it’s taken down, and it should be removed completely from access on their servers. Which should include inventory.”

But is this Linden Lab’s battle? Nyte Caligar suggests otherwise, “I’m not

sure this is Linden Lab’s battle. It’s ‘the people’ against ‘the people.’ That’s why the recent IP campaign... is important—it’s about awareness. The people knowing that it’s happening, it hurts us, and we need their help to keep it at least the manageable level. The reason I know about thefts is my customers and supporters reporting it to me. People who believe that art is worth protecting.”

Is there a special “Linden” (employee of Linden Lab) assigned to monitoring property rights violations in SL? Tigerlily Koi suggests not, “To my knowledge, no. It’s not listed on the [SL] Wiki at least with the rest of them” and refers her fellow virtual creators to The Chilling Effects Clearinghouse.’

Although the goods are virtual, the feeling of theft is very real. “I don’t think it’s really about dollar figures for anyone,” says Nyte Caligar. “It’s more so about feeling victimized and violated. When someone steals my stuff—I feel like someone came into my house and randomly took something. It’s the same exact feeling.”

But feeling victimized and doing

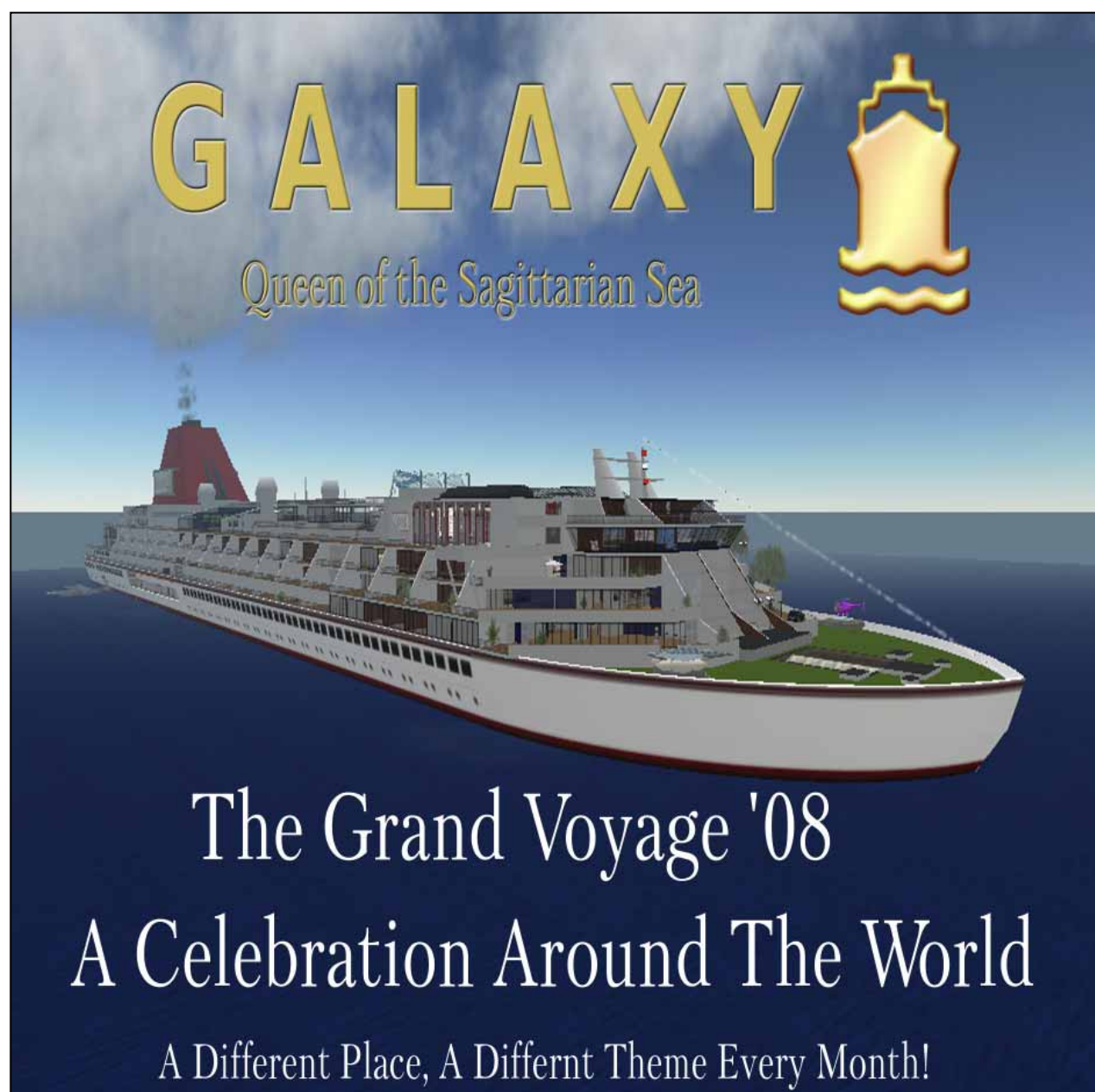
something about it are two different things. Content theft cases in virtual worlds are starting to hit real-world court dockets.


“We have had two cases to date. Rase Kenzo and Volkov Catteneo,” says the infamous Stroker Serpentine “The Kenzo case was a group effort and made the New York Post front page.”

“Stealing the clothes off our back” is a fitting slogan for an intellectual property rights advertising campaign. “We want residents to understand that, for many content creators, SL is their livelihood and theft here is no different from theft in the real world. Intellectual property theft is illegal and actionable in courts around the world regardless of whether it happens in real life or inside a ‘game,’” says Chez Nabob.

Tigerlily Koi puts it even more bluntly, “It bothers me to no end when I see comments like ‘get a real job’ directed at us as creators when we speak out about theft issues. I guarantee we put in more hours than most people do at ‘real jobs.’”

She concludes, “This is a real job. It absolutely is. For many of us.” ☹



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