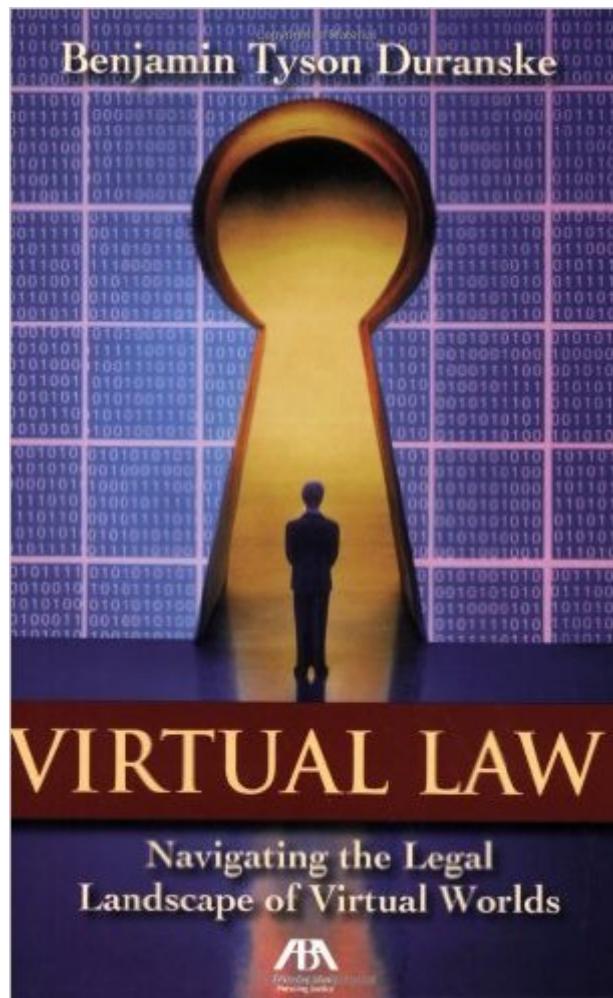


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# Virtual Law: Navigating The Legal Landscape Of Virtual Worlds



## **Synopsis**

This book introduces readers to the emerging and exciting world of virtual law. It examines current cases and legislation impacting virtual world providers and users, and makes predictions about the future application of current law. It addresses the application of intellectual property law (copyright, trademark, and patent), criminal law, property law, contract law, securities law, tax law, and civil procedure. It also provides practical advice to lawyers who wish to create a virtual world presence for their practice or who have clients with virtual world connections. The book includes extensive appendices listing in-world and web-based resources for practitioners and legal scholars.

## **Book Information**

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## **Customer Reviews**

Everyone who operates a business that is involved with virtual worlds should be glad that this book was written. As everyone in that situation knows, virtual worlds give rise to a huge number of legal questions, and this book collects those and answers to them all in one place using a writing style that's very readable even for non lawyers like myself. One thing that I really appreciated about the book is that it describes the degree of certainty associated with different topics. For example, each chapter ends with a section on "open questions" relating to the subject of the chapter, whereas there are other places where the text states very definitively that a given thing occurring in a virtual world would or would not be treated exactly the same way as elsewhere on the Web or in the physical world. Another thing that I appreciated about the book was how clearly it is written. While it does include case law, etc. that is likely to be of intellectual interest to lawyers specializing in virtual law, it also includes a lot of very practical and accessible information for those of us who have

business interests in virtual worlds. I think it will be particularly useful to three groups of people. First, it will provide a lot of information for people running in world only businesses for which legal advice is probably prohibitively expensive. Second, it will provide small and medium size businesses operating in virtual worlds enough of an understanding of the issues to judge when it's likely to be cost-effective to seek out specialized legal advice and when it's not. Third, I think it will be helpful to the large companies operating in virtual worlds. Many of them have their own legal staff, but they are often unfamiliar with virtual worlds.

This book is a nice overview of some of the foreseeable legal issues of virtual worlds. I also attended a seminar hosted by the author, Benjamin Duranske, that was sponsored by the American Bar Association. The "session" I attended was in second life in the ABA building. You guessed it, I am a lawyer. As such, the case law in the appendixes was, for me, interesting reading.

**Executive Summary:** The user agreement, aka terms of service (TOS), governs all (at first). The service providers can pretty much do what they want with your account as long as they don't violate their TOS. On the other hand, the service providers govern their virtual worlds as little as possible because they don't make money from governance. They see it as customer support and retention. Legal arguments aren't the best recourse because the customer support reps are judge and jury.

**Repeating:** If you have an issue in world, read the TOS and complain to the service provider. If you have an issue with a service provider, read the TOS and then complain to the service provider. Any competent lawyer representing you in such a dispute would do exactly that. Finally, the courts are not well equipped to deal with virtual world issues. They would first look at venue (can this court properly hear this case?) which is an open subject that is somewhat addressed in the book. If the court has venue, then the first thing that is likely to happen is a detailed parsing of ... the TOS. If satisfaction can't be wrung from the service provider, then it may be time to apply real world laws. Do they apply? The author, Duranske, says it best: "... real world laws apply to virtual worlds to exactly the degree that virtual worlds attempt to offer real world possibilities.

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