

Government-assisted Governance of In-Game Advertising

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Becoming immersed in Tom Clancy's Rainbow Six: Vegas 2



www.rainbowsixgame.com / © 2008 Ubisoft

Dynamic in-game product placement: Real-world "Tropic Thunder" clues in the fictional Las Vegas of Tom Clancy's Rainbow Six



Paramount Pictures created a scavenger hunt within the popular "Rainbow Six" game to promote the theatrical release of *Tropic Thunder* this past August.

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In-game advertising: New opportunities for advertisers

- Advertising in online games (in-game advertising) as the obvious response to changing patterns of consumer behaviour
- The remote control – digital video recording – online games
- Push – pull – interactive media: They do not watch TV all that much, they are online, they play interactive digital games!

In-game advertising: A new source of revenue for online games providers

- High and still rising development and production costs
- Diversify existing business models in search of new revenue sources
- In-game advertising appears to hold much promise

Incongruent in-game advertising and the integrity of gameplay

- Advertising may naturally lend itself to incongruity in games
- Massive Inc., IGA Worldwide and the lack of sensitivity towards integrity of gameplay
- Hunting terrorists in the virtual Las Vegas, not (real-world) "Tropic Thunder" clues
- Safeguarding the integrity of gameplay: A precondition for a thriving cultural environment for online games

Outline

- I. "Analogue" concepts: Advertising regulation in European broadcasting law
- II. "Analogue" concepts for the governance of *digital* online games
- III. Government-assisted governance of in-game advertising

"Analogue" concepts

- Making advertising transparent (principle of *transparency*)
- Separate advertising and other parts of the programme (principle of *separation*)
- These concepts, as developed under "analogue" conditions, were justified, *inter alia*, by their ability to protect and promote the *integrity* (and diversity) of programmes.
- The concepts could provide mechanisms that fulfil the same function as constitutional guarantees for *freedom of expression*, and contribute to a thriving cultural environment.

Analogue concepts for *digital* games?

- Analogue concepts as model concepts
- Giving no "undue prominence" to in-game product placements and sponsorships
- Informing gamers clearly by means of a general statement before or after an online gaming session of the existence of sponsorship and/or product placement agreements

Self-regulation of in-game advertising

- Self-regulation of in-game advertising by Article 10 PEGI Online Safety Code (POSC)
- Article 10 POSC has significant flaws (*inter alia*, low level of compliance and enforcement and lack of sensitivity towards integrity of gameplay).
- Improve the POSC with a governance technique that relies on relationships of mutual recognition, observation, stimulation, readjustment and cooperation of relevant rulemaking

Government-assisted governance of in-game advertising (1)

- Human Rights Guidelines for Online Games Providers: Benchmarks and recommendations developed by the Council of Europe in cooperation with the ISFE
- A "check-list" for online games providers: Making "best efforts" to comply with the Guidelines and considering making reference to them within games and in end-user agreements
- A unique and promising new approach to government-assisted governance

Government-assisted governance of in-game advertising (2)

- Relationships of mutual recognition, observation, stimulation, readjustment and cooperation of relevant rulemaking
- Council of Europe should monitor and evaluate the industry's self-regulatory bodies, assist self-governance with supporting instruments and suggest readjustment of the PEGI Online Safety Code
- ISFE should be encouraged to report on the implementation of the Human Rights Guidelines and suggest readjustment of the relevant guidelines and recommendations.



Thank you for your attention!

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Forthcoming publication: C.B. Graber and M. Burri-Nenova (eds.),
*Digital Game Environments and Cultural Diversity:
Transdisciplinary Enquiries*, Cheltenham, UK: Edward Elgar, 2009
(November).