

## Legal Regulation & Education: Doing the Right Thing?

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### Fairness and Justice in Virtual Spaces – Empowering the ungovernable?

Online interactive environments like World of Warcraft, Second Life and The Sims Online are international entities, attracting users across the globe. They have one common regulatory mechanism; the End User License Agreement. This contractual document forms the cornerstone of the regulatory and governing system within each of these spaces. Yet the EULA is regularly contravened by users and the game provider alike, suggesting it is neither fit for purpose, nor adequately designed for these online spaces. The EULA forms not only the contractual relationship between the service provider and the end user, but is also intended to control the behaviour of the users in the relevant online environment. To this end, the EULA is frequently attached to other contractual agreements such as Rules of Play, Terms of Use and Codes of Conduct. These are very often the only forms of control or regulation that are present in online environments and therefore control more than user behaviour. They also set out the provisions for dispute resolutions and property rights.

Increasingly, disputes relating to virtual spaces are becoming apparent. These disputes are not just related to property and intellectual property rights; they now concern child protection, threats of violence and other potentially criminal activities too. The recent Habbo debacle of 2012 in Europe is just one example of how a seemingly safe, controlled environment can spiral out of control if there are few proper checks and balances in place. Other examples are now apparent from the abuse issued to Anita Saarkesian and Caroline Criado-Perez, and most recently, Jill Flipovic – the first suffering death threats and threats of abuse through wiki hacking, whilst Criado-Perez suffered Twitter abuse, and the latter victimised on online message boards.

Whilst the Internet and cyberspace was once deemed to be free from governmental control and claims of governmental sovereignty, is there now a need to consider how users of spaces such as online games, virtual worlds and social media are protected? Is it fair and practical to leave regulation to EULAs? How do users achieve justice – through in-world and in-site governance mechanisms or wider controls? This paper will consider some of these issues through relevant and prescient examples, and will consider whether there is a role for law in empowering internet users to achieve fairness and justice.