

Avatars as Separate Legal Entities

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Abstract

With the development of graphical interface technologies, virtual worlds are now being widely applied for play, social interaction, research, education and work. The legal status of the avatars in virtual worlds vis-à-vis their users/owners, however, remains uncertain. It is thought that an avatar is just the reflection of its user's personality, and therefore avatars transferable or tradable from a user to another. On the other end of the spectrum of this argument, Ralph Koster declares that an avatar is like the user such that the avatar should be accorded legal rights as his user does in the real world. Hence avatars are as like separate legal entities with rights and duties of their own. In this article we explore the issues and implications of avatars as separate legal entities, without considering whether avatars are or should be as such. We further argue that viewing avatars as a separate legal entity is a good way of understanding what we can do with an avatar.

We use the analogy of companies as separate legal entities to explore the rights and duties of avatars. We further examine the status of avatars as properties, much like the shares of companies, which may be traded, succeeded by its owner upon his death, or jointly owned by multiple owners. Explicit recognition of avatars as properties is useful realising the value in working the reputation of an avatar in a virtual world. Indeed, there is no reason why an avatar should go offline when the user goes to bed. Just like a piece of machinery or a business trading globally, when Nikkei in Tokyo goes to sleep, NYSE in New York is wide awake.

Furthermore, like a company, an avatar may own property in a virtual world. Questions therefore will be whether if any 'intellectual property' belongs to the avatar or the owner of the avatar. On the Station Exchange virtual property auction website for the EverQuest II game, game items are divested from an avatar when it is placed on an auction, and is automatically vested on the winning avatar at the end of the auction period. And indeed if a legal action is taken in the real-world's court, must the name of the avatar be identified as a party. Or perhaps, in an in-game dispute resolution tribunal, the avatar is the claimant and the defendant.

Avatars may also be sanctioned. In the game Roma Victor, misbehaving avatars are crucified on in-game, instead of having its user's account suspended. Perhaps there comes a time when avatars may also be imposed in-game fines or virtual custodial sentences for committed virtual offences.

We believe, viewing avatars as separate legal entities will cast an interesting light on the legal status and governance structure of virtual worlds.

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