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COMMERCIALIZATION OF TRANSACTIONS FOR THE SALE OF ACCOUNTS IN ONLINE GAMES

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According to the latest statistics, there are 99 million active gaming accounts in popular online games. Each of them can be bought or sold on a daily basis. Are these transactions legitimate? And what is a gaming account? The author answers these questions and tries to find them in his research.

A huge leap in the development of information technology and the large-scale dissemination of the Internet significantly influenced the change in social relations. The entertainment industry, which has received a new round of development thanks to online technologies, is rapidly capturing an increasing and larger audience. Massively multiplayer online role-playing games - MMORPG (English massively multiplayer online role-playing game) - have already become a significant part of modern culture. The law, as it is known, reacts to many events after the fact, and after all a new kind of property - virtual property has already appeared. There were also legal relations concerning this property. There are a huge number of platforms for the purchase and sale of gaming accounts in MMORPG. Such accounts can cost a fortune. How, from the legal point of view, can I define a gaming account?

Online game account is a collection of user personal data required to access a game. The important thing is that the account does not arise by itself, but acts as the result of an agreement between the right holder and the user. Initially, game developers are unlikely to plan that the account will be able to get some value, implying that the main value will still be the game itself. But the industry does not stand still, online games are becoming more and more invoicing, voluminous, the gameplay can stretch for many years. New players do not want to spend too much time developing their game characters and skills, preferring buying already "pumped" accounts from more experienced and successful players. "Veterans", in turn, see a real demand for their accounts and, using their position, expose absolutely unthinkable prices. A whole layer of people has formed, who are engaged in the purchase and resale of gaming accounts on the Internet with the help of specialized sites. Individuals, giving the account a real estimate in monetary units, begin to consider the account as their property.

However, according to the author, it is not possible to recognize an account as private property. On the one hand, because, in fact, it does not bear real value. The purpose of the account is the ability to access the service, and it is illogical to sell and buy the possibility of accessing the service. When we buy a movie ticket, a person enters into a contractual relationship with the cinema. Cinema requires the creation of all conditions for viewing the movie in 3D and transferring to person a 3D-glasses. Is it fair to say that a person acquires the right of ownership of these items, can freely sell them and make a profit? Obviously, both the rifle and the 3D glasses in the examples are only a part of the services, compulsory constituent elements. The situation is exactly the same for the account. By registering an account in an online game, the user does not acquire ownership of it, nor does it acquire ownership of the game. He acquires the right to access the game. Creating an account is one of the stages of gaining access to the game, without which the gameplay is impossible. The receipt of the account precedes the conclusion with the franchisor of a license agreement that is an agreement whereby one party that has the exclusive right to use intellectual property funds or means of individualization (licensing) grants the other party (licensee) the right (permission) to use the object of intellectual property on terms, level of contract. An account is the result of an agreement between the user and the copyright holder.

On the other hand, you can not treat your account as a property because the developer reserves the right to change the account, change the characteristics of the game and generally to maintain the game. The account whose external and internal characteristics, as well as its existence, depends on the will of third parties (i.e. developers), cannot be recognized as property.

Transactions of purchase and sale of accounts in online games, from the point of view of law, are illegal. The licensing agreements clearly state the prohibitions on their commission. This is natural, after all, the copyright owner, first of all, thinks about protecting his copyrights. A person making a transaction to purchase an account directly violates copyrights. Because the game is the result of the labor of a huge number of people. Programmers, engineers, sound engineers, designers, artists, screenwriters - a huge team of specialists working on every game. All of them release their product on the market, hoping to get financial benefits from it. In fact,

the person making the transaction of purchase and sale of the account gets financial benefits, but this income is in his favor, and not in favor of the developer, which, of course, is incorrect. Nevertheless, players continue to resort to this type of transaction, and the popularity of this process is steadily growing. The logic is simple: why waste time on "pumping" the account, if you can buy already "pumped".

Nevertheless, to date, illegal purchases and sales of gaming accounts are real problems for rights holders. Sales patterns are becoming more sophisticated, operators are not always able to identify the facts of such transactions. So, the most "cheap" version of the account on a specialized site can cost around 10Br, and the most expensive one - around 8000Br. Hourly publication of new offers and high attendance indicate the popularity of these platforms. Demand creates supply, users are willing to pay large amounts of money for accounts with a high rating of "pumping."

Developers remain aloof from this profit, although they have every right to it, because they created the product that the newly made "businessmen" put into circulation.

Illegal transactions were committed, are committed and will be committed, so is it not easier for right holders to take this process under control? Create a special platform, which will be a separate site or section on the official website of the game, where the process of trading gaming accounts will occur. Such a process can not occur uncontrollably, in view of which the author proposes several rules of organization:

- 1) Only registered users can participate in the trade process;
- 2) In order to control these transactions, it is necessary to introduce a procedure for their registration, and the right holder (developer) himself will answer for registration and correctness, which will serve the general order;
- 3) A certain percentage of each transaction will go in favor of the copyright holder (developer). It would be fair not to set a certain general interest rate, but to calculate the interest based on the amount of the transaction.

Yes, it all makes it necessary to make changes to the license agreements and to renew them. But the return on the proposed project will be colossal. Auction will be a form of work (i.e. when an account is put up for auction according to the rules of a classical auction), non-auction (i.e. contractual between two persons) or mixed - not so important. There are enough technical resources for developers to provide a thoughtful interface for this site. "Decriminalization" of purchase and sale transactions will lead to an increase in their number. The more transactions will be made, the more will be the income of the right holder (developer). The audience of illegal sites for trading accounts is quite large. If the copyright owner (developer) authorizes the purchase and sale only on his own, on the official online site, this will ensure that users begin to use more actively and willingly to use unsecured methods of buying and selling. And now such site is becoming a huge and profitable advertising platform, on which, of course, you can help out with solid money. Commercialization of transactions for the sale of accounts will give an unprecedented influx of funds that can be invested in improving the game itself, which will make it even more attractive to users.

The research showed that there is no judicial practice to challenge the purchase and sale of accounts by right holders in the Republic of Belarus. At the same time, there is also no official legal regulation of such transactions, from which it can be concluded that the Republic of Belarus chooses the tactic of non-interference, leaving the regulation of this issue to the right holders themselves.

In the author's opinion, the institution of transactions with accounts in gaming games is a modern and insufficiently researched direction of legal science, which must be further developed.

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