

Counterfeit, copy, mod: A typology of videogame piracy

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ABSTRACT

Videogame piracy has a long history. It is well documented that the East Asian videogame industries (excluding Japan) started out as “shadow economies” (Lobato, 2012) that together established an intraregional network of pirated Japanese and North American technologies (Kline, Dyer-Witford, and de Peuter, 2003: 213; Fung and Liao, 2015: 121-122; Liao, 2015: 5-8), which preceded the “geo-cultural market paradigm” that these industries co-inhabit today (Cao and Downing, 2008: 519). In China and Korea, piracy was largely symptomatic of protectionist policies that ensured foreign media imports were either censored or banned outright. Similarly, the diffusion of North American and Japanese microcomputers in Europe in the 1980s was met with a groundswell of unofficial adaptation and peer-to-peer (P2P) exchange (Alberts and Oldenziel, 2014). In Britain, amateur programmers produced and informally circulated various “clones” of famous arcade games (Gazzard, 2014). These practices have intensified with the emergence of digital networks for P2P sharing and collective “cracking,” yet older practices of counterfeiting and copying continue to thrive in many peripheral media industries.

Despite this long history, game studies lacks a sufficient vocabulary for describing and understanding the various manifestations of videogame piracy. Furthermore, while game scholars are beginning to display an awareness of the history of piracy, few are considering its critical implications for broader debates regarding informal media circulation, intellectual property, and the transnational politics of pirated media. This paper therefore aims to make a contribution to existing knowledge of videogame piracy by identifying its three core “forms”: counterfeits, copies, and mods. In addition, it will make an intervention in current debates about media piracy and IP, by considering how an analysis of videogame piracy can add to or modify these debates.

Counterfeit videogames are hardware or software objects that informally adapt or repurpose existing videogame technologies, code, or IPs for informal purposes. Academics and industry professionals alike often describe something of a division between imitation and innovation in the game industry, yet counterfeit games cut across these rigid distinctions. Counterfeiting was once rife in the Chinese, Taiwanese, and South Korean game industries, where microcomputer and console components were obtained from manufacturers and reassembled in *bricolage* fashion to create hybrid products. The introduction of domestic polices aimed at regulating piracy (such as South

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Korea's "Computer Programs Protection Act" in 1987) also fuelled the growth of counterfeiting by forcing pirate organizations to adopt more creative strategies when copying foreign computer programs. To this extent, what qualifies as a counterfeit is usually determined by a loosely defined set of IP and copyright regulations that originate from Western media industries.

Copied videogames, on the other hand, are software objects that have been reproduced wholesale and distributed via informal channels. This may be through processes of emulation or, in the case of PC games, "cracking" and P2P exchange. Emerging from a similar set of processes, *mods* are unofficial hardware and software modifications that "augment" existing videogame technologies. This includes technologies such as "mod chips" that "trick" official pieces of hardware into playing pirated, emulated, or homebrew software, as well as software modifications designed to rework existing games for alternative gameplay experiences.

Counterfeits, copies, and mods are often collapsed into a singular, romanticized articulation of resistance to corporate capitalism or cultural imperialism. However, a more comprehensive analysis of this typology reveals that their cultural purposes are not always so clear-cut. In their book *Digital Play*, Stephen Kline, Nick Dyer-Witherford, and Grieg de Peuter (2003: 215) describe videogame piracy in its various manifestations as "the shadow aspect of the interactive play industry's own labour practices." For them, what makes the global game industry both insidious yet also deeply susceptible to disruption is that it takes the idea of "play" – an activity that was once prized as a tactic of resistance to institutionalized rationality – and makes it the key apparatus in a global empire bent on soliciting new habits of immaterial labour from media audiences. For them, piracy functions as a grassroots means of converting commoditized play into countercultural forms of resistance. Yet, as Ramon Lobato (2012: 42) points out, we need to be wary of fetishizing informal media economies and activities in this way, since "informalisation is an important dynamic *within* the corporate sector."

To paraphrase Lobato (2012: 69), videogame piracy may reveal many possible "faces" when analysed from the perspectives of different objects, practices, and cultural and historical contexts. Perhaps more so than other forms of pirated media, videogames allow us to hone in on the *materiality* of piracy. That is, how do the materialities of videogame technologies morph when subjected to informal "articulations" (Hall, 1986) in peripheral media industries? In her analysis of Hollywood's "pirating" of East Asian cinematic tropes, Laikwan Pang (2006: 64) argues that media products such as films should not only be understood as commodities but also "systems of representation." Like films, games can be understood as "systems of representation" that are subject to specific patterns of use and reception as they circulate informal markets. Yet, because they are software-based, games are also grounded in "systems of code" and the materiality of hardware, which has a unique bearing on way they are made legible to IP law (see Methenitis, 2016: 11). This paper will explore these issues by considering what the study of videogame piracy can add to existing debates regarding IP and informal media economies.

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