

Editorial

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China and the World: Navigating Video Game Localisation and Copyright Challenges

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ABSTRACT

Games are complex systems that operate at the intersections of science and art, leisure and sport, complex and simple, academic and practice, among others. In an increasingly connected and interdependent world, games continue to transcend borders and reach international audiences everywhere, often instantly. Despite this almost unfettered access to games, the global nature of game development and distribution has also resulted in complex economic ties across and between companies, countries, and continents. Large media conglomerates design, develop and produce their AAA games in multiple locations around the world. Each location brings its own significant challenges, opportunities, and barriers to entering particular markets, be it from a localisation or legal point of view. This special issue of the *Journal of Gaming and Virtual Worlds* brings together experts from different fields providing insights into the Chinese games market from an interdisciplinary and international perspective.

This special issue is dedicated to analysing and understanding the Chinese games market from interdisciplinary perspectives, particularly the ways in which video game localisation rationale and copyright law differ globally. The five contributions to this issue demonstrate the complex internationality and intersectionality of the Chinese games market together with the challenges and opportunities associated with entering the market.

BACKGROUND

The Chinese gaming market is known as a global powerhouse, generating billions of pounds of revenue and interacting with nearly 700 million gamers (NewZoo 2022). The rapid growth of the Chinese gaming industry has drawn the attention of scholars and game producers alike, both eager to understand the political, social, and commercial side of the Chinese games market and gaming culture. China is the home to the world's largest games company Tencent (Niko Partners 2021) and boasts one of the largest gaming industries in the world, second only to the United States (Feng 2019). Between 2008 and 2018, China's gaming revenue increased 'more-than-tenfold' rising from \$2.7 billion USD to \$37.9 billion USD (Feng 2019). In 2022, China's gaming revenue was \$45.8 billion USD with a reported player base of 744.1 million (Newzoo 2022). In fact, in 2018 the number of Chinese people who played video games was nearly twice the population of the United States (Feng 2019).

As a consequence of this, there have been several pushes for Western countries and their games companies to enter the Chinese games market and capitalise on the number of players and potential revenue (BOP Consulting 2018). Increasingly, UK games companies have been looking to 'break into' the Chinese market but have been met with challenges such as cultural differences, the language barrier, regulatory issues, and a lack of knowledge of the Chinese gaming and business culture. In 2020, imported European games made up only 5.13% of sales revenue in China's game market and only three European games were in China's top mobile games chart (China-Europe Game Industry Development Report 2021). Extensive research undertaken by BOP Consulting on behalf of the Arts and Humanities Research

Council (AHRC) in the UK demonstrated that the video game sector in China is dominated by a small number of large media companies while access to funding is the main barrier to UK companies achieving the scale required to enter the Chinese market (BOP Consulting 2018).

InGAME International is a consortium of transnational games industry stakeholders brought together from industry, agencies and universities to discover what potential barriers to successful collaboration exist as well as write policy outputs on how to create a pathway to partnership between UK and Chinese games companies. This research was supported by the Arts and Humanities Research Council (AHRC) grant number AH/T011891/1 which enabled InGAME International to investigate the challenges to, and deliver solutions that support, international collaboration between the videogames sectors in the UK and China.

RESEARCH QUESTIONS

The InGAME International project has four main objectives:

- To understand the barriers to collaboration, co-production and cross market penetration in the UK and China
- To develop models for collaborative co-production that address different approaches to innovation, research and development and production practices in the UK and China
- To stimulate new academic and industry partnerships by providing cross-cultural audience and market analysis
- To assist the upskilling and upscaling of talent and expertise in the UK and Chinese games industries

In the first phase of the project, the research questions were:

- What are the challenges associated with entering the Chinese games market?
- How can UK companies address these challenges?
- What legal, regulatory, and cultural knowledge can be used to aid companies entering the Chinese market?

InGAME INTERNATIONAL CONFERENCES

As part of the Partnership Events supported in the grant, we hosted two conferences to provide platforms for academics around the world to share their research, knowledge and insights, contributing to the overarching aims of the InGAME International project. The first conference focused on games within and in between China and the West, while the second conference co-hosted with Durham University's Law School focused on International Gaming and the laws and regulations around games in the digital era. Both conferences focused on interdisciplinary perspectives of international gaming with special consideration of Chinese games.

The Research and Development Fellows at InGAME International interviewed 50 participants working in both the UK and Chinese games industry in order to discover what

was hindering or preventing UK companies from investing in or releasing their games in China and vice versa. One of the recurring themes of these interviews was that of challenges in the Chinese industry, specifically those of barriers to access. These barriers included language, work culture, games markets, and even legal differences. With this in mind, InGAME international released a call for papers for contributions to an international conference on games within and in between China and the West with the focus being on cross-cultural exchange of games research.. The aim was to bring together researchers from different regions to develop a better understanding of the opportunities and barriers to academic and industry collaboration. The conference talks were pre-recorded and uploaded to the InGAME International website (Innovation for Games 2022). The conference proceedings contain the abstracts for 13 different presentations from 19 different contributors from the UK, China and Europe (Austin, Harbord and Sloan 2022). As a result, further international connections were made, allowing for the beginning of the creation of the special issue as well as the recognised need for a second conference focused solely on law and regulations.

Emerging from both the first InGAME conference and the interviews conducted, there was a strong concern from the industry surrounding copyright, legislation and IP protection. Because of this, we teamed with Durham University's Law School to host the conference on International Gaming: Laws and Regulations Around Games in the Digital Era. This two-day, hybrid conference brought together 30 attendees from over 11 countries who were researchers and law experts in China, the UK/Europe and beyond. The conference proceedings contain the 24 abstracts from a range of international IP law experts (Wang, Austin and Sloan 2022).

This special issue utilises selected works originally presented at the aforementioned InGAME International conferences in order to explore the challenges and opportunities involved with UK investment in the Chinese games market, namely surrounding the navigation of international video game localisation and copyright protection and related IP matters.

LOCALISATION, COPYRIGHT AND INTELLECTUAL PROPERTY

Games have a relatively complicated relationship with the law and with the globalization of the gaming market in this digital era. As such, legality is something that must be considered in the development, publication, playing and moderation of games. Games have been and continue to be regulated around the globe, and issues arise at different times in a games life cycle: intellectual property (IP), including patent and copyright protection, must be considered from the initial development of the game; international legality, age ratings, and infringement must be considered in the publication of the game; and players must consider the legality of their manner of obtaining the game and whether or not that game is even legal within the country in which they are playing it. In addition to this, there are legal issues surrounding abuse and harassment in games, leading several developers to implement moderation and other safety regulations internally in order to pass risk assessments from international regulations.

Localisation is a large and important part of game creation for large games companies. Localisation is 'the process of adapting a game technically, linguistically and culturally in

order to market and sell it in different territories' (Mangiron 2018: 122). As such, it is necessary for developers and publishers to have their content localised so that they can sell as many copies as possible around the world and maximise revenue. However, localisation is no easy task as it involves technical, linguist and cultural precision in order to elicit the meaning of the original game. One facet of localisation is culturalization in which culturally specific terms or ideas are replaced with culturally appropriate alternatives for target markets (Kerr 2017: 126). However, there are also legal concerns and regulations that must be followed for games entering certain territories. Some of these regulations include the use of loot boxes in China and Belgium (Xiao 2023). There can also be a cultural blur between localisation, copies and clones across different regulatory bodies and international law (Greenspan, Boyd and Purewal 2014; Austin and Sloan 2022).

When it comes to China specifically, rules and regulations around game localisation are numerous and ever-changing. Video games have been the subject of many, vigorous legal regulations in China. These regulations, constraints and rules are often put in place to protect young people, but they also help to promote Chinese-made materials and protect the Chinese market from foreign investment and/or control. There are some strict or 'hard' censorship rules and regulations surrounding what is and is not allowed to be included in games released in China, such as pornography, violence, gambling, political action against the state, the spreading of cults or superstitions, disturbance of social order, and the misinterpretation of what is considered historical facts (Pilarowski, Yue and Ziwei 2021; MOC 2011; Dong and Mangiron 2018: 160; Song 2020: 4). However, Zhang (2012) points out that difficulty arises in the vague language used by the Ministry of Culture in China: 'the definition of "social moralities" (社会公德) and what can be considered as "fine" (优秀) or "essence of" (精华) national culture are not specified and any attempts to define such terms are always controversial as they are always based on different understandings and personal subjectivities' (344). Thus, while there are strict regulations, there are also censorship and self-censorship measures in place that are vague enough to capture additional content that is purposefully difficult to define. As the regulation system in China somewhat lacks transparency, game localisers 'perform stringent self-censorship' that is sometimes far stricter than the rules put in place by the Chinese government to ensure their games and further games will be given licenses (Zhang 2012: 338).

Key comparisons of copyright and IP protection practices in games across several different international law catchments are missing from the current literature. UK companies also fear losing the rights to their games' IP and copyright when entering the Chinese Market. Many companies eager to enter the Chinese games market cite copying, copycat games, and/or shanzhai (山寨) as potential barriers to entry. Chew considers that there is a level of mixing and/or copying associated with game localisation in that: 'Theories of cultural globalization, localization, and hybridity argue that much creativity in the contemporary world is generated by the mixing of local cultural elements with global ones. Such cultural mixing occurs when for example a cultural product created by a global transnational corporation is reinterpreted in a non-Western locality' (2002: 196). However, many Western companies are concerned that their games have already been or will soon be copied by Chinese games companies before they can enter the market.

While there are numerous sources that cite the Chinese games market as a territory ripe for Western expansion, there is a lack of understanding of the often-multifaceted rationale behind video game localisation as well as the copyright and IP protections afforded games across several territories.

CHINA AND THE WORLD: NAVIGATING VIDEO GAME LOCALISATION AND COPYRIGHT CHALLENGES

This special issue is divided into two sections. The first section discusses the potentially political localisation of video games across the UK, India and China. The second section follows an inquiry into the effectiveness of legal protections in games, from user-generated content and user agreements, to adopting music's mechanical licence model for videogames, and the legal and copyright protection of gameplay and game rules in multiple jurisdictions.

Iain Donald, Nick Webber and Esther Wright's paper explores how historical video games have become tools for soft power and public diplomacy in addition to the effect state interventions have had on historical representation in videogames. In particular, this article asks if making games 'localisation ready' (Kerr 2017: 126) in an increasingly nationalistic and global world threatens their capacity to engage meaningfully and accurately with the past. The UK's Video Game Tax Relief (VGTR) measures were introduced in order to represent British culture through cultural diplomacy. In China the national promotion strategy of 'telling China stories well' (讲好中国故事) alongside the notion of the 'Chinese dream' (中国梦) (see Liu 2018; Huang & Wang 2019) seems to contradict the strict regulatory environment seen in the Chinese games industry.

The next contribution compares two often neglected gaming regions and analyses the localisation and culturalization efforts made to the games from a legal point of view. Pratiksha Ashok's article compares localisation strategies in India and China with regards to government regulations using Krafton's 2017 game *Player Unknown's BattleGround Mobile (PUBG Mobile)* as a case study. The author highlights the political and legal landscape that led to the banning and rebranding of the game in both India and China. Ashok finds that while localisation and culturalization are cited as reasons for changing some aspects of the game in the respective regions, *PUBG Mobile's* Indian game titled *Battlegrounds Mobile India* (2021) was not localised while Tencent's *Game for Peace* (2019) in China was.

The next section is interested in copyright ownership and IP protection in games.

Qinqing Xu's article discusses the complicated ownership of user-generated content in games like *Animal Crossing: New Horizons* (2020), describing the Chinese framework for originality in copyright and analysing important court cases that impact the Nintendo Switch account user agreement changes in the UK and China. The author deftly demonstrates that while gamers' creations in games like *Animal Crossing* could be protected by copyright laws in China, the Nintendo user agreement complicates the protection.

Then, Lukas Ruthes Gonçalves' work suggests the adoption of mechanical licenses for video games to aid preservation efforts and serve as a reliable source of income for publishers. This article relates musical works and video games and posits that the UK, US and China could adopt mechanical licenses for video games with their current laws. Gonçalves' 'vibe check'

demonstrates the multitude of copyrightable elements in games and music that can be expressed in different manners while still feeling the same.

Finally, Angelia Wang's article applies a games studies' framework to IP law. The author's work proposes the use of Hunicke et. al's theory of mechanic-dynamics-aesthetics as a framework to analyse the legal nature of gameplay and game rules as IP (Hunicke et al. 2004). This article offers a brand-new solution to the debate of copyrightability of gameplay and provides a novel perspective for legal practitioners to understanding games systems.

CONCLUSION

The Chinese games market has been seen as both readily available for investment and virtually closed off. The InGAME International and Durham University Law School conferences provided a platform for international, interdisciplinary knowledge sharing of the Chinese games market.

This special issue highlights new findings when it comes to the Chinese games market: regulations have and continue to complicate historical representation in games, international localisation practices can be used to get around regulations, original user-generated content has the potential to be copyrightable, mechanical licenses currently used for music could be applied to games in the UK, US and China, and finally games studies' frameworks could be adopted to determine the copyrightability of gameplay and game rules.

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