

There have been plenty of online multiplayer games throughout game history and a few of those have been influential in a variety of ways. However, nothing has been quite so far-reaching in scope as *Medievalia*. The game boasts a player base in the tens of thousands and a host of features with which few other online games can compete. This paper will explore the major decisions that spawned an entire community and culture and the major legal choices that led to scandal. Because of *Medievalia*'s influence, both culturally and legally, *Medievalia* has and continues to influence the online multiplayer community. By examining *Medievalia*'s founding and its principle philosophy as well as two of its major legal choices, one can understand *Medievalia*'s influence better.

Background

Medievalia is one of many multiplayer text-based games known collectively as MUDs. MUD can stand for a variety of acronyms including multi-user dimension, multi-user dungeon, or multi-user domain.¹ Regardless of the exact meaning, a MUD generally refers to a game played by many people connected together on a central server. The central server computes all of the commands from the players and returns the output of the commands to the users. MUD history starts in 1979 at the University of Essex in the United Kingdom where Roy Trubshaw wrote the first MUD on a DEC-10 minicomputer using the language Macro-10.² In addition, Richard Bartle played an integral role in creating the original program, being responsible for the various evolutions in the program and its changes toward the existing software architecture still used today.³ Trubshaw and Bartle's inspirations were the text-based games of the time such as *ADVENT*, created by Will Crowther and modified by Don Woods, and *Zork*.⁴ In fact, the earliest MUDs were all inspired by text adventures and added the lacking element of multiple players playing together.

One of the most important developments in MUD history in regards to *Medievalia*'s history is the creation of *DIKU* MUD. According to the MUD FAQ, "*DIKU* MUD was written by the authors as a hobby project during their first years at Computer Science at Copenhagen University (called *DIKU*). *DIKU* MUD was written with the intention of making an efficient, small code base with game focus on playability. The game was [built] for fast expandability of the online world."⁵ The original authors were Michael Seifert, Hans-Henrik Staerfeldt, Sebastian Hammer, Tom Madsen, and Katja Nyboe.⁶ Later, in the winter of 1992, another group of programmers released a modified version of *DIKU* called *Merc*. Written by Michael "Kahn" Quan, Michael "Furey" Chastain, and Mitchell "Hatchet" Tse, a trio of real-life fraternity bothers,⁷ *Merc* "improved incrementally over *Diku*" and future versions of *Merc* would provide even better features.⁸ In fact, *Merc* would become "the oldest and most diverse branch of the

¹ *Acronym Finder*. <<http://www.acronymfinder.com/af-query.asp?String=exact&Acronym=MUD>>

² Cuciz, David. "The History of MUDs." Jan 2001.

<<http://www.gamespy.com/articles/january01/muds1/index4.shtm>>

³ Cuciz <<http://www.gamespy.com/articles/january01/muds1/index6.shtm>>

⁴ Cuciz <<http://www.gamespy.com/articles/january01/muds1/index4.shtm>>

⁵ Cowan, Andrew, et. al. "FREQUENTLY ASKED QUESTIONS: Detailed information about mud server types." Aug 1999 <<http://www.mudconnect.com/mudfaq/mudfaq-p4.html>>

⁶ Cowan.

⁷ "A Brief History of *Diku*MUD." <<http://www.grr9.net/gaming/mudding/jedimud/text/DIKUHIST.TXT>>

⁸ Cowan.

DikuMUD family tree”⁹ However, despite the tremendous amount of work involved in both the DIKU and Merc projects, both code bases remained relatively buggy.

Merc would serve as the basis for the beginning of Medievia. In 1991, Mike Smith and Michael A. Krause (Figure 1), known in-game as Highlander and Vryce respectively, took the freely available Merc source code and began modifying it.

According to its original creator, Mike Smith, in an advertisement on a newsgroup, “Medievia is a Mud running on Merc 1.0 (HEAVILY Modified, and still being modified) code.”¹⁰ Smith wanted to create the ultimate MUD experience and boasted that Medievia is “not a fly-by-night mud, we don't plan to disappear tomorrow... If we disappear, it won't be because we (the implementors) chose to.”¹¹ Smith's goal for the game was to create an environment “where the implementors and



Figure 1 Michael A. Krause, courtesy Medievia.com

Gods get along well with the players” and players' needs were the primary concern.¹² In addition, Smith wanted Medievia to be on the cutting edge of MUD technology and have the newest and best features. However, Smith did not stay long enough in a position of power at Medievia to see his philosophy come to fruition. In early 1994, a “War Of The Gods” caused a great deal of problems with the MUD's operation. Smith attempted to resolve the situation by replacing the programmer, Krause, and many of the other administrators.¹³ However, shortly afterwards, Krause came back and seized full control of the MUD.¹⁴ To this day, Smith's vision endures as Krause's philosophy statement which is posted on the Medievia Website: “Our goal is to create a role playing world where there is a lot of combat and social interaction.”¹⁵ Because of this continuous vision of creating the experience around the players and the focus on advance features, Medievia has become one of the most popular and influential MUDs on the Internet through its unique culture and community.

Community and Culture

⁹ “A Brief History of DikuMUD.”

¹⁰ Smith, Mike. <msmith@bigboy> "Medievia & the fate of Adversary." Article <1993Apr28.233750.13612@cronkite.ocis.temple.edu> in Usenet newsgroup rec.games.mud.diku, 28 Apr 1993

¹¹ Smith.

¹² Smith.

¹³ McDaniel, Henry III. <mcdaniel@u.washington.edu> "Encyclopedia of MU*s: SvenskMUD, Medievia [sic], LPCC" Article <2ja2bt\$obu@news.u.washington.edu> in Usenet newsgroup rec.games.mud.misc, 8 Feb 1994

¹⁴ Woolcock, Richard. “Comparison of Merc 1.0 and Medievia IV.” <<http://520006811875-0001.bei.t-online.de/med.html>>

¹⁵ Medievia.com, Inc. *The Medievia Homepage*. “The Philosophy of Medievia.” <<http://www.medievia.com/philosophy.html>>

Social and cultural immersion in *Medievalia* means nothing for the impact on the MUD community without a large number of people being influenced by the game. *Medievalia* has more than 25,000 active users with more than an average of 600 players playing at any given time.¹⁶ Though these figures cannot compare with other multiplayer games such as *Everquest* or *Ultima Online*, these numbers are incredible for text-based multiplayer games. According to *Mudconnect.com*, a database of MUDs, there are only 20 MUDs which have over 100 players at any given time.¹⁷ In addition, according to *Kyndig*, another major MUD resource, only *GemStone*, a commercial MUD developed by *Simutronics*, is in the same category as *Medievalia* of having over 400 players at any given time.¹⁸ Clearly then, *Medievalia* must be a driving force within the MUD community as one of the leaders in MUD population. In creating its unique culture and atmosphere, *Medievalia* reaches a large audience within the MUD community.

Medievalia's uniqueness comes from its social interaction and community. It is this social interactivity in the game that creates such a large influence on the MUD community as a whole. A vast number of people within the community have tried *Medievalia* and many of those love the game. One player, Nathan Baumbach, observes that the community "has an atmosphere that I have not encountered in any of the other games I have played."¹⁹ The game philosophy that Smith began and Krause continued contributes greatly to the culture of *Medievalia*. For example, one player states that one of the main reasons he loves the game is that "[the] game is constantly improving, and there are always kind people online to help."²⁰ In his particular instance, he loves the game so much that he is "torn between playing *Diablo 2*, *Starcraft* and *Medievalia*. But [he] usually [chooses] *Medievalia*."²¹ Of most interesting note is that *Diablo 2* is another online multiplayer game; but, unlike *Medievalia*, it is graphical. That someone would choose a text-based game over an easy to play graphical interface provides testimony to the great appeal of the *Medievalia* culture and community offered to its players.

There are many examples of the unique social interactions that *Medievalia* offers. One player describes the society as "amazingly rich and complex. At all hours of the day, this game is teeming with people from all over the world, most of them friendly and helpful, each of them helping to add to the personality of the game."²² Even Michael Krause, the owner of the MUD met his wife on *Medievalia*. In one interview, he said, "Many people have met and married people they met on the game... *Medievalia* is a friendship creation world at its core. That is why people come to play and never leave."²³ Essentially, *Medievalia* has achieved what many other online games cannot achieve: a well organized society that values the various interconnections and personal relationships that the people in the game create. Not only does *Medievalia* promote such a culture, but it also promotes creating narrative. Each player creates his own stories along with other players creating their own stories. With advanced features such as the *Bloodline* module in the game, players can creating continuous families and increase their storytelling ability. Thus,

¹⁶ sportsfan. *Joystick101.org*. "Medievalia MUD: an interview with owner/developer Michael Krause." 7 Feb 2001. <<http://www.joystick101.org/story/2001/1/26/182330/533>>

¹⁷ *MudConnect.com*. "Advanced Search." 5 Mar 2002. <http://www.mudconnect.com/mud-bin/adv_search.cgi>

¹⁸ *Kyndig.com*. "400+ Online." 12 Mar 2002. <<http://www.kyndig.com/listings/otherlist/players400/>>

¹⁹ Wilder, Greg. *pcgamereview.com*. "Medievalia by Medievalia." 20 Mar 2001. <http://www.pcgamereview.com/reviews/roleplaying/product_1222.asp?RVNum=-1>

²⁰ Lorok. *pcgamereview.com*. "Medievalia by Medievalia." 22 Oct 2000.

<http://www.pcgamereview.com/reviews/roleplaying/product_1222.asp?RVNum=-1>

²¹ Lorok.

²² *Medievalia.com, Inc. The Medievalia Homepage*. "What Is Medievalia?" <<http://www.medievalia.com/story.html>>

²³ sportsfan.

Medievalia has created a system whereby the game has a never-ending narrative with infinite branching points. Because of these features that few, if any, games share, Medievalia is incredibly successful. In the same interview, Krause stated: "The game is not REAL but the players are and their friendships and interactions are. That is what Medievalia is all about..."²⁴ These relationships are so important to the players that they frequently host their own real-life GTGs, get together, where Medievalia players have a chance to meet the people with whom they have shared their lives. The members of the community are so involved with each other that they even have their own newsletter entitled "The Mudslinger" that the website publishes monthly. The Mudslinger publishes real life player birthdays, mud marriages, and other events important to the players.²⁵ In addition, the Medievalia website provides a section devoted to photos of its players allowing people to view and post photos. This section contains over 1,500 photographs of players who have submitted photos.²⁶ With the Mudslinger and an online photograph database, Medievalia's culture promotes storytelling beyond the game and moves narrative into both the virtual world and real life. Players can see the real-life portrait for a character in the game and players often interact with each other outside of the game. Thus, Medievalia blurs the distinction between game and reality. In doing so, Medievalia promotes more narrative building than most games do because even real-life interactions build upon the stories created in the virtual world.

However, this society and great community is not always a positive thing. Because the society is virtual and frequently seen as an escape for the real-life society and culture that many players live in, some players become so engrossed in their virtual lives and their virtual society that some become addicted to the game. Krause believes that "Medievalia addiction is a serious problem for a small percentage of [Medievalia's] users. Most are in denial because they have so much fun in the game and its closed environment."²⁷ The problem is serious enough to warrant the Medievalia website to publish a document entitled "Medievalia Addiction - A Real Danger?" which addresses various concerns about Medievalia addiction.²⁸ The document reminds the Medievalia users that the game is "meant to be a form of entertainment, and not a substitute for any part of your real life."²⁹ Examining the top fifty users with most hours played provided by the Medievalia statistics page shows that of the fifty players all fifty players played more than one hundred hours in the span of just one week.³⁰ This requires more time than holding a fulltime job (albeit more fun)! At the same time, the addicts of Medievalia are a testament to the narrative abilities of Medievalia by demonstrating that the narrative is so compelling that players are willing to substitute the narrative created in the virtual world for their real lives. Ultimately, addict or not, the typical Medievalia player is engrossed in the culture and community that Medievalia promotes as a result of the continuation of Smith and Krause's game philosophy.

²⁴ sportsfan.

²⁵ Medievalia.com, Inc. *Medievalia Mudslinger Online*. "Mudslinger Services." <<http://www.medievalia.com/mudslinger/slingindex.htm>>

²⁶ Medievalia.com, Inc. *Medievalia Picture Page*. "Interesting Facts and Stats." <<http://www.medievalia.com/cgi-bin/medievalia.cgi?step-1022>>

²⁷ sportsfan.

²⁸ Medievalia.com, Inc. *The Medievalia Homepage*. "Medievalia Addiction – A Real Danger?" <<http://www.medievalia.com/addiction.html>>

²⁹ "Medievalia Addiction – A Real Danger?"

³⁰ Medievalia.com, Inc. *The Medievalia Facts and Figures Page*. "Player Facts and Figures." 18 Mar 2003. <<http://www.medievalia.com/facts/hoursplayed.html>>

The Beginning of Medthievia

Despite the amazing community that Medievia has, Medievia has a darker side. Throughout its history, it has been plagued by legal issues. Beginning in 1994, the MUD was accused of breaching the license agreement with DIKU, a license agreement required for using the Merc source code. The part of the DikuMUD license in question states that “[any] running version of DikuMud must include our names in the login sequence. Furthermore the ‘credits’ command shall always contain [sic] our name, addresses, and a notice which states we have created DikuMud”³¹ where “our” refers to the creators. It is important to understand from the license that it was never meant to be a legal barrier for developers. The lack of legal counsel in writing the licensing agreement is clear when examining the misspellings, non-legal terminology, and loopholes in the agreement. Thus, the licensing agreement was really a request from the DIKU authors to acknowledge their efforts if other developers used the DIKU code.

On August 29, 1994, Eileen Pilon asked the newsgroup rec.games.mud.diku if a rewritten MUD that started with DIKU code was allowed to ignore the DikuMUD license.³² This post inspired a wide range of responses and discussion which eventually led to one of the DIKU authors to respond. On September 12, 1994, one of the DIKU creators responded in Usenet: “Currently we are having problems with the Medievia DikuMud clone (198.69.186.36 4000, @medievia.netaxs.com). They are a DikuMud clone but leave absolutely no reference to DikuMud as required in the license.”³³ In the following days, discussion continued and people became enraged at Medievia. To think that someone would blatantly ignore the license agreement while using the code was a cardinal sin within the development community. The issue was quickly settled by Medievia administration. On September 18th, six days later, the credits were verified to have been restored to the “credits” command.³⁴ However, the credits were not restored to the login screen. Nonetheless, the debate abated because in the eyes of the community, Medievia had righted their wrong.

In spite of the brevity of this short legal incident, the event would not go without effects upon the player and development community. In particular, the development community was greatly affected. Many of the people in the development community were surprised that something that was considered taboo actually happened. To them, using code without following the licensing agreement or citing the original programmers was simply unacceptable. In addition, because the DIKU license was not meant to be a legal document to hinder developers, many felt that it was ridiculous that Krause would not even bother to give credit to an integral part of his game. As a result, when Merc 2.2 was released, the license received a large upgrade from the 1.0 version of the license. In the 1.0 release of Merc, aside from a note about following the DIKU license and an indication of the team that had developed Merc, there was no licensing information for Merc. With the release of Merc 2.2, the Merc authors made a point of stating that “Notice that our license terms don't include keeping our names in the login sequence. If you want to keep a line in there referring to Merc, or referring to us by name (Furey, Hatchet, and Kahn), we'd appreciate that, but we don't require it. But you must keep the original Diku authors

³¹ Hammer, Sebastian, et. al. “DikuMud License.” 1991.

³² Pilon, Eileen A. <epilon@uoguelph.ca> "Diku Licensing Question." Article <33t1qb\$bl6@nrmal.cs.uoguelph.ca> in Usenet newsgroup rec.games.mud.diku, 29 Aug 1994

³³ Seifert, Michael. <seifert@diku.dk> "Re: Diku Licensing Question." Article <seifert.779356030@embla.diku.dk> in Usenet newsgroup rec.games.mud.diku, 12 Sep 1994

³⁴ Matuse. <matuse@netcom.com> "Re: MEDIVA [sic] { DOWN ??}" Article <matuseCwAq5o.79s@netcom.com> in Usenet newsgroup rec.games.mud.diku, 18 Sep 1994

in the login sequence.”³⁵ Though this change in the Merc licensing agreement was not a direct response to the Medievia incident, it illustrates the growing importance of the ethical and legal ramifications involved in following the license agreements of freely distributed software. Developers felt offended and Seifert, one of the DIKU creators, stated that the Medievia credits incident “is also one of the reasons that we are hesitant releasing the DikuMud II code” at the time.³⁶ Not only developers were affected, but players also felt the effects of Medievia’s legal decision. One player calling himself “The Majestic Wizard” in a discussion about the credits called Medievia, “Medthievia” for “stealing others works”³⁷ and inadvertently, he coined the term “Medthievia” that people still use to refer to Medievia.

Thus, with the seemingly meaningless decision to leave the credits out of the login screen and game, Medievia sparked a widespread debate on Usenet and caused many people including the DIKU and Merc teams to think about licensing free software for other’s use. This continued influence from Medievia can be seen today on DikuMud II’s website. A quick perusal of the site shows that DikuMud II was written with business in mind and actually limits the functionality of the free version for would-be developers.³⁸ In addition, Medievia’s legal choice would lay the groundwork of resentment within the community for opposition to Medievia’s next major legal decision.

Medthievia, the Second Coming

Later, Medievia would start more legal trouble. Apparently Medievia had not learned from the first incident and decided to violate the DIKU license once again. According to the DIKU license, the licensee “may under no circumstances make profit on *ANY* part of DikuMud in any possible way”³⁹ However, on December 28, 1996, someone noticed that “Medievia was publicly asking for ‘donations’ of \$20 to be mailed to Mark Krause.”⁴⁰ From that day forward, the debate over Medievia’s legal decision has never found closure. This debate boils down to whether or not Medievia is in fact making any money and if Medievia is still required to adhere to the DIKU license because Medievia is a derivative work.

In addition, many felt that what Medievia was publicly calling donations were actually forced payments to play the game. According to one gamer:

Playing along for the first half of the game is fine, although a bit tedious, as stated above. [Then] comes the proverbial glass ceiling. Once you reach a high enough level, automated [messages] start deluging your character about donating to the mud. In exchange for real-life cash, you can get souped-up objects that will majorly enhance your gaming experience. This is all well and good (although I hear via the grapevine that [may] be illegal for them to do so, but that discussion doesn't fit here), but it puts the people who do not wish to donate at a serious disadvantage, as they cannot do nearly as good as the chars with the souped-up objs.

³⁵ Quan, Michael, et. al. “Merc Release 2.2 Copyright and License Terms.” 1993.

³⁶ Seifert.

³⁷ The Majestic Wizard. <merlyn@knitemare.iac.net> "Medthievia (Stolen Credits)." Article <3ceuno\$gr7@mississippi.iac.net> in Usenet newsgroup rec.games.mud.diku, 11 Dec 1994

³⁸ *Valhalla Mud*. 11 Apr 2001. <<http://www.valhalla.com>>

³⁹ Hammer.

⁴⁰ Lawless, Timothy Mark. <tlawless@whale.st.usm.edu> "Medievia and Diku Lisence (Not Credits, Profit)." Article <3draht\$5of@server.st.usm.edu> in Usenet newsgroup rec.games.mud.diku, 28 Dec 1996

Also, a full set of eq will knock your bank account for around \$300-\$350, plus \$150 a year for "maintenance/repair costs" on the eq (except the talisman). Compare that to the approximately \$145 per year of EverQuest, and Medievia's donation system doesn't sound so appealing.⁴¹

In response to the accusations, Krause stated on March 30, 1996 that Medievia had been so far modified from DIKU that it was no longer DIKU and as such he was exempt from the license.⁴² Therefore, he believed that there was no reason for him to maintain a not-for-profit position. Many developers were not convinced and a rogue hacker broke into Medievia's system and retrieved the Medievia source code. He released the code for others to see and many, including the creator of DIKU, confirmed that the code retained many of its DIKU roots.⁴³ Krause was incensed at these events and requested that all Medievia code be taken down. He sent a fax to the site that had posted the source code (Figure 2). However, in doing so, Krause validated the code as Medievia – the same code that various members of the development community had identified as a derivative work of the DIKU code. To present day Krause maintains that Medievia is no longer DIKU and that he should be allowed to accept money and donations. On the other hand, many in the development community believe that his code is based on DIKU and that he is unethically and illegally profiting from the DIKU code by violating the DIKU licensing agreement.

[... continued ...]

⁴¹ Smith, Red. *pcgamereview.com*. "Medievia by Medievia." 4 Dec 2000.

<http://www.pcgamereview.com/reviews/roleplaying/product_1222.asp?RVNum=-1>

⁴² Krause, Michael. <mkrause@netaxs.com> "[ADVERT] Have you played here?" Article <4jkafa\$3j9@netaxs.com> in Usenet newsgroup rec.games.mud.diku, 30 Mar 1996

⁴³ Woolcock.

If you believe that there has been a violation of your copyright or trademark on our site and you want us to take down or disable the material in question, you must provide us with all of the following information:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Michael A. Krause Sr. CEO Medievia.com, Inc.



2. Identification of the copyrighted work or trademark you claim is being infringed, or, if you want to cover multiple copyrighted works or trademarks in a single notice, a representative list of such works or trademarks.

Medievia version 4.1 C code and libraries from 1996.

3. Identification of the material that you claim is infringing or is the subject of infringing activity and that you believe should be removed or access to which should be disabled, with information reasonably sufficient to permit us to locate the material.

The site which has been removed was anti-medievia.webjump.com

4. Information reasonably sufficient to permit us to contact you, such as an address, telephone number and, if available, an electronic mail address at which you may be contacted.

Medievia.com, Inc.
2207 Meadow Drive
Blue Bell, PA 19422
Michael Krause
610-239-0661

5. A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright or trademark owner, its agent, or the law.

Medievia has been in business since 1990. In 1996 a version of our code was hacked and that perp was found and dealt with but not prior to him releasing a copy. This copy has now appeared on your website. This code represents copywritten material of Medievia.com, Inc.

6. A statement that the information in your notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

By signing below I am stating that the above information is accurate and that I have the authority to act on behalf of Medievia.com, Inc.



Please email this information to abuse@corp.theglobe.com, or fax to 212-962-6008. By mail: Customer Support theglobe.com, inc. 120 Broadway, 22nd floor New York, NY 10271

PLEASE EMAIL INFO TO ~~MEDIA~~
VRYCE@MEDIEVIA.COM

Figure 2. Fax from Michael A. Krause, "Vryce," requesting for Medievia code to be removed⁴⁴

⁴⁴ <http://520006811875-0001.bei.t-online.de/med/fax1.jpg>

This second major legal decision on *Medievia*'s part, to claim themselves as a non-derivative work and ignore the DIKU license, had an even greater impact upon the MUD community than their first legal decision to ignore the credits section of the DIKU license. With this conflict, battle lines were drawn. Almost everyone in the MUD community had an opinion and almost everyone who had an opinion was cast as either a "Med-supporter" or "Anti-Med." It was a war with each side trying to turn others to their side. Most of the Anti-Med people were developers in the MUD community and most of the Med-supports were players or administrators from the game. Because the issue of *Medievia* as a DIKU derivative would never come to conclusion, various events within the MUD community over the past few years have all been influenced or caused by *Medievia*'s legal decision.

One of the most immediate effects was the shutdown of C.A.W., Curious Area Workshop. According to its founder, C.A.W. was "semi-anonymous donors flying under the C.A.W. flag" who "wrote a bunch of mud areas and released them public domain" with the provision that "C.A.W. be given credit for the areas wherever they appear, in whatever standard format is given by the archive or mud that uses them."⁴⁵ Because of MUDs like *Medievia* that stole publicly released code without giving credit, C.A.W., in the autumn of 1996, announced that it was "shutting its doors forever."⁴⁶ For them, it was not worth the trouble of having others steal their works and then attempt to force the thieves to credit C.A.W. The reaction from C.A.W. was not limited to just those builders; in the same announcement, it stated: "This isn't a new feeling on our part. I've talked to many other builders who released areas pub-dom [public domain] at one point or another who echo the same feelings."⁴⁷ Clearly, the MUD community was feeling the effects of games like *Medievia* that refused to adhere to what the development community was a fair expectation of decency and ethics. Though *Medievia* never used any areas from C.A.W., *Medievia* was seen as the role model for MUDs that violated licensing agreements or used others' works illegally just as C.A.W. was seen as the leader for the MUD area building community. With its shutdown, many in the development community felt that people like Michael Krause were no longer fit to participate in the community. One of the developers of *EmberMUD*, a DIKU derivative code base, said in one post to a message board: "We care because we have watched many in the community leave, or quit actively contributing. What happened to Curious Area Workshop? It folded because of actions of people like Vryce [Michael A. Krause]."⁴⁸ Anti-Med people were incensed that the actions of Michael A. Krause would cause developers like Michael Seifert and C.A.W. to stop contributing to the MUD community. The MUD community had always been free and open; people constantly shared their own insights, code (or parts of code called "snippets"), and time with each other. With *Medievia* bringing to light the fact that many of these developers' works were no longer being credited and even used for profit, many began to question whether or not they wanted to remain active in the MUD community. For example, one of the effects is the already mentioned release of *DikuMud II*. It was released not as an open source system as the previous DIKU code had been released and it incorporates a business license for those who wish to use it for money-making purposes.⁴⁹

⁴⁵ Page, D. "A Long Rant and a Short Announcement (take two)." 7 Sep 1996. <<http://qsilver.queensu.ca/~fletchra/Caw/article.close>>

⁴⁶ Page.

⁴⁷ Page.

⁴⁸ Cookson, Nathan. *Kyndig.com*. "Re: correction." 11 Dec 2001. <<http://www.kyndig.com/boards/chat/18/137/137>>

⁴⁹ Valhalla Mud.

On the other hand, many *Medievia* players came to its support. Some players felt that the DIKU license was restrictive and that even if *Medievia* were a DIKU, the license is incredibly restrictive and that no one ought to follow it.⁵⁰ Some Med-supporters simply decided that the DIKU license issue was not important. One supporter believed that *Medievia* was a derivative work of DIKU but because of the amount of work put in by Krause, he deserved to charge money for the game. This same supporter stated:

There is just SOOOO much you can do. No mud even comes close. Med has taught me real life lessons as well, however pathetic that may sound. It has taught me that being rich doesn't necessarily mean happiness. I have fathered a child with the Bloodlines module and I have learned so much that when I really have a real son, I will learn not to make the same mistakes. Med is like a simulation of real life. You learn about betrayal, what true friends are etc.

...

Etc. When you see who is running as their side is losing, fleeing the battle, who is taking all their time going after the enemy's equipment rather than really fighting, who is risking their own life to save an ally, that is TRUE FUN.⁵¹

This supporter illustrates one of the fundamental reasons regardless of the DIKU license of how many supporters felt: Michael Krause had developed one of the best games ever created and because of his vision and brilliance, he deserved to ask for money. Many of the game's supporters felt that the greatness of the game simply outweighed its legal obligations. Another supporter told the Anti-Med people, "your efforts will do nothing compared to what they spend on advertising. I believe it was their ad in PC gamer that got me hooked."⁵² It seems almost ironic, then, that because *Medievia* chose to accept monetary donations, Krause had enough funds to advertise in magazines like PC Gamer or Dragon Magazine.⁵³ Yet, at the same time, it was this same decision that caused the rift within the MUD community and fueled the debate over licensing agreements for years to come. In addition, this legal question raises an interesting issue about what Krause is actually selling. Krause is selling an experience, an unlimited narrative that the community *Medievia* creates; he is not selling or distributing the code for *Medievia* in any form. Therefore, at one point, the debate becomes culture against legality. Does the culture that Krause creates and promotes base itself upon the DIKU code or is it because of the game philosophy that he has embraced? Supporters and Krause would definitely agree with the latter opinion that it is Krause's philosophy that creates the game, not the code. Developers, on the other hand, would disagree believing that it was the DIKU code that made *Medievia* possible.

Consequently, despite the large amount of support shown for *Medievia*, backlash from the developers within the MUD community was harsh. Many crusaded against *Medievia* by

⁵⁰ Danwar. *pcgamereview.com*. "Medievia by Medievia." 25 Aug 2000.

<http://www.pcgamereview.com/reviews/roleplaying/product_1222.asp?RVNum=-1 >

⁵¹ Yu, Jun. <mikeg45@earthlink.net> "Watching Medievia from Afar " Article <6Lk5.456\$M%3.17211@newsread1.prod.itd.earthlink.net> in Usenet newsgroup rec.games.mud.diku, 11 Aug 2000

⁵² Allison, Jim. <allison10@home.com> "Re: The Historical DikuMUD List" Article <8jH76.210340\$hD4.53261580@news1.rdc1.mi.home.com> in Usenet newsgroup rec.games.mud.misc, 12 Jan 2001

⁵³ Bartle, Richard A. "Column 1." 8 Apr 2000. <<http://www.mud.co.uk/richard/edge1.htm>>

trying to inform gamers about the illegality of the *Medievia* or, in the case of the cracker who stole *Medievia* code, directly attack *Medievia*. Even some *Medievia* players decided to stop playing because of the ethics involved while others felt that because of the DIKU license issue, the game had stopped focusing on its players and had declined in recent years.⁵⁴ Two of *Medievia*'s coders, Cestus (Kurt Schwind)⁵⁵ and Thranz (Keith Hudson)⁵⁶ resigned from *Medievia* in 2000 due to ethical objections to the game code. Additionally, the same year, two of the community's major resources on the Web, Top Mud Sites and the MudCenter, removed *Medievia* from their MUD listings. Clearly, many in the development community and those in charge of resource centers believed that *Medievia* benefited greatly from the DIKU code, and they felt that *Medievia* was illegally generating revenues. By omitting *Medievia* from their databases, Top Mud Sites and MudCenter greatly altered the geography of the MUD community. As major resources within the community, this omission is a signal to others that to the people in the MUD community, *Medievia* should not exist.

The issue of *Medievia* using DIKU code brought the issue of licenses to the forefront in the MUD community. As a result, members of the community perked up when Sony made a public statement acknowledging that it had based its online roleplaying game *EverQuest* on DIKU.⁵⁷ This led many to wonder if Sony actually used the DIKU code especially since there were many similarities between DIKU and the text parts of *EverQuest*. Sony denied the statement and later, the DIKU team and Sony would come to an agreement with the *EverQuest* programmers signing a sworn statement that there was no DIKU Mud source code whatsoever in *EverQuest*.⁵⁸

Undoubtedly, the legal choice of *Medievia* to accept money and disregard the portion of the DIKU license prohibiting it has caused a slew of events within the MUD community. This one decision caused many developers to leave the community and even more players to play *Medievia* because of the ongoing discussions about the legality of *Medievia*'s actions. In addition, it created a rift within the community between those who did and did not support the game altering the face of the MUD community forever. At the same time, *Medievia*'s legal decision brought a new awareness of the law to the MUD community in a totally new perspective (the MUD community had been dealing with the legality of cyber rape for quite some time already) and issues about what is and is not legally acceptable.

Copyrights

Ultimately, these issues bring up the question of copyright and ownership of software, especially that of derivative works, in the games industry. With regards to the *Medievia* case, many wonder why there has been no legal action against *Medievia*. Richard Woolcock answers on behalf of the development community: "as it's not OUR copyrights that are being violated, there is nothing legally WE can do about it."⁵⁹ But this issue extends to more than just *Medievia*.

⁵⁴ Lemon, Jon. *pcgamereview.com*. "Medievia by Medievia." 8 Sep 2000.

<http://www.pcgamereview.com/reviews/roleplaying/product_1222.asp?RVNum=-1 >

⁵⁵ Schwind, Kurt. *Medievia and its DIKU Background*. "Medievia as seen by a player and coder." 13 Mar 2003.

<<http://slithytoves.sytes.net/~kurt/Medievia.html>>

⁵⁶ Woolcock.

⁵⁷ <madmerv@my-deja.com> "Sony's EverQuest admits to using Diku as a base" Article

<[80uhld\\$V81\\$1@nrrp1.deja.com](mailto:80uhld$V81$1@nrrp1.deja.com)> in Usenet newsgroup rec.games.mud.diku, 17 Nov 1999

⁵⁸ *DIKU MUD Homepage*. "Sworn Statement." 20 Mar 2000. <<http://www.dikumud.com/diku/swornstatement.asp>>

⁵⁹ Woolcock, Richard. <richard.woolcockNOriSPAM@rsuk.rsd.de.invalid> "Re: Medthievia" Article

<02ca4089.74b1556c@usw-ex0104-032.remarq.com> in Usenet newsgroup rec.games.mud.diku, 9 Aug 2000

Derivative works problems were a somewhat recent issue in the music industry with the advent of sampling by disc jockeys. For example, De La Soul was sued in 1991 by Mark Volman and Howard Kyle of the Turtles for sampling 12-seconds of “You Showed Me” in De La Soul’s “Transmitting Live From Mars” recorded in 1989. The two parties settled for 1.9 million dollars.⁶⁰ In a similar incident, Biz Markie, a rap artist, settled with Gilbert O’Sullivan for using 20 seconds of piano chords from “Alone Again (Naturally).”⁶¹ This time, however, there was a ruling and US District Judge Kevin Thomas Duffy ruled on the case. In his decision, he left no “‘wiggle room’ for fair” for future derivative works in music unless permission was granted.⁶² Thus, were the music industry to act as precedent for software such as Medievia, Krause would have violated the law. But software is not music; it is similar to it. Despite its similarity, the law has not yet decided that they ought to have the same regulations.

Therefore, it is important to examine the law in depth to gain further understanding of how the law affects software especially in the Medievia case. The definition of a derivative work according to the US Copyright Office is “a work that is based on (or derived from) one or more already existing works.”⁶³ In the Medievia case, then, it is clearly a DIKU derivative based on the code that Krause verified as Medievia code and others verified as based on DIKU. Additionally, derivative works are “the exclusive province of the owner of the original work.”⁶⁴ Thus, by violating the DIKU license while using their code, Krause did not have permission from the DIKU authors to modify their code. The question of the ownership of the code then becomes an important issue. A recent article by Sean Hogle, Senior Counsel of Software and Technology at Sun Microsystems, shows the relevancy in today’s software-driven world. In his analysis, he states that:

[if] a copyright license agreement grants to the licensee the right to create derivative works, either expressly or impliedly, but is otherwise silent on ownership of such work, the licensee, as the author of the derivative work, is presumed to own the copyright to the original expression contributed to the derivative work the licensee creates. Absent a contractual provision assigning ownership to derivative works to the licensor, the licensee, as the owner, is free to reproduce and distribute such derivative work. Of course, this is true only to the extent the licensee has continued authorization from the copyright owner to reproduce and distribute protected expression derived from the original work.⁶⁵

Here, the picture becomes clouded in the Medievia situation. The DIKU license provides no provisions for the ownership of the derivative works and as such, derivative works belong to the licensees. Additionally, because Krause is not reproducing or distributing the derivative work he requires no authorization from the DIKU team. At the same time, one might view the act of allowing people to play on Medievia as the distribution of the creative expression that the DIKU authors originally authored, yet none of the actual source code or binary versions of it are being distributed because users only interact with the input and output. In further analysis, Hogle notes that “Under copyright law, if [derivative software] cannot be distributed without infringing reproduction and distribution rights in [the original work], it is most likely an unauthorized derivative work and [the original author] is effectively the only party capable of exploiting the

⁶⁰ Vaidhyanathan, Siva. *Copyrights and Copywrongs*. NY: New York University Press, 2001. 141

⁶¹ Vaidhyanathan 141-142.

⁶² Vaidhyanathan 143.

⁶³ *Information Circular*. “Copyright Registration for Derivative Works.” Circular 14. Jul 2002. <<http://www.copyright.gov/circs/circ14.html#derivative>>

⁶⁴ Templeton, Brad. “10 Big Myths about Copyright Explained.” <http://www.templetons.com/brad/copymyths.html>

⁶⁵ Hogle, Sean. “Unauthorized Derivative Source Code” *The Computer & Internet Lawyer*. Vol. 18, No. 5; Pg. 1.

[licensee's] enhancement”⁶⁶ Thus, for multiplayer games such as *Medievalia*, the question is really whether or not allowing players to interact with the binary code of the game equates with the distribution of a derivative work that infringes upon the original provisions in the license. Currently, no one has an answer to that question.

Looking Toward the Future

The issue of derivative works and content distribution brings to light other battles in the multiplayer gaming industry. A recent case brings the issue of derivative works and multiplayer games to light: Vivendi Universal sued a group of developers working on an open source version of the Blizzard server engine that hosts multiplayer games such as *StarCraft* and *Diablo*. Their lawsuit alleges that the “developers simply lifted code byte-for-byte from key functionality of the Battle.net service.”⁶⁷ This lawsuit as of this writing has not yet been resolved but its final outcome will have a major impact if the outcome has any relevancy to the usage of a service implying the distribution of the source itself.

In conclusion, *Medievalia*'s two legal issues with the DIKU license, the credits violation and the monetary gain violation, serve as impetus for a wide range of events and actions within the MUD community. It has caused some to rally to *Medievalia*'s aid, thus, illustrating the game's cultural influence in the MUD community. At the same time, developers have come to view *Medievalia* with utter disrespect and the legal disputes have caused some developers to consider discontinuing their contributions to the MUD community. As games become more and more integral to the entertainment industry, *Medievalia*'s legal disputes raise increasingly important legal issues about the copyright and ownership of derivative software. These issues also raise the question of content and code: is the code a form of distributed content? The legality of *Medievalia* becomes a conflict between the narrative in games and the law. *Medievalia*'s narrative abilities and community seem to be what Krause is selling, but legally, his game service could constitute an infringement on the DikuMUD license. It seems almost inevitable that at some point, this question of narrative versus law will have to be resolved because of increasingly popular online games and people's ability to manipulate games with modifications. For example, if someone were to make a patch for the server binary of a commercial massively multiplayer online game that allowed a different style of play on his own server. Would this patch be considered a derivative work? And if so, by letting people play on this server, is he selling the derivative work or the experience that he offers in his alternate universe? These questions and others like it may face the developers of the future. Thus, *Medievalia* has raised a plethora of questions that the next generation of video games may have to answer and regardless of how the *Medievalia* dispute ends, its history has already altered the MUD community and the ways in which we must think about multiplayer games.

⁶⁶ Hogle.

⁶⁷ Bonisteel, Steven. “Vivendi Universal Strikes Back In Gamers Showdown.” *Newsbytes*. 9 Apr 2002.

Bibliography

- Acronym Finder*. <<http://www.acronymfinder.com/af-query.asp?String=exact&Acronym=MUD>>
- Allison, Jim. <allison10@home.com> "Re: The Historical DikuMUD List" Article <8jH76.210340\$hD4.53261580@news1.rdc1.mi.home.com> in Usenet newsgroup rec.games.mud.misc, 12 Jan 2001
- AxL. <axl@oz.plymouth.edu> "Re: Medievia's Response" Article <39935165_1@news.plymouth.edu> in Usenet newsgroup rec.games.mud.diku 10 Aug 2000
- AxL. <axl@oz.plymouth.edu> "The DikuMUD Hall of Shame, Jan 2001" Article <3a5b1696_1@news.plymouth.edu> in Usenet newsgroup rec.games.mud.diku 9 Jan 2001
- Bartle, Richard A. "Column 1." 8 Apr 2000. <<http://www.mud.co.uk/richard/edge1.htm>>
- Bonisteel, Steven. "Vivendi Universal Strikes Back In Gamers Showdown." *Newsbytes*. 9 Apr 2002.
- "A Brief History of DikuMUD."
<<http://www.grr9.net/gaming/mudding/jedimud/text/DIKUHIST.TXT>>
- Cookson, Nathan. *Kyndig.com*. "Re: correction." 11 Dec 2001.
<<http://www.kyndig.com/boards/chat/18/137/137>>
- Cowan, Andrew, et. al. "FREQUENTLY ASKED QUESTIONS: Detailed information about mud server types." Aug 1999 <<http://www.mudconnect.com/mudfaq/mudfaq-p4.html>>
- Cuciz, David. "The History of MUDs." Jan 2001.
<<http://www.gamespy.com/articles/january01/muds1/> >
- DIKU MUD Homepage*. "Sworn Statement." 20 Mar 2000.
<<http://www.dikumud.com/diku/swornstatement.asp>>
- Hammer, Sebastian, et. al. "DikuMud License." 1991
- Hogle, Sean. "Unauthorized Derivative Source Code" *The Computer & Internet Lawyer*. Vol. 18, No. 5; Pg. 1.
- Information Circular*. "Copyright Registration for Derivative Works." Circular 14. Jul 2002.
<<http://www.copyright.gov/circs/circ14.html#derivative>>
- Krause, Michael. <mkrause@netaxs.com> "[ADVERT] Have you played here?" Article <4jkefa\$3j9@netaxs.com> in Usenet newsgroup rec.games.mud.diku, 30 Mar 1996

Kyndig.com. "400+ Online." 12 Mar 2002.

<<http://www.kyndig.com/listings/otherlist/players400/>>

Lawless, Timothy Mark. <tlawless@whale.st.usm.edu> "Medievia and Diku Lisence (Not Credits, Profit)." Article <3draht\$5of@server.st.usm.edu> in Usenet newsgroup rec.games.mud.diku, 28 Dec 1996

<madmerv@my-deja.com> "Sony's EverQuest admits to using Diku as a base" Article <80uhld\$v81\$1@nnrp1.deja.com> in Usenet newsgroup rec.games.mud.diku, 17 Nov 1999

The Majestic Wizard. <merlyn@knitemare.iac.net> "Medthievia (Stolen Credits)." Article <3ceuno\$gr7@mississippi.iac.net> in Usenet newsgroup rec.games.mud.diku, 11 Dec 1994

Matuse. <matuse@netcom.com> "Re: MEDIVA [sic] { DOWN ??}" Article <matuseCwAq5o.79s@netcom.com> in Usenet newsgroup rec.games.mud.diku, 18 Sep 1994

McDaniel, Henry III. <mcdaniel@u.washington.edu> "Encyclopedia of MU*s: SvenskMUD, Medievia [sic], LPCC" Article <2ja2bt\$obu@news.u.washington.edu> in Usenet newsgroup rec.games.mud.misc, 8 Feb 1994

Medievia.com, Inc. *The Medievia Homepage*. <<http://www.medievia.com>>

Michael Krause <vryce@medievia.com> "Medievia's Reponse" Article <sp680760n4t112@corp.supernews.com> in Usenet newsgroup rec.games.mud.diku 10 Aug 2000

MudConnect.com. "Advanced Search." 5 Mar 2002. <http://www.mudconnect.com/mud-bin/adv_search.cgi>

Page, D. "A Long Rant and a Short Announcement (take two)." 7 Sep 1996. <<http://qsilver.queensu.ca/~fletchra/Caw/article.close>>

pcgamereview.com. "Medievia by Medievia."

<http://www.pcgamereview.com/reviews/roleplaying/product_1222.asp?RVNum=-1>

Pilon, Eileen A. <epilon@uoguelph.ca> "Diku Licensing Question." Article <33t1qb\$bl6@nermal.cs.uoguelph.ca> in Usenet newsgroup rec.games.mud.diku, 29 Aug 1994

Quan, Michael, et. al. "Merc Release 2.2 Copyright and License Terms." 1993.

Schwind, Kurt. *Medievia and its DIKU Background*. "Medievia as seen by a player and coder." 13 Mar 2003. <<http://slithytoves.sytes.net/~kurt/Medievia.html>>

Seifert, Michael. <seifert@diku.dk> "Re: Diku Licensing Question." Article <seifert.779356030@embla.diku.dk> in Usenet newsgroup rec.games.mud.diku, 12 Sep 1994

Smith, Mike. <msmith@bigboy> "Medievia & the fate of Adversary." Article <1993Apr28.233750.13612@cronkite.ocis.temple.edu> in Usenet newsgroup rec.games.mud.diku, 28 Apr 1993

sportsfan. *Joystick101.org*. "Medievia MUD: an interview with owner/developer Michael Krause." 7 Feb 2001. <<http://www.joystick101.org/story/2001/1/26/182330/533>>

Sultress. <sin@netcom.com> "Re: Medievia" Article <sinDCqvLv.K9r@netcom.com> in Usenet newsgroup rec.games.mud.diku 3 Aug 1995

Templeton, Brad. "10 Big Myths about Copyright Explained." <<http://www.templetons.com/brad/copymyths.html>>

<thie vessuck@my-deja.com> "Medthievia" Article <8mo0cn\$76h\$1@nnrp1.deja.com> in Usenet newsgroup rec.games.mud.diku 8 Aug 2000

Vaidhyathan, Siva. *Copyrights and Copywrongs*. NY: New York University Press, 2001

Valhalla Mud. 11 Apr 2001. <<http://www.valhalla.com>>

Woolcock, Richard. <richard.woolcockNOriSPAM@rsuk.rsd.de.invalid> "Re: Medthievia" Article <02ca4089.74b1556c@usw-ex0104-032.remarq.com> in Usenet newsgroup rec.games.mud.diku, 9 Aug 2000

Woolcock, Richard. *Kavir's MUD Site*. <<http://520006811875-0001.bei.t-online.de/>>

Yu, Jun. <mikeg45@earthlink.net> "Watching Medievia from Afar " Article <6Lk5.456\$M%3.17211@newsread1.prod.itd.earthlink.net> in Usenet newsgroup rec.games.mud.diku, 11 Aug 2000