

ROM Hacks, Randomizers, and Retro Games: Challenging Copyright and Remixing Zelda

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EXTENDED ABSTRACT

Since the middle of the twentieth century, software and hardware developers have explored game creation and distribution methods that sidestep commercial game markets and North American copyright law. Much of this early experimentation fell under the wide umbrella of “hacker ethic,” a working dynamic where programs and code were freely shared without concern for ownership or copyright (Coleman 2013). As the Internet emerged and broad intellectual property policies were put into effect – particularly the Digital Millennium Copyright Act – many of these self-identified hackers adopted tactics to create and alter games within an increasingly restrictive legal landscape. For some, this meant exploring videogame hacking, the repurposing of existing videogames to bring forth new narratives and gameplay (Bailey 2008).

But how does a videogame hacker, whose work is rooted in commercially released titles, go about sharing their work? Nintendo’s high profile, multi-million dollar lawsuits targeting ROM¹ sharing websites such as LoveROMs.com and LoveRETRO.co (Good 2018) are demonstrative of prohibitionist corporate attitudes toward the interpretation and redistribution of copyrighted game content. In addition to their direct legal effects, these heavy-handed legal strikes impose a chilling effect (Ribaud 2017) upon hacking subcultures that work with ROMs and other commercial game assets. As most videogame hackers operate as hobbyists, with little means to push back against the will of larger entities, the threat of legal action may prove to be discouraging. Yet despite this legal climate, several videogame hacking communities have managed to attain widespread popularity (and even profit) on the Internet.

In this conference presentation for the *Digital Games Research Association Conference*, I will discuss the various tactics (de Certeau 1984) videogame hackers have developed to share their ostensibly illicit projects, using the *A Link to the Past Randomizer* as the primary case study. A popular ROM hack of the 1991 Super NES videogame *The Legend of Zelda: A Link to the Past* (Nintendo 1993), the *Randomizer* transforms what was once a linear console adventure into a competitive, randomized, tournament game made popular through communities on Twitch and Discord. Referring to research interviews that I have conducted with members of the development team, I will elaborate on how the decentralizing of game ownership and the creation of an in-browser patching application has allowed the *Randomizer* to flourish, despite its potential violation of intellectual property law.

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Super NES ROM hacking subcultures are particularly useful research objects due to their direct interaction with copyright litigation, including high profile cease-and-desist orders; their active presence on social media platforms, such as Twitch and Discord; and the innovative tactics they have developed, including decentralization and file patching, to shield themselves from potential legal scrutiny. Additionally, the continued prevalence of the console's game library – whose original hardware has not been officially supported by Nintendo for nearly two decades – enables an exploration of the implications of residual media in the digital age (Acland 2007). My presentation will consider the afterlife of the Super NES and how unauthorized creative interpretation of its game library has created points of tension between media companies and consumers. These tensions touch on broader issues of media control and ownership, as fans appropriate and re-appropriate their favourite titles for the purposes of art, entertainment, and profit.

Through my conference presentation at DiGRA, I will simultaneously chronicle one of the Internet's most prolific videogame hacking communities while interrogating how videogame hacking subcultures – communities of creative labour that exist in the margins of mediamaking and the fringes of the law – challenge and circumvent the various legal and technical barriers that complicate their work.

END NOTES

1 A ROM image (often shortened to “ROM”) is a computer file that contains a copy of the data present on a read-only memory chip. ROM images can be sourced from a videogame cartridge, a computer's firmware, or from an arcade game's main board. Many cartridge based videogames are copied to ROM files, which can then be played on modern computers using an emulator.

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