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N00BS NEED NOT APPLY: WiiWARE, GENERATIVITY, AND INDIE GAME DESIGNERS

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The Nintendo Wii represented a shift in video game consoles not only from a static to motion controller, but also in presenting a console as a web portal. Connected to the Internet, it allowed consumers to buy other games using its WiiWare interface. For indie game developers, the interface opened a new digital distribution system.

I analyze Nintendo's developer authorization forms which outline the guidelines and approval process, discuss game approvals and rejections based on their content, and outline the consequences of Nintendo's developer authorization process for developers' and consumers' freedom of expression and consumption. I argue that Nintendo's Authorized Developer Application violates the generativity principle, significantly restricting the market for developers as well as for consumers.

The Theory of Generativity

The Internet has come to be an essential open and democratic platform for creativity and self-expression. Zittrain (2008) attributes the strength of the Internet to its architecture; it functions as a generative technology, and he argues that Internet regulation should carefully avoid interfering with this particular quality of the technology. According to Zittrain (2006), a technology is generative when it is adaptable across a range of tasks and skill levels and is generally accessible to a wide range of individuals. Generative technologies are also open to other uses than those considered by the designers. Protecting the open qualities of the Internet ensure that the technology remains both innovative and democratic.

Proprietary systems for distributing cultural content online, such as Nintendo WiiWare, interfere with this generative principle. Corporations that set up these proprietary systems control the content that consumers have access to, which hinders innovation and does not encourage democratic culture. In the case of Nintendo's WiiWare, Nintendo, by proxy, is limiting innovation that is required in a cultural democracy.

Authorized Developer Application

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Nintendo promoted WiiWare's "democratic" features from its introduction. For designers, Nintendo promoted its low barriers for entry to the market and small distribution costs, which it argued allowed for greater competition and increased diversity in game offerings (Bozon, 2008). Despite the promotion of creativity, cultural production, and democratic ideals, WiiWare restricts the generativity principle of information technology, placing limits on this creativity by serving as a gatekeeper.

A mere handful of games have been removed from WiiWare for content violations or the release of confidential information, yet market conditions keep many from entry. Either the game is not selling or the studio fails. Zallag Studios had a number of titles, including the popular *Gods vs Humans*, removed from WiiWare. Founder David Jeuvideo commented,

Our games came out at a time when nothing was happening on the Wii. So even being in the top of the sales charts, we didn't gain anything in terms of money. Most journalists don't even review games from the on-line store. It was difficult to know our games from WiiWare. (Go Nintendo, 2011).

While games like *Bomberman* were developed for WiiWare, X-Box Live Arcade, and PlayStation Network, there were individual tweaks and software requirements that make the game slightly unique for each system. Nintendo requires developers to purchase a development kit (\$2500) that helped design the game to Nintendo's specifications.

In an interview with IGN, Tom Prata, senior director of project development with Nintendo of America, discussed the difficulty of acquiring the developer kit to for WiiWare. IGN asked specifically regarding generative technology, rooted in the number of details Nintendo required as part of their application for the developer kit. Given this emphasis on a company address and a licensed developer experience, IGN noted that the arrangement "wasn't exactly an 'open source' feeling in that sense, while it is extremely accessible for those in the position to develop already" (Bozon, 2008). Prata argued that while the development requirements are the same as those for any retail content, the digital nature of the product required certain safeguards and that Nintendo needed to act as gatekeeper, preventing junk games from flooding the market, or from one developer overwhelming their resources.

Prata positioned WiiWare as a simple conduit, an apolitical distribution engine without its own agenda, in reality, WiiWare creates a number of obstacles. Chiefly among these obstacles is sales requirements. Trent Oster, a co-founder of the game development company Beamdog, noted that developers must sell 6,000 units of a WiiWare game before receiving a payment from Nintendo: "We'd love to see some money back on the title," he stated in an interview about his game MDK2, "but we've yet to see anything" (Caoili and Rose, 2012). Until a WiiWare game hits the 6,000 unit mark, the developer will not be able to recoup the costs of game development. If the game sells 5,999 copies, the developer receives nothing.

Independent game developer Different Cloth produced a critically-acclaimed and award-winning game called *Lilt Line* for iOS and WiiWare. Founder Gordon Midwood revealed on his blog, however, that the WiiWare version sold just 3,756 copies from its release in December 2010 to March 2011. He noted, "if we don't get past a threshold around twice

that in America, Nintendo will never pay us anything” (Midwood, 2011). If developers like Midwood are never rewarded for taking risks, not just struggling to make money, there is little incentive to produce brilliant games like *Lilt Line*.

The idea of the “long tail,” as noted by Chris Anderson (2006), is that because the Internet offers near unlimited selection, cultural products that appeal to small audiences can still find a market online through the reduced cost of distribution through digital services. While Nintendo claims to promote this long tail model of cultural production and distribution, they institute distribution barriers common to the old market system. While issues of space are of little concern, Nintendo has deemed that this game *should not* stay on its server, hindering democratic distribution of creative content.

Conclusions

Like many other online proprietary distribution systems, WiiWare undermines the generative principles of the Internet by creating its own barriers. From its onerous application process and high bars to entry to its restrictions on file size and most of all, its punitive payout requirements, WiiWare hurts the industry more than it helps. Nintendo’s latest game system, the WiiU, continues to use WiiWare, and similar systems are used by not only Sony and Microsoft in their newest gaming consoles, but by Apple and Google in the distribution of software used for smart phones. While these systems provide some advantages, they represent a troubling step toward greater corporate control of the Internet, which also means more control over creative production. Revising these systems is essential to maintaining a healthy culture industry and ensuring democratic participation.

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