

Policy Implications concerning the use of free-to-play-games and Freemium apps provided by the Association of Media Addiction Germany

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There are rapid changes noticeable in the market for video games. This is not only due to technical innovations, but also to new approaches, using different ways of monetarisation, which are implemented by game designers. These approaches of monetarisation are multifarious and steadily paving their way into the different genres of video games. Currently, free-to-play-games are designed in a manner that a distinct group of elitary gamers who invest big amounts of money in the game build the economical backup so that the vast majority of none or little paying gamers can be carried along and the game still gets profitable for the publishers. Especially among children, these types of games are popular but at the same time have to be looked at critically.

After already having been issued at two instances, the Regional Court and the Supreme Court of Berlin, the Federal Court of Germany (BGH) dealt with the topic of free-to-play-games and declared in a verdict of default (Urt. v. 17.07.2013 - Az.: I ZR 34/12) that in-game-advertisement directly addressed to children is prohibited as long as it is tied to the concrete request of investing money. Recently, the BGH reinforced its judgment (Urt. v. 18.09.2014 - Az.: I ZR 34/12) and stated that according to §3 UWG (prohibition of unfair commercial practices) sentences as "Snatch the bargain and give your amour and weapons your own special touch!" are illegal if the commercial practices in respect to the consumer, as listed in the appendix of the law, apply.

With this, the law refers to the immediate request of an advertisement addressed towards children in order to pursue them either to purchase the advertised service themselves or to bring their parents or other adults to do it. Free-to-play-gamers who fulfill the clinical criteria of an Internet Gaming Disorder differ significantly from excessive and non-pathological gamers in their amount of psychopathological symptoms, perceived self-efficacy and personality characteristics.

Furthermore, the results of scientific research show that frequent use of free-to-play-games strongly correlates with internet addiction and with the amount of money invested in the game. The motivation for gaming frequently is induced by a negative mood and often initiated through advertisement (Dreier et al., 2013).

By describing addictive free-to-play-gamers precisely, it is possible to derive preventive actions for the group of gamers at risks. In consequence this could lead to concrete and effective changes of the monetarisation designs, which are implemented in free-to-play-games and Freemium apps.

(english version)

On the basis of legislative provisions, the following key points should be taken into consideration when it comes to the development of video games:

- No deception of the amounts of real money through in-game-currencies
- In-game-display of the total amount of money invested during the log-in
- Retrospective display of the consumer basket
- No one-click-purchases
- Demonstration of three, not two, options (1. Free gaming, 2. Investing money, 3. Quit the game) → especially important for children and adolescents
- Dichotomous display of the information about the investment of real money on an account stated in the ranking list
- The right to return unused in-game-purchases

Reference:

Dreier, M., Wölfling, K., Duven, E., Beutel, M. E., Müller, K. W., & Giralt, S. (2013). Eine detaillierte Charakterisierung von Browsergamern unter besonderer Berücksichtigung der Monetarisierung dieses Spielegenres. Suchttherapie, 14(S 01), S_50_3; DOI: 10.1055/s-0033-1351597.

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