



## Residents threaten lawsuit to force landbot ban

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By *Eric Reuters*

SECOND LIFE, Oct 24 (Reuters) - Jeanie Shields sold a plot of virtual land worth almost US\$500 for less than a penny, and she blames Linden Lab.

Shields, through her Second Life avatar Jezebel Bailey, tried to deed over 22,000 square meters of land to a friend. The two of them were alone in the sim. To make it easy, she listed the parcel for one Linden dollar, and told her friend to buy it.

Ten seconds later when her friend clicked on the land, she discovered to her dismay it had already been sold.

Shields' parcel was acquired by a landbot, a controversial automated computer program that scours Second Life's database of estate listings, looking for land below market value. Her pleas for assistance to Linden Lab having gone unanswered, Shields has teamed up with lawyer Marc Bragg (Second Life: Marc Woebegone) and is threatening legal action against Linden Lab in an attempt to shut down the landbots.

Second Life's software supports selling land to a specific person, but Shields said since she was alone in her sim with the buyer she assumed it would be safe to list the land on the open market. "Why would I be expected to know what a landbot is?" Shields said. "It's not on help island. It's not in the TOS."

Shields said she called Linden Lab's concierge, asked online help, and even appealed directly to Linden executives. "The answer was the same," Shields said. "Sorry, all sales final."

Shields' lawyer, Bragg, is a familiar figure to Linden Lab, having initiated a lawsuit against the company and its chief executive, Philip Rosedale, last year. In motions in the previous case, Bragg v. Linden Research, Bragg got a Pennsylvania judge to rule Linden's Terms of Service "unconscionable." Linden settled the case earlier this month and restored Bragg's Second Life account, previously frozen.

"They give you warranties you're buying this land and it's yours," Bragg said. "After the last go-round, I hope Linden Lab has grown up a little bit and realized they don't own the universe."

Bragg and Shields are collecting signatures for a possible class action lawsuit against Linden Lab, and have gotten about 150 Second Life residents to sign on so far. Shields says she wants 5,000 co-signatories before initiating legal proceedings.

### **CLASS ACTION STATUS IN QUESTION**

Sean Kane, a lawyer specializing in virtual worlds at the law firm Drakeford & Kane, questioned the legal basis for the lawsuit, especially the attempt to secure class action status.

"Anyone can sue for anything, but the amounts are so small that regular courts won't want to deal with it, so you would probably be dealing with small claims court unless you have class action status," he said.

Class action lawsuits can only proceed if each case represents a plaintiff in the exact same position.

"With the utilization of landbots, each action is unique," Kane said. "A good defense attorney can probably defeat the class."

Bragg's involvement with the case may backfire. Linden Lab ejected Bragg from Second Life after he allegedly used an exploit in the real estate auction system to purchase land below market value, and Bragg sued in response. The case recently settled out of court. Terms were not disclosed.

"If I was defending Linden, I would definitely raise these past issues and argue he's not appropriate counsel," Kane said.

## **LANDBOT COUNTERMEASURES**

Among the possible steps opponents of landbots say could be used by Linden Lab to curb the practice are a time delay between putting land for sale and its appearance in search engines, an improved real estate dispute resolution process, or implementation of "CAPTCHA" image recognition technology to deter automated programs.

Shields is finding support from land traders who resent the landbots, feeling it gives a competitive advantage in the virtual real estate market to coders with the best programming skills. "I deal land myself, last month over two million square meters sold, and it always irks me that anything that is sold under market value no one in the game except the bots has a chance to buy," said Chaos Mohr, who declined to reveal his real-life name.

There are five landbot programs running in Second Life, said Yohan Pintens, who's responsible for one of them. He said in cases like Shields' where there was obviously an error, most buyers return the parcel the question. "You've got (right now anyhow) a single rogue bot that does not return mistakes, four others that do," said Pintens, who declined to disclose his real-world identity.

Pintens defends the practice of using landbots in general. The various pop-up windows and confirmation requests already in place make it very clear land listed for public sale can be bought by anyone, he said. "You have to specifically either select 'Anyone' or a 'User' when selling land."

Shields hopes the threat of litigation will prompt Linden to change its policies so other inexperienced landowners won't end up in the same predicament. "We don't wish to go to court, that's a last effort scenario," she said.