PROJECT DESCRIPTION

Research Problematic and Objectives

Intellectual property law is one of the dominant infrastructures that dictates where, when, and how consumers engage with media, and nowhere are IP policies more prevalent than in the multi-billion dollar videogame industry. Videogame companies, perhaps most famously Nintendo, rely heavily upon stables of trademarked characters, strict hardware and software controls, and the constant re-release of popular titles. Many videogame fans, dissatisfied with the level of access and engagement afforded to them under corporate publishing and distribution strategies (Certeau 1984), have chosen to tactically challenge technical and legal protections to "hack" videogames: acquiring, altering, and redistributing their favourite games in ways unintended by the original creators. This practice of appropriation is perhaps best exemplified through the creative outputs of ROM hackers, a subset of videogame hackers who edit and share digital copies of cartridge based videogames (Bailey 2008). For my doctoral research, I will investigate the practice and creative outputs of ROM hacking subcultures — communities of creative labour that exist in the margins of mediamaking and the fringes of the law — to consider the residual life of the Super NES/Super Famicom (SNES/SFC) videogame console, primarily through the lenses of fan studies, media policy, and media history.

My dissertation will address three research objectives, guided by the following questions: (1) What creative community practices have emerged during afterlife of the SNES/SFC, since it passed its primary commodity phase in the late 1990s?; (2) What tactics have ROM hackers developed to circumvent various technical and legal barriers that challenge their work, and how can these tactics be contextualized within broader discussions of media production, consumption, and ownership in North America?; (3) What commonalities and divergences exist between subcultures of SNES/SFC ROM hackers and previously documented hardware and software hacking communities?

Theoretical Approach and Research Context

SNES/SFC ROM hacking communities are particularly useful research objects due to the proliferation of their practice online, their sustained engagement with prominent videogame franchises, and their long history of conflict with intellectual property law. Their practice encompasses a diverse range of activities, ranging from *The Legend of Zelda: A Link to the Past* speedrunners who "randomize" the game to facilitate new forms of competitive play on Twitch, to communities such as *The Chrono Compendium* that document the development history of particular titles as a form of amateur media archaeology (Parikka 2012). Bound together through online knowledge communities (Jenkins 2006) and a shared passion for so-called "classic" games (Swalwell 2016), SNES/SFC ROM hackers disrupt many of the established rules of engagement laid out by media companies through their ostensibly illicit interaction with outmoded videogames. My research — which builds upon existing platforms studies (Arsenault 2017) and historical accounts of media afterlife (Acland 2007) — considers the various ways that videogames take on new roles and responsibilities after they leave their primary commodity role and become collectibles, historical objects, and raw materials for the creation of metagames (Boluk and Lemieux 2017, Guins 2014).

Although SFC/SNES ROM hacking is a relatively recent phenomenon, its lineage ties into broader histories of hardware and software development in North America. Famously demonstrated with the development of *Spacewar!*, one of the earliest documented videogames, much of the early history of computing engaged with the broad idea of "hacker ethic," a working dynamic where programs and code were freely shared without concern for ownership or copyright (Coleman 2013, Levy 1984). As every hacking subculture — whether

formed in an MIT computer lab or on the messageboards of an online fan community — is contingent on unique configurations of technologies, policies, and values, they serve as exceptionally useful sites to study the economic, technological, and political forces that shape the global digital media landscape.

Contribution to the Advancement of Knowledge

Although the field of game studies is quick to analyze the economic implications of commonly monetized videogame alteration practices such as modding, videogame alteration practices that are authorized, and often monetized, by videogame publishers, comparatively little attention has been directed toward the study of illicit videogame production. One need not look further than the Digital Games Research Association's 2019 conference program, which featured eleven panels on "games business" but only a single panel concerning "IP, law, and games." Through my dissertation, I will contribute to this understudied topic by interrogating how SNES/SFC ROM hackers exist in opposition to maximalist interpretations of North American intellectual property law (Murray and Trosow) and prohibitionist approaches to fan collaboration (Green and Jenkins). Their creative outputs serve as a useful site to study the practical limitations of copyright law in the digital age (Lessig 2008), the accessibility of copyright exceptions such as fair use and dealing (Coombe and Wershler 2014), and how fan activities can extend videogames beyond their initially planned lifespan and utility (Guins 2014). Focusing on the afterlife of a commercially released console, and cultural production that exists in contested areas of intellectual property law, my research will also document and contextualize subcultures of production whose existence can be tenuous due to technological, economic, and political forces. Finally, my methodological framework will be crafted as an open resource, one that other scholars can adapt to study related phenomena in game studies.

Methodological Approach

The initial phase of my research will utilize an ethnographic approach to identify, access, and interview members from various SNES/SFC ROM hacking subcultures. The purpose of these interviews is twofold: first, I wish to learn about the values, processes, and objectives behind these knowledge sharing communities; secondly, I wish to gain access to their game projects and paratextual elements, including work-in-progress, game media, hacking tools, archives, and legal documentation (from hackers who have been targeted with cease-and-desist orders and other litigation). This research will be iterative by necessity: as new ideas and insights emerge during interviews, I will simultaneously leverage them to interrogate my research questions and seek out new research subjects. During this primary data-gathering stage, I will also employ qualitative analysis to evaluate how SNES/SFC videogame hacks reflect the communities that developed them. Guided by Consalvo and Dutton's framework for studying games as "cultural artefacts that can reveal social, political, and other insights about contemporary life," and complemented with accounts from my research subjects, this analysis will allow me to seek out commonalities and divergences between ROM hacking subcultures and previously chronicled hacking, modding, and software development communities (Jansz and Theodorsen 2009, Postigo 2008, Sihvonen 2011). During the second phase of my research, which will serve as the primary writing period for my dissertation, I will revisit literature on fan studies, media policy, and media history to reinforce my theoretical framework in the wake of knowledge generated during my research.

Throughout both phases of my research, I will regularly consult with resources at Concordia University regarding the ethical and legal implications of my work. These considerations include the barriers inherent to studying software with questionable copyright status, the role of emulators — hardware and software that enable access to antiquated or obsolescent videogames — in academic research (Fernández-Vara and Montfort 2013,

Ippolito 2016), and the ethical dilemmas posed by working with participants that may be engaged in illicit hardware and software modification practices.

Project Implementation Schedule

2019 - 2020	Sep - Dec	PhD coursework: Communication Studies Seminar, Games and/as Research-Creation
	Jan - Apr	PhD coursework: Media Archaeology, Digital Culture and Digital Research Methods
	May - Aug	Doctoral comprehensive examination
2020 - 2021	Sep - Dec	PhD coursework: Doctoral Pro Seminar
	Jan - Apr	Development of doctoral thesis proposal
	May - Aug	Formal defense of doctoral thesis proposal
2021 - 2022	Sep - Dec	**Initial research phase** -Interviews with members from various SNES/SFC ROM hacking subcultures -Qualitative analysis of SNES/SFC videogame hacks -Aggregation and review of videogame hacking paratexts -Preliminary frameworking of doctoral dissertation
	Jan - Apr	
	May - Aug	
2022 - 2023	Sep - Dec	**Secondary research phase** -Primary writing period for doctoral dissertation -Revisitation of literature on fan studies, media policy, and media history
	Jan - Apr	
	May - Aug	Finalization of doctoral dissertation and oral defense