

Can Project Management Dispute Resolution Methods be Used to Resolve Disputes in the Esports Live Streaming Industry?^{1, 2}

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ABSTRACT

The esports industry is thriving in the last couple of years. Esports live streaming is also becoming well known and popular, especially among young people. However, cheating by live streamers is a tough and unavoidable problem that leads to contract disputes between the live streamer and the live streaming platform. This paper aims to find the most efficient alternative to resolve these disputes. To do so, we list six different alternative methods in the project management dispute resolution level. Combing with certain criteria, we select prevention as the best alternative after deeply analysing these six ways. We also provide with tools for live streaming platforms to monitor the result of the alternative in the end.

Keywords: Video games, Contract disputes, Cheating, Esports, Sports, Live streaming, Live streamers, Competition.

INTRODUCTION

The path for professional esports gamers was not flat. My dad's colleague's son decided to chase his esports dream 12 years ago and was supported by no one. Different from sports like football or basketball, video game players were not accepted at that time. Fortunately, from dim small rooms to gorgeous stadiums, esports is widely accepted by people today and esports players are finally treated as real sports athletes. The esports have be counted as a demonstration sport in Jakarta Palembang 2018 Asian Games.

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2017: League of Legends Worlds season 7 finals in Olympic Stadium of Beijing in China³

2018: League of Legends finals in Jakarta Palembang 2018 Asian Games.⁴

Thanks to the development of video games industry, esports live streaming platform like Twitch becomes extremely popular among young people. The live streaming attracts a huge number of viewers and wields a lot of influence.

Table: Top 10 Most Watched Twitch Streamers of the Week, June 04 – June 10, 2018⁵

Ninja	5.6M
Shroud	2.2M
Tsm_myth	1.7M
dakotaz	1.2M
timthetatman	1.1M
Summit1g	1.1M
lirik	1.0M
imaqtpie	987.8K
B0aty	950.4K
sodapoppin	772.1K

This chart shows the influence of live streaming and the importance of the subject of this paper. The cheating behavior by esports streamers can cause adverse impacts. Cheating will absolutely ruin not only the steamer's reputation but also the image of the live streaming platform. The live streaming platform might be no longer interested in signing contracts with the streamer or

³ RACHEL KASER. (October 17, 2018). Yes, esports are big enough to fill an Olympic stadium — can we shut up about that now? from <https://thenextweb.com/gaming/2017/11/03/esports-fill-olympic-stadium/>

⁴ 17173 News (August 30, 2018). 亚运会LOL决赛你可能没有注意到的细节：RNG队员的王子复仇记. from http://news.17173.com/content/08302018/115900865_all.shtml

⁵ The Esports observer. (June 10, 2018). Top 10 Most Watched Twitch Streamers of the Week, June 04 – June 10, 2018 from <https://esportsobserver.com/top-10-streamers-june-04-june-10-2018/>

penalizing the streamer due to the decreasing of viewers. At this moment, the contract disputes could happen between the live streaming platform and the streamer.

In this paper, we will mainly focus on analyzing the contract violations of cheating by esports streamers and finding resolutions to manage the contract disputes and reduce bad public influence.

Feasible alternatives and analyzing methods are the tools needed for this research. The term of use or term of service is the contract signed between players and game companies. The partner contract is the agreement between live streamers and live streaming platform. A term of use/partner contract is a contractual document that aims to regulate the interactions between the game/live streaming service provider and its users. These contracts are also needed for this paper.

*'The planning, scheduling, and controlling of project activities to achieve performance, cost, and time objectives, for a given scope of work, while using resources efficiently and effectively.'*⁶ Project management is defined according to brochure by Management Concepts Inc. 1999. We consider that the development of a live streamer's personal channel as a long-term project. The controlling of the cheating behavior is obviously included in the process of project management. We are going to have a look at how this definition works as selection of criteria in the next part of paper called 'METHODOLOGY' to help us analyze the outcomes of feasible alternatives.

According to the **Guild of Project Controls Compendium and Reference (CaR)**⁷: *'when one side of the contract (owner or contractor) does not perform the legal obligations, there is a contract violation. It can lead to damages which are "monetary compensation allowed or awarded to the injured party [...] as a result of the breach of contract"'*. In this paper, we are going to talk about if the cheating leads to a contract violation in the term of use context. We will also list and find the best alternative to deal with the breach of a contract.

Let's have a quick look at the statement my research. First of all, we are going to discuss various types of video game cheating and whether they can be considered as a contract violation. Furthermore, we will focus on looking for different feasible alternatives in order to resolve contract disputes and reduce bad public influence. After that, we are supposed to use different methods to analyze our findings and find the best dispute resolution.

METHODOLOGY

STEP 1: PROBLEM/OBJECTIVE STATEMENT

1. Why is it important to read the term of use agreement before accepting for a streamer?
2. What are the different feasible alternatives for resolving conflicts in cheating?
3. How do we choose criteria for selecting those alternatives?

⁶ Definition of Project management from brochure by Management Concepts Inc. 1999 Retrieved October 17, 2018, from http://www.maxwideman.com/pmglossary/PMG_P16.htm

⁷ Definition of breach of contract by **Guild of Project Controls Compendium and Reference (CaR)** Retrieved October 17, 2018, from <http://www.planningplanet.com/guild/gpccar/introduction-to-managing-contracts>

4. How do we monitor the alternatives selected?

STEP 2: FEASIBLE ALTERNATIVES

Before we step on listing the feasible alternatives, I would like to show some terms of service agreement and classify the cheating behaviours by live streamers into two categories.

“You agree not to, [...]”:

- Commercially exploit the Software
- Cheat (including but not limited to utilizing exploits or glitches) or utilize any unauthorized robot, spider, or other program in [...] the Software⁸”

This term of service is cited from LIMITED SOFTWARE WARRANTY AND LICENSE AGREEMENT, which is widely used by U.S. video game companies. To help the readers who are not familiar with video games understand this term, I use the Nba2k18, most downloaded PS4 video game in U.S. last year, as an example to explain this.

The first category of cheating is called ‘commercial violation’ which could cause serious loss on turnover of the game company. For instance, the VC (as known as virtual currency, the common currency in nba2k games.) glitch happens every year, which is unavoidable on the technical level. Gamers can make free VC thanks to this glitch instead of paying to buy it. The right way to deal with issue is to send a bug report to game company via the support e-mail. However, some live streamers on YouTube as known as YouTubers show this glitch to their subscribers in order to attract more clicks and subscribers. This live stream cheating is considered as a contract violation according to the term of service. The result of cheating is that gamers can’t stop taking advantage of this glitch and 2k suffers a huge loss due to this every year. This category causes a big impact to the game company but less impact on live streaming platform.

Different from the first category, the second one called ‘Break the game balance’ don’t make effects on financial level but on the loyalty of gamers. We all know that the customer is the core of business, whereas this kind of cheating can easily destroy players’ game experience. For example, the animation glitch in Nba2K18 was discovered on a twitch live streaming. That glitch can let a shooter equip the slasher’s animation and dunk on big centers. This cheating behaviour is also considered as a contract violation and led to a serious player loss. This category causes a huge viewer loss and can be a risk for the streaming platform.

In addition, in the live streaming platform level, cheating can also be considered as the contract violation. I also cited the term of service for twitch.tv.

“YOU AGREE NOT TO violate any law, contract, intellectual property or other third-party right or commit a tort, [...] You agree that you will comply with these Terms of Service and Twitch’s Community Guidelines and will not: i. create, upload, transmit, distribute, [...], invasive of

⁸ Take-two interactive. (May 8, 2018). LIMITED SOFTWARE WARRANTY AND LICENSE AGREEMENT. Retrieved October 17, 2018, from <https://www.take2games.com/eula/>

privacy or publicity rights, harassing, threatening, abusive, inflammatory, or otherwise objectionable.”⁹

The cheating by streamers involves three parties and we mainly focus on discussing the contract disputes between the streamer and the streaming platform. Considering the public influence of streamers and the execution of agreement, I’ve listed the following feasible alternatives:

Multiple criteria decision-making (MCDM), which is considered as a complex decision-making (DM) tool involving both quantitative and qualitative factors will be used as the methodology for this paper with following feasible alternatives: prevention, negotiation, mediation, arbitration and litigation. We will discuss the dispute resolutions in live streaming cheating situations.

STEP 3: DEVELOPMENTS OF OUTCOMES

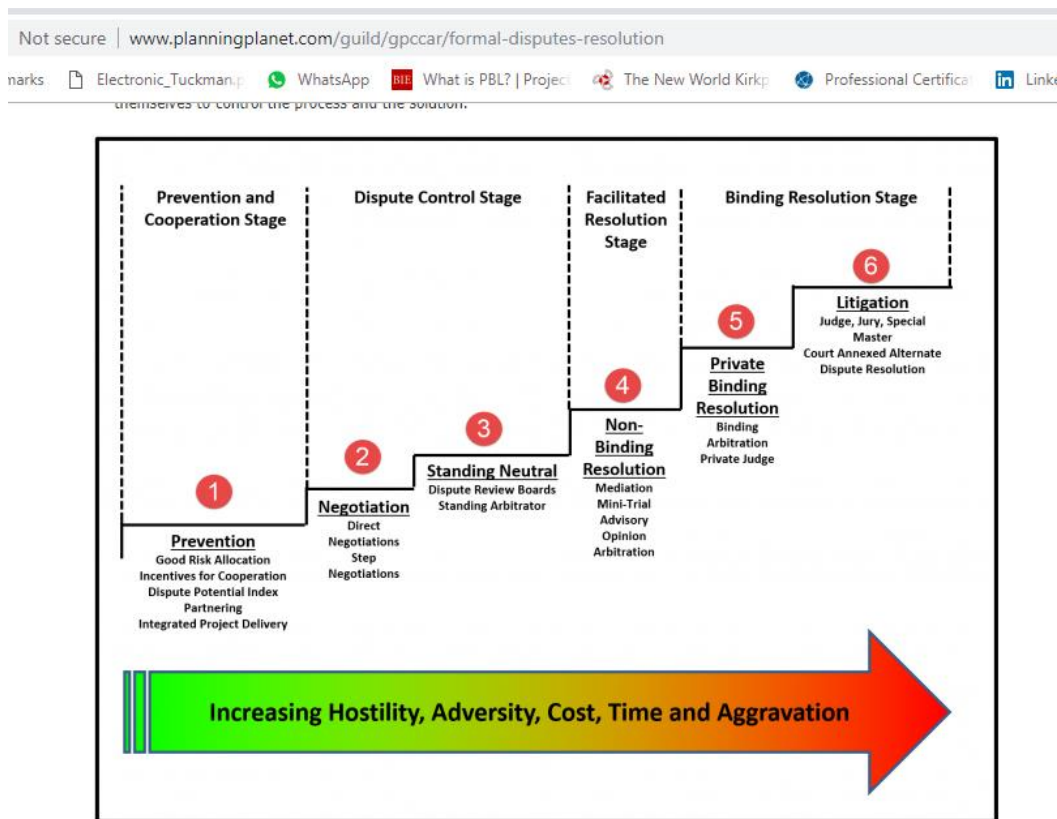


Figure 2 - Illustrating the Escalation Steps in the ADR Process
 Source: Adapted from The Handbook of Conflict Resolution: Theory and Practice 3rd Edition, 2014, Coleman, Deutsch & Marcus

GUILD OF PROJECT CONTROLS COMPENDIUM and REFERENCE (CaR)¹⁰

⁹ Twitch.tv. (08 October, 2018). Terms of Service. Retrieved October 17, 2018, from <https://www.twitch.tv/p/legal/terms-of-service/#9-prohibited-conduct>

¹⁰ PP Admin. (02 November, 2015). GUILD OF PROJECT CONTROLS COMPENDIUM and REFERENCE (CaR) Retrieved October 17, 2018, from <http://www.planningplanet.com/guild/gpccar/formal-disputes-resolution>

1) Prevention

Without any doubt that prevention the existence of bugs is always the best way to stop cheating, whereas this is almost impossible in the technical level. The aim of prevention is more like making the user aware of the risk of disputes in case of cheating and showing the right way to report bugs to the game company on time. Prevention doesn't cost too much time and money but it lacks a strong legal proceeding.

2) Negotiation

Negotiation is a method that determines if certain contract clauses will be executed. This is an effective way without the invention of any third party or legal proceedings and works better for 'commercial violation' situation which doesn't lead to viewer loss.

3) Standing neutral

Standing neutral is a low-cost Insurance to prevent disputes especially on construction project which a high-risk business usually with complicated relationships and involves multiple participants. Before the beginning of a project or signing a contract, the owner and contractor select an experienced and respected neutral expert by mutual agreement in whom they have confidence to be able to assist the parties throughout the contract disputes. In our case, the neutral expert can be the top manager of gamer's association or a famous professional player as the guarantor of the streamer.

4) Non-binding resolution: Meditation

Different from negotiation, a mediation clause includes the invention of a neutral third party to help solve the dispute between streamer and the platform. In general, the mediation is required to be done before a lawsuit going to a court. Mediation is not legally binding in any way, but can be an effective way out of a situation which could otherwise deteriorate, which is becoming more and more popular in U.S and other countries.

5) Private-binding resolution: Arbitration

Arbitration is similar to mediation in some means. For instance, they will both need a neutral third party who got some relevant experience in a specific industry to enter the situation to help resolve disputes. However, arbitrations can be legally binding, depending on the jurisdiction and the costs can be much higher than that of other methods like mediation.

6) Litigation

Obviously litigation is legally binding and the most powerful method to resolve disputes. Litigation can be the most complex, money-cost and thorough way of resolving a dispute. Meanwhile, litigation is not suggested in our situation which could cause significant bad public influence unless necessary.

STEP 4: SELECTION CRITERIA

As we have mentioned in the introduction, project management is defined as ‘The planning, scheduling, and controlling of project activities to achieve performance, cost, and time objectives, for a given scope of work, while using resources efficiently and effectively.’

Therefore, we select the following terms as our criteria:

- Performance: How does this alternative work in two different types of cheating situations?
- Cost: How much does it cost?
- Time: How long does the alternative take to resolve the dispute?
- Privacy: Does it protect the streamer’s personal image?
- Fairness: It is transparent and fair for both parties?
- Scope of work: As long as we are talking about live streamers, it is obligated to think about the public influence. Therefore, the scope of work stands for how can the alternative handle the public opinion and the future development of the platform.

We will measure the weight of each alternative. The more important one will earn one score. Then we can rank the criteria according to the total score.

Table: Pair-wise comparison of attributes

	Performance	Cost	Time	Privacy	Fairness	Scope
Performance		1	1	1	0	0
Cost	0		1	0	0	0
Time	0	0		0	0	0
Privacy	0	1	1		0	0
Fairness	1	1	1	1		0
Scope	1	1	1	1	1	

	Total score	Ranking
Scope	5	1
Fairness	4	2
Performance	3	3
Privacy	2	4
Cost	1	5
Time	0	6
Sum	15	NA

As far as we can remark from the chart, the scope of works plays the most important role. The following alternatives are fairness, performance, privacy, cost and time. Due to the nature of the live streaming industry, the reputation of streamers and the viewer opinion are the main factors that affect the growing of platform. Showing the fairness of the way the live streaming company doing business is always necessary. In addition, the public opinion is usually based on the

performance of the dispute. The platform will show a much better image if they can handle the dispute in an efficient and right way. Viewers won't be happy if they can watch their favourite streamers due to contract disputes. Protection of the private information of the streamer is also important for mitigating the influence of the cheating scandal. Moreover, time is relatively less vital in this situation because the viewers don't care how long it takes to resolve contract disputes between the streamer and platform. They only care about if the streamer can continue his daily streaming and distribute a good content. The streamer is possible to spend a long period of time negotiating contract issues with the platform such as salary, fine, streaming schedule, etc.

Let's step on the next part of this paper which analysis and compare different alternatives in live streaming cheating disputes.

Findings

STEP 5: ANALYSIS & COMPARISON OF THE ALTERNATIVES

Thanks to the MADM analysis method, we are going to compare the following attributes by quantifying each criteria from 1-3 according to the efficiency level.

Table: criteria quantifying

Scope	Fairness	Performance	Privacy	Cost	Time	Score
Excellent	Fair	Excellent	Well protected	Low	Short	3
Good	Relatively fair	Good	Relatively protected	Medium	Medium	2
Bad	Not fair at all	Bad	Not protected	High	Long	1

Table: Alternative score according to criteria

	Prevention	Negotiation	Standing neutral	Meditation	Arbitration	Litigation
Scope	3	2	2	2	2	1
Fairness	3	2	2	2	3	3
Performance	1	2	1	2	2	3
Privacy	3	3	1	2	1	1
Cost	1	2	3	2	2	1
Time	3	2	3	2	2	1

Table: Weighted alternative score and ranking

	Normalized weight	Prevention	Negotiation	Standing neutral	Meditation	Arbitration	Litigation
Scope	6/21=0.29	3*0.29	2*0.29	3*0.29	2*0.29	2*0.29	1*0.29
Fairness	5/21=0.24	3*0.24	2*0.24	2*0.24	2*0.24	3*0.24	3*0.24
Performance	4/21=0.19	1*0.19	2*0.19	1*0.19	2*0.19	2*0.19	3*0.19
Privacy	3/21=0.14	3*0.14	3*0.14	1*0.14	2*0.14	1*0.14	1*0.14
Cost	2/21=0.1	1*0.1	2*0.1	3*0.1	2*0.1	2*0.1	1*0.1
Time	1/21=0.05	1*0.05	2*0.05	3*0.05	2*0.05	1*0.05	1*0.05
Sum	1	2.35	2.16	2.13	2.12	2.11	1.87

Table: Final ranking of alternatives

Alternative	Ranking
Prevention	1
Negotiation	2
Standing neutral	3
Meditation	4
Arbitration	5
Litigation	6

STEP 6: SELECTION OF THE PREFERRED ALTERNATIVES

We can remark from the analysis chart that we select prevention as the best method to deal with contract disputes in our situation, the following alternatives are negotiation, standing neutral, meditation, arbitration and litigation. Here are some measures we can take to deal with the cheating issue.

1) Clearly list and fully understand the contract clauses about cheating

First of all, the streaming platform is supposed to add detailed clauses about penalizing cheating in the term of service. The penalisation should be classed according to the influence that the cheating behaviour has caused. For example, the fine is depending on the number of viewer loss due to his cheating. The streamer could also be fired if the cheating brought a huge impact to the company’s image.

Second, the live streamer must carefully read the contract and realize that the cheating could be a very serious issue. The best way to avoid disputes is to stop the violation from the very beginning.

2) Develop the anti-cheat engine

We have already mentioned that prevention the existence of bugs is always the best way to stop cheating, whereas this is quite difficult to realize in the technical level. Fortunately, there is a very successful example made by steam platform, which is the biggest video game platform in the world. Valve Anti-Cheat, as known as VAC, is a proprietary anti-cheat system developed by Valve for online video games. When a player is connected to a VAC-secured server, he is automatically under the supervision of the video game platform. If the VAC check finds a positive

ID for any possible cheating tool, the offending player's Steam account is then permanently banned from all VAC-secured servers. It is also possible for streaming platforms to develop a similar anti-cheat engine which is able to supervise the streamer as long as he is streaming.

3) Award the bug report

The aim of prevention is more like making the user aware of the risk of disputes in case of cheating and showing the right way to report bugs to the game company on time. If a streamer finds a specific glitch in games, he should report it to the game company right away. The platform should award the streamer in different ways to encourage this kind of behaviour after the glitch is fixed.

STEP 7: PERFORMANCE MONITORING AND POST-EVALUATION RESULTS

In order to monitor the result of the alternative, I've created a chart to compare the performance before and after the analysis.

We collect the number of user loss due to the cheating by streamers for 3 years after implementing the alternative in this paper. The unit at the vertical axis of the chart could be different according to the size of the streaming platform. If the method works well, the chart will show a tendency as below.

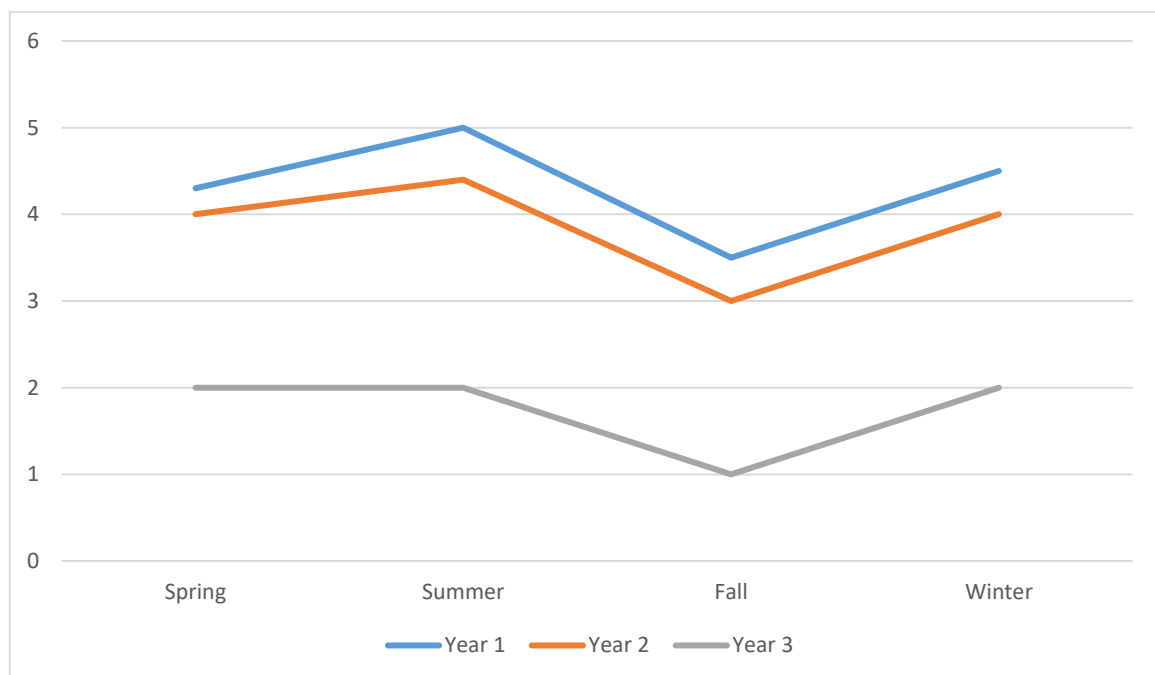


Chart: Viewer loss caused by cheating in xx platform

Conclusion

Now we are able to answer the questions we mentioned after the introduction.

1. Why is it important to read the term of use agreement before accepting for a streamer?
2. What are the different feasible alternatives for resolving conflicts in cheating?
3. How do we choose criteria for selecting those alternatives?
4. How do we monitor the alternatives selected?

It is vital to read the term of service because if one side of the contract (owner or contractor) does not perform the legal obligations, there is a contract violation which leads to a complicated contract dispute.

We can remark from the analysis chart that we select prevention as the best method to deal with contract disputes in our situation, the following alternatives are negotiation, standing neutral, meditation, arbitration and litigation.

We have used performance, cost, time, privacy, fairness and scope of work as the criteria for selecting those alternatives.

Finally, we build a chart to collect the statistics and the tendency of viewer loss due to cheating violation for a specific live streaming platform to prove the effectiveness of this method. We assume that the viewer loss is going down since the first year after implementing the alternative and most contract disputes caused by cheating will be resolved.

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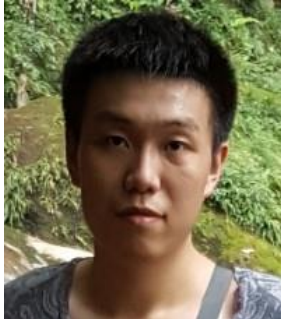
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Highly motivated to be a successful project manager in the future, **Guohao Su** is currently an MSC student in Project and Program management in SKEMA business school, Paris, France. He graduated from South Paris University and holds a Bachelor's degree in international business. He has worked for BAOBATEX, a clothes creation and design company, as commercial management assistant in Paris, France. He likes working in multicultural environment and participating in projects. His dream is working in a big international company and challenging complex projects.

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