

CHAPTER 10

Addition to Note (4) at pp. 1416-1417:

One of the major concerns about deploying the label “property” on a living human body is that it is hard for us to envision its transfer and sale. This is so despite our willingness to countenance sales of some aspects of our physical selves—reproductive cells, blood, surrogacy (at least in most states) or the placement of tattoo ads on the skin. And it also is so despite the fact that other attributes of life are thought of as property or property-like even though they generally cannot be sold. Think of trade secrets, the inability to destroy the façade of a house in an historic district, the contents of a trust held for charitable purposes or the land in Yellowstone National Park. So why not deploy the label property with appropriate limitations on its use? At least one recent author thinks that would a splendid way to think about the issues. See Meredith Render, *The Law of the Body*, 62 EMORY L. J. 549 (2013).

New Note (6) at p. 1524 and Renumber Existing Note (6) as Note 7:

(6) *Second Life Litigation*: Litigation over rights within the Second Life virtual world continue to arise. In *Amaretto Ranch Breedables v. Ozimals Inc.*, 907 F.Supp. 2d 1080 (N.D. Ca. 2012), a dispute arose between two software companies that created breedable animals for purchase by those using Second Life. Ozimals developed a virtual bunny; Amaretto a virtual horse. The bunny was deployed first. When Amaretto’s horse went virtual, Ozimal claimed Amaretto violated the copyright in the software used to operate the bunny. While the case was dismissed for somewhat technical reasons, it is another of a growing number of disputes over virtual property. See, e.g., *Evans v. Linden Research*, 2014 WL 1724891 (N.D. Ca.)—a class action filed in 2012 in which the plaintiffs claimed Linden promised “ownership” of land and other virtual assets in Second Life and wrongly took them without appropriate warnings or compensation. The unreported opinion approved a settlement for 284 claimants calling for payments of significant amounts of money to class members. See also Thai Phi Le, *Virtual Reality Meets Real-Life*, 27 WASHINGTON LAWYER 28 (2013); Hannah Yee Fen Lim, *Virtual World, Virtual Land But Real Property*, 2010 SINGAPORE J. LEG. STUDIES 304.