



There was finally something interesting to read about Pokémon Go. The game—which involves overlaying the physical world with a grab-bag of exotic creatures that players attempt to capture for points—might help catalyze a new form of virtual urban zoning.

Late this summer in Thailand, according to a report in the Manager newspaper, the country's National Broadcasting Telecommunications Commission announced an effort "to restrict zoning for the Pokémon Go game after receiving several complaints from people who are disturbed by the trainers, or players, of the game." The commission specifically aims to limit "the locations of Pokéstops after several people made complaints, via its hotline, that players have been invading government offices and hospitals to catch the digital monsters."

Although their proposed block-list would begin with sites of national security, removing these buildings and landscapes from the field of potential gameplay, it is not hard to imagine well-connected private citizens using political influence to help determine which homes—let alone which streets or entire neighborhoods—might be added to the no-game zone.

Consider another recent example from England. As BuzzFeed reported in July 2016, Pokémon Go's virtual characters have been showing up within a particular constituent's property lines, which has been "attracting people from far and wide to come and do battle." Indeed, this person "has been so unsettled by strangers turning up at their house that they've been forced to ask their member of parliament to intervene."

The implication of these complaints is that some sort of legal mechanism could be developed for preventing uninvited virtual inhabitants from popping up on private physical property. Think of it as geofencing as a form of urban design.

In the U.S., meanwhile, a New Jersey man has also had enough of Pokémon Go's pixellated guests. As Kashmir Hill explained for Fusion, "So many people started showing up around [the New Jersey man's] house, smartphones in hand, hunting Pokémon that he is now suing the makers of the game for creating a nuisance and unjustly enriching themselves by using his backyard as a virtual home for the game's cartoon creatures." In a sense, the game's designers have been operating an illegal—albeit virtual—business on his property.

The New Jersey man's legal complaint alleges that he "became aware that strangers were gathering outside of his home, holding up their mobile phones as if they were taking pictures. At least five individuals knocked on Plaintiff's door, informed Plaintiff that there was a Pokémon in his backyard, and asked for access to Plaintiff's backyard in order to 'catch' the Pokémon."

Trespassing, unlicensed business activity, illegal occupancy, even burglary—as Hill points out, these digital developments have led to a rather fascinating challenge to the limits of personal property rights.

It is "quite a novel lawsuit," she suggests, referring specifically to the New Jersey case. "It is laughable, on the one hand, yet it does raise interesting questions around who owns the augmented reality space overlaid on people's real world properties. When you own land, there are limits to how far above and below your house you own. A new question would be the extent of your rights to the new dimension on top of your property that is augmented reality."

For Hill, this goes on to raise a series of related questions, including, "if augmented reality really catches on, and an internet environment overlaid on our real world surroundings becomes common, what will be the rules

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around using that augmented space? Could anyone put a virtual billboard on the front of your house or would they need your permission?"

We might continue these questions: Could you sell, lease, or subdivide the digital rights to your own home, yard, or lobby? Could you extract a toll, tax, or commission from virtual usage?

Many recent projects, including one by architects David Knight and Finn Williams, have explored the limits of zoning rules in the U.K., hoping to what those rules might reveal about the extent to which everyday citizens can use, expand upon, or even fundamentally transform personal real estate. What can the state regulate—that is, what can zoning rules legally control—against what a private property owner might desire?

These Pokémon Go examples suggest something altogether more ominous, wherein a digital entertainment company could prove to have de facto access to your backyard, your car, your front stoop, your place of business, using any one of those merely as a stage or platform for passive economic activity.

How much would I love to read a Supreme Court decision—and its dissent—about these very questions, posing an absolute outside limit to personal digital property rights, where virtual homesteads begin and end, or the extent to which we have the right to populate other people's spaces with virtual augmentations and intrusions.

Briefly, it's worth adding that this could also have urban-scale implications. As Curbed L.A. pointed out in August 2016, Los Angeles "is a veritable menagerie of diverse and unusual Poké-creatures," which means that "the city may soon be overrun with Poké-tourists," people from diverse geographic backgrounds hoping to capture high-value targets.

Pokémon Go will disappear from public memory relatively soon, of course, yet it is all but guaranteed to be replaced by other augmented-reality games that also rely on a quote-unquote real, physical location to determine the strategic value of player actions.

To what extent, then, will entire urban entities such as Los Angeles seek to collaborate with, or even directly fund, virtual inhabitants—virtual landmarks, virtual historic sites, virtual destinations—and what are the rules or regulations that might apply to them?

Finally, if—as anyone who has read Delirious New York or is familiar with the work of Hugh Ferriss knows—cities are fundamentally shaped by zoning laws, literally down to the shadows cast by individual buildings, then what might digital or virtual zoning actually look like? How might it shape urban environments to come?

What, as Kashmir Hill asked, is "the extent of your rights to the new dimension on top of your property that is augmented reality"?

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