



## The ORC AxE

### Answers & Explanations for the ORC License

- *How does the ORC License work?*
  - The ORC License is a license that can be used by anyone to open their game up for others to use. The ORC License is game mechanic agnostic. If you put the ORC Notice in your work, then your protectable game mechanics (plus any Product Identity that you expressly dedicate to the gaming community) are open for others to use under the ORC License.
  - All you have to do is put an ORC Notice in your product and you're done. The ORC Notice looks like this:

ORC Notice	This product is licensed under the ORC License held in the Library of Congress at TX000[ <a href="#">number tbd</a> ] and available online at various locations including <a href="http://www.azoralaw.com/orcllicense">www.azoralaw.com/orcllicense</a> , <a href="http://www.gencon.com/orcllicense">www.gencon.com/orcllicense</a> and others. All warranties are disclaimed as set forth therein.
Attribution	This product is compatible with and based on the following ORC Content: <i>Raptor Game System v1.0</i> , © Azora Entertainment, Corp. Designed by Brian Lewis If you like and use our ORC Content, please credit us in your product as follows: <i>Raptor Imperium</i> , © OKthulhu Games, Inc., Designed by Cher Luck.
Product Identity	Product Identity elements in this product include, but may not be limited to: <i>Bloodbeak</i> , <i>Thondor</i> , <i>Glamfeather</i> , and <i>Richard the Righteous</i> , and all elements designated as Product Identity under the ORC License.
Expressly Designated ORC Content	The following elements are owned by the Licensor and would otherwise constitute Product Identity and are hereby designated as ORC Content: The names of each class of professions such as <i>Raptor Wrangler</i> .

- *Why did you create the ORC?*
  - Roleplaying games do an amazing job of infusing protectable creative descriptions with unprotectable game rules in a way that is challenging to separate legally. This complexity has had a stifling effect on creativity in our industry. We created the ORC License to be a tool that gives you the right to use an ORC licensor's protectable game mechanics easily and confidently.
  - The ORC License grants users a license to the copyright protection that exists in this complex form of intellectual property without publishers having to hire lawyers to separate that which is copyright protected from that which isn't. The whole point of the ORC is to give the gaming community comfort, confidence, and certainty. It gives our community a license that is not reliant on any one company.
  - The ORC License substantially reduces the threat of litigation regarding these matters, which could easily bankrupt a small publisher who is in the right and operating in good faith. This is how we create what the open-source community refers to a virtuous cycle evolving our games to be the best they can be.
- *Why is the License so complicated?*
  - We wish it were less complicated too. We opted for simplicity wherever possible but when we were faced with a decision between precision or simplicity, we opted for precision. We wish it was simpler but slicing copyright in half is challenging. We want this to last for a very very long time and resist all imaginable legal challenges. If we could have found a way to make it simpler, we would have done so.
- *Who controls the ORC License?*
  - No one controls the ORC License. We felt it crucial that there be no parent organization. Any human-controlled organization can be politicized, acquired, or corrupted. The

license derives integrity from *not* having the capacity to be updated or revised. No update could be permitted to change a pre-existing license, and no licensor or licensee could be forced to accept a third party proposed revision. If someone in the future wants to propose a new license, they can always do that.

- *Can the ORC License be updated? Can it be revoked, or amended? Can I pull my stuff out once I've licensed it?*
  - The ORC License cannot be updated, amended, repealed, revoked, or deauthorized by anyone. Not ever. There will be no subsequent versions.
- *Why did Azora register Copyright in the ORC License*
  - We needed a system to assure that no one could modify the ORC License once it was released. We decided that by putting it on file as a registered copyright with the US Library of Congress, if there was ever a dispute, there would be an unalterable disinterested party (the US government) that could hold the original.
  - We didn't want a controlling organization because any organization can be politicized and manipulated. There was no host site we could find that we could guarantee to you would never alter the license or manipulate its terms. We hope this license lasts many decades and thinking about the distant future is daunting because so much is possible.
  - Azora Law will never enforce copyright in the ORC License. Like game mechanics, there isn't much copyright protection for the instructions that comprise a license, but that isn't why we registered it. If you want to make a derivative license based on the ORC License, we hereby grant you unlimited permission to do that.
- *If there is no organization, who enforces the ORC License*
  - If you breach the ORC License, all the upstream licensors can sue you to enforce the license, but their remedy is limited to bringing you into compliance with the license. If the breach is timely remedied, the license is reinstated from the date of breach.
  - We have intentionally not specified a jurisdiction, which means that anyone suing to enforce the ORC will need to bring that dispute in your jurisdiction. This is a tool intended to discourage litigation.
- *Can I pull my stuff out of the ORC License once I put it in there?*
  - Nope. Once you release your content under the ORC License, you have given the world the right to use ORC Content in that product forever under the terms and conditions of the ORC License.
- *Can I use it on a board game?*
  - Yup. You can use it for any sort of game you can imagine.
- *What about Digital Rights?*
  - Digital rights are fully included. Nothing in this license restricts the platform on which the ORC Content can be used. In fact, Section II.a. specifically gives users a license to use ORC Content "in all media and formats whether now known or hereafter create."
- *How long does the ORC License last?*
  - Forever. The ORC License technically lasts for the life of the copyrights, but when copyright protection expires, you can still use the content because at that point it becomes public domain, and everyone can use it without restriction.
- *Are there SRDs?*

- There probably will be the equivalent of these, but the ORC License is designed not to require these. The fourth part of the ORC Notice gives you a place to include system resource document content. Someone could create a system resource document (SRD) that contains what they believe is strictly a game mechanic system. The ORC License uses a definition system that defines what is licensed ORC Content and what is unlicensed proprietary Product Identity and lifts that administrative burden from publishers. We believe these definitions are sufficiently robust to allow game designers, publishers, and lawyers acting in good faith to come to a common understanding about what is licensed without the administrative friction (and potential for failure) of coming up with an SRD for each product.
- *I just got the license to build an RPG on the newest Hollywood blockbuster! Can I build this on the ORC License?*
  - Definitely. Because you are not obligated to license any of your Product Identity back to the ORC community, you can create RPGs for whatever sports league, movie franchise, or entertainment brand you want without jeopardizing their assets. We have negotiated with most of the big movie studios and sports leagues and while they often come to the table wanting to own everything including the game mechanics, we have rarely failed to educate them and eventually get clauses put in their contracts that they acknowledge they do not own the game system, which is at the heart of the ORC License.
- *Can I say which primary game my product is built on?*
  - Absolutely! The trademark legal doctrine of Nominative Fair Use holds that you can say your product is compatible with another product. If you want to say your adventure is compatible with any famous brand you have always had to right to do that provided: (a) you are not using their Product Identity, and (b) you are not implying that you are authorized or endorsed by the companies that own those trademarks.
- *Why not Creative Commons?*
  - We tried hard to make a Creative Commons license work, but we ran into one of two unresolvable problems.
    - CC BY SA 4.0 is a share-alike license under which the initial licensor can limit their licensed material to the ORC Content. Unfortunately, the share-alike provision requires the downstream community to share their entire work. We would have loved to make that work, but it would have violated the terms of the license to limit the downstream community to licensing out only their ORC Content.
    - Wizards used CC BY 4.0, which gives everyone the right to use the contents of the SRD they designated. This was a wonderful assurance for the gaming community that 5e could confidentially be used forever. Unfortunately, when another company builds on their SRD, their innovations are trapped in their product and not automatically relicensed to the gaming community. This effectively kills the virtuous circle that open-source communities are built on.