

David Fagundes
Southwestern Law School

Talk Derby to Me: Emergent Property Norms Governing Roller Derby Pseudonyms

Recent work has shown that intangible property emerges, and is regulated by, informal norms rather than formal law under certain conditions (e.g., Fauchart & von Hippel; Loshin; Sprigman & Oliar). This qualitative empirical study investigates the emergence and enforcement of property norms regulating the skate names used by roller derby girls. Derby girls usually identify themselves not by their birth names, but by colorful pseudonyms that reflect the sport's campy punk aesthetic (e.g., Emma Geddon, Eva Destruction, Tara Armov). Preliminary research reveals that derby girls have informally developed substantive rules governing acquisition and priority of ownership; registration systems and procedures to generate information about existing names and to streamline disputes; and enforcement practices to resolve conflicts between similar or identical names. These informal norms operate in tandem with, rather than exclusively of, formal law. As derby becomes more mainstream, skaters increasingly transfer their formal name rights to their leagues as a condition of participation. This study seeks to add more data to the growing body of work on regulating intellectual property by informal means. It also has implications for the Demsetzian narrative of property's emergence; the Coase/Ellickson debate about how law affects actors' initial valuation of goods; and the distinctive challenges that arise when treating identity-constitutive goods (such as names) as forms of property.