

**From Outlaws to Trusted Partners:
Challenges in mobilising User-Centric Innovation
in R&D projects**

Stephen Flowers

Centre for Research in Innovation Management (CENTRIM), University of Brighton

Correspondence Address

Stephen Flowers
Centre for Research in Innovation Management (CENTRIM)
Freeman Centre, University of Sussex
Falmer, Brighton BN1 9QE

Tel: 01273 877933
Fax: 01273 877980
Email: s.h.flowers@brighton.ac.uk

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Abstract

This paper will explore how the often illegal activities of some users may produce valuable innovations. The paper argues that structural changes, including a growth in the number of knowledge workers, has resulted in a burgeoning community of users able to modify or hack existing products, or develop products that compete with existing suppliers. The paper will introduce the complementary concepts of Outlaw Innovation and the Outlaw User, locating them within the literature on users. The paper will explore how firms react to this activity and provide case studies of this phenomenon. The paper will argue that Outlaw Innovation represents an extension in our understanding of the way in which firms interact with users, presents a series of policy challenges, and opens a promising area for further research.

1 Introduction

We are seeing a dramatic shift towards more open, democratised, forms of innovation that are driven by users, not firms. The growth of such User-Centric¹ Innovation has been most visible in a series of creative digital industries like music, the media and computer games, but is now growing rapidly in entirely novel areas like social networking and video sharing. User-Centric Innovation has had a significant direct impact on important industries (e.g. music), and its influence is rippling out across many other sectors.

User-Centric Innovation is often motivated by non-financial drivers and may sometimes be of dubious legality, but may also be highly innovative and lead to new forms of creative output, and ultimately new commercial products or services. For example, the rapid development of the commercial music download market was built on the back of intense activity by a series of illegal file-sharing services, of which Napster was the most notable. Firms in industries like computer games and digital music production may now encourage users to violate their IP and ‘mod’ their products in order to harvest these user-centric innovations for later releases. The media industry now routinely draws on innovative ideas that emerge from user-centric creativity that is shared on systems like YouTube, MySpace and Bebo. Although User-Centric activity may be outlaw or benign in nature and represent a source of innovative

¹ User-Centric innovation is undertaken by users, for users, and is shared with other users. User-Centric Innovation places the user at the centre of the innovation system and contrasts with the normal Schumpeterian approach which identifies the supplier as the source of innovation, and positions the user primarily as a market for industrial output. User-centric Innovation will often be driven by non-pecuniary factors and ignore firm-level concerns like IP and financial return.

ideas and constructs, firms may face significant challenges in harnessing this work within their R&D projects.

This paper will propose that User-Centric Innovation, at least within IT-intensive digital industries, is widespread and often operates in parallel with mainstream R&D. It will explore how outlaw innovations may be adapted by firms and supplement mainstream innovation projects and processes, directly impacting on firm R&D, and potentially leading to new or improved products and the creation of new markets. The paper will introduce the notions of Outlaw Innovation and Outlaw User, locate these concepts in the innovation literature, provide examples of this phenomenon, and explore the implications for firm innovation processes and policy. The approaches that firms employ in response to such activity in order to either resist or benefit from the innovations that Outlaw Users generate will be outlined, and the paper will explore how the challenge presented by Outlaw Innovation can act to supplement in-house R&D projects.

2 Innovation and the User

Innovation is a cluster of processes that takes new ideas and moves them into widespread application. It will typically involve design, manufacturing and marketing of a new (or improved) product (Freeman, 1982), that may be either a radical or incremental improvement on the state of the art (Gardiner and Rothwell, 1985). In the case of industrial innovation, such activities have traditionally taken place within firms which often have large internal R&D facilities organised around such work (e.g. Xerox Parc, Bell Labs, the Thomas J. Watson Research Laboratory at IBM). It has been argued that this approach, now known as closed innovation, no longer reflects the way in which firms will utilise ideas sourced externally and that may have originated in other firms. This view, termed open innovation (Chesbrough, 2003), is a recognition that firms may no longer rely on their own R&D efforts and may buy or license ideas from other companies. In this context the boundary between the firm and other external actors becomes far less distinct than in the closed innovation model, with firms able to draw on a variety of external sources of R&D as part of their innovation strategy. Although such external sources are generally understood to include such things as firms, universities and joint ventures, this paper will explore how firms seek to exploit ideas obtained from Outlaw Innovation.

Within this discussion a key distinction exists between invention, the development of a good idea, and the process of bringing that idea into widespread use, innovation. This has sometimes been referred to as the process of commercialisation (Teece, 1986), although this view is limited as it ignores a wide range of innovative activity that is non-commercial in nature, but which bring new ideas into wider use (e.g. public sector innovation, open source innovation). It is argued that Outlaw Innovation is another such non-commercial activity that falls outside this narrow definition but, as we shall see, is a potent means by which novel ideas are brought into widespread application.

2.1 The User

The term 'user' can be problematic as its meaning largely depends on context and the tradition of the literature within which it is employed. For example, within the innovation studies literature the term 'user' generally takes an upstream, supplier-centric, perspective and in this context the 'user' (e.g. lead user, final user, user innovation, learning by using) tends to be at the level of the firm. As a result the user tends to be examined as an adjunct to

supply-side issues like product development and market demand. For example, users have been characterised as consumers whose needs must be understood for a product to stand any chance of being a commercial success (e.g. Rothwell, Freeman et al 1974). It has also been recognised that the expertise and experience of certain kinds of user may be harvested and applied within a supplier's product development activities. For example, tough customers (Gardiner and Rothwell, 1985) who make exacting demands may have a positive benefit on innovation by driving suppliers to further develop products, thereby widening their potential market. In contrast lead users, (von Hippel, 1986) may modify or develop existing products in response to their exacting and non-standard needs, often foreshadowing future market demand. The involvement of (firm-level) users in firms' product development processes by developing and distributing supplier-designed 'toolkits', enabling users to engage in innovation by developing their own custom products (von Hippel and Katz, 2002; Thomke & von Hippel, 2002) has been explored, although their role in influencing the direction of user innovation is less clear.

It has also been argued that the process of innovation is becoming democratized as improvements in ICT enable users to develop their own products and services, freely sharing their innovations and creating a rich intellectual commons (von Hippel, 2005). That users will often share their innovations with others, termed free revealing, has been widely documented (e.g. Franke and Shah, 2003; Nuvolari, 2004) and this forms a key element in the rapid dissemination of innovations and in their adoption by manufacturers. These conceptions of user-supplier interaction all tend to depict a relationship in which the supplier is able, in some way or another, to harness the experience or ideas of users and apply them to their own product development efforts.

The Science and Technology Studies literature tends to adopt a more user-centric perspective, exploring how users actively shape technologies and are, in turn, shaped by them within the processes of innovation and diffusion. These processes are viewed as highly contested with users, producers, policymakers and intermediary groups providing differing meanings and uses to technologies (Oudshoorn and Pinch, 2003). The way in which design and other activities attempt to define and constrain the ways in which a product can be used have been viewed as an attempt to configure the user (Woolgar 1991). Developing this theme, it has also been proposed that designers may in turn be configured by users (Mackay et al 2000), and that a wide variety of actors may undertake configuration work on behalf of the user or the firm. Within this literature users are seen as having an active role in seeking to shape or re-shape their relationship with technology, developing an agenda or 'antiprogram' that conflicts with the designer, and going outside the scenario of use, or script, that is embodied in the product (Akrich and Latour, 1992). Users' lack of compliance with designers and promoters of products and systems, far from being viewed as a deviant activity, is positioned as central to our understanding the processes of innovation and diffusion. User resistance is seen as a key aspect of the development of new technologies (Kline 2003) and by modifying products or systems to do things outside the parameters of their original design, users may act as agents of technological change (Kline and Pinch, 1996). Users thus play a key part in phenomenon of inno-fusion (Fleck, 1988), driving innovation once a product has been introduced and the process of diffusion has commenced.

The potential for users, either as individuals or as groups, to become involved in the design and production of products has been recognised for some time. The term 'prosumer' was coined (Toffler, 1980) to describe consumers who, no longer content to be a passive market for suppliers, would become actively involved in production of goods and services for their

own consumption. Although conceived in an era in which IT was confined to specialist labs, the same phenomenon has been observed in contexts where the boundary between production and use has blurred, particularly in information rich digital environments like software, publishing, music and design. In this context some users are able to develop and extend technologies and the distinction between user and producer, or ‘users’ and ‘doers’ as Castells would have it (Castells, 1996), essentially disappears. The emergence of this behaviour has led to what has been termed a democratising of innovation (von Hippel, 2005) that is particularly apparent in these digital environments. The growth of the Free Software and Open Source movements in which there is open access to the production and design of software, with software source code made freely available and groups of highly-skilled individuals contributing to systems development (Weber, 2004) is a clear example of this phenomenon. The activities of users in the co-development of computer games is another example of this blurring of use and production that has led to new and different types of relationship between users and producers (Jeppesen et al, 2003) and has led to firms exploiting the unpaid work of enthusiastic users (Postigo, 2003; Kuchlich, 2005).

As we have seen the (largely consensual) appropriation of user ideas and experience is a recurrent theme within the innovation literature. However, the relationship between user and manufacturer is very different where users are actively seeking to develop new ways to hack, crack, or modify products, or where they are creating entirely user-developed products that are intended to compete with mainstream firms. Although such relationships are likely to be very difficult, if they exist at all, the potential advantages (and challenges) of gaining access to this group of users has been recognised (Mollick, 2005), although there are few insights as to how this may be achieved.

2.2 The Outlaw User

The emergence of the Outlaw User is likely to bear a direct relationship to the growth in the number of highly technically skilled individuals, variously termed ‘intellect workers’ (Baran, 1961), ‘knowledge workers’ (Drucker, 1959; Chesbrough, 2003) or ‘elites’ (Mollick, 2005), that exist within the economy as a whole. It has also been noted that one implication of this growth in knowledge workers is a shift in the structure of firm-level innovation processes (Chesbrough, 2003). However, although these elites may form the primary motor of Outlaw Innovation, the systems, products and ideas that they develop are adopted by a much larger group of individuals who simply *use* these outlaw innovations. As a group, Outlaw Users are thus a combination of elite users and the much larger group of users who demonstrate their willingness to adopt these outlaw innovations.

For the purposes of this paper Outlaw Users are defined users who, either individually or as part of a group, actively oppose or ignore the limitations imposed on them by proposed or established technical standards, products, systems or legal frameworks. Outlaw Users may create or use novel hardware or software modifications to existing products, or exploit security loopholes to gain unauthorised access to systems. They may invent and bring into widespread use novel software or other systems that facilitate the sharing of digital content and enable illegal music sharing, or develop software to ‘enhance’ computer games. By definition, Outlaw Users will generate Outlaw Innovations, here defined as novel hardware or software modifications to existing products, systems that exploit security loopholes to gain unauthorised access to computer and other systems and protocols, algorithms and other systems that facilitate the illegal sharing of digital content. Outlaw Users operate within a

technology-rich environment and, as a group, have produced conceptual and technological innovations, many of which have been adopted in some form by mainstream firms.

Outlaw Users are broadly hostile to the supplier's constraints on the approved methods of product use, or the laws that circumscribe its use, and may wish to undermine, avoid, or bypass them, or even adapt products or systems for their own ends. In this sense Outlaw Users may possess similar characteristics to that of the lead user (e.g. technical prowess, a need that potentially foreshadows future demand) and may even be part of the same group. One difference between the two groups is that the Outlaw User will often actively seek anonymity from the manufacturer of the product or system they wish to hack. This may be because their actions violate a product's warranty, misuse a supplier's IP, or are illegal – perhaps all three. Thus, in a very real sense Outlaw Users may be viewed as the outlaws of innovation and whilst lead users may be sought out by manufacturers for largely positive reasons, Outlaw Users may be tracked for entirely negative reasons and, as a result, may go to elaborate ends to avoid detection.

The activities of any group of Outlaw Users will often cluster around a particular product, technology, or some other shared goal. The internet is likely to provide the primary means for communication within and between these groups and be their main means of dissemination. The activities of the technical elites and their supporters (e.g. filesharing, hacking products and systems) may be of dubious legality or else be clearly illegal. As a result the elites and their supporters are likely to be at risk of legal action and may thus operate anonymously, under a pseudonym or take other measures to evade detection by the authorities.

3 Exploring Outlaw Innovation

Tinkering with products to alter their performance characteristics has a long established tradition. For example, within the custom modding² scene for cars many aspects of appearance and performance are routinely modified, including engine modifications for use in street racing, trick suspension, sound systems, etc. Tinkering with software and computers to alter how they work has also been around for some time, with an early example being the upgrading of system clocks in IBM PCs in order to make them operate at a higher speed, and thereby enable the user to obtain better performance. This hardware modification (which involved simply removing the existing system clock and replacing it with a faster one sourced from a third-party supplier) was relatively straightforward. However, the level of technological capability that now resides within the user population is now far higher and a subset of users are now able to reverse-engineer, clone, re-program, and restructure many complex high-technology products.

The presence of such technically able individuals within their user community presents a potential challenge to manufacturers who are now less able to exercise control over the way in which products are used. Such elite users may no longer accept the product or system 'as-is', but will attempt to do things with it that the manufacturer had not intended and does not want them to do. The existence of this activity, and firms opposition to it, has been crystallised by the enactment of the Digital Millennium Copyright Act (DMCA) in the USA

² Modding is a term used to describe the modification of a product to perform a function not intended or authorised by the manufacturers. In the context of digital technology, modding may be used to refer to changes to hardware or software.

explicitly prohibits this activity and makes it an offence to tamper with digital copyright protection systems (Tang, 2005).

The sharing of digital content (e.g. music, video, etc) over the internet, termed file sharing, is a large and growing activity that has emerged and has been readily adopted by mainstream firms and users. Although the scale of illegal music downloading continues to be significant - although hard to estimate, it involves something like 6 million users and 800 million files at any one time (CRIA, 2005) - legal sales are also large, with the market leader iTunes alone selling more than 2 billion music downloads between April 2003 and January 2007, in addition to 50 million TV shows and 1.3 million films (Apple, 2007).

A darker side of outlaw innovation is the unauthorised access of remote computers, an activity sometimes called 'cracking'. Cracking routinely employs such techniques as the Trojan Horse, Social engineering and Root Kit software³. The emergence of cracking and its threat to computer systems has been well-documented (e.g. Stoll, 1989). Individual crackers (e.g. Dark Avenger, Captain Crunch, Jaeger, Electron, Zero-G) and groups (e.g. Chaos Computer Club, Cult of the Dead Cow, Legion of Doom, Masters of Deception) have emerged as a significant threat to computer users. Crackers continue to be arrested and computer viruses and worms continue to be released on the internet and a computer security industry has grown up to cater for government, commercial and domestic computer users. For example, in the first six months of 2006 over 4.5m computers were identified as having been cracked and controlled remotely, over 150,000 messages attempting to obtain confidential financial and other information, over 6,000 denial of service attacks⁴ per day (Symantec, 2006).

This remainder of this section will provide examples of the scope and scale of these forms of outlaw innovation and explore how firms have reacted to these activities. It will present three exemplar cases exploring how firm reactions to outlaw innovation will differ and may be modified as firms learn how to appropriate the output of such activity within their own innovation processes. Additional examples are also summarised in table 1. The cases are presented as an exploratory study designed to examine key issues and research questions (Yin, 1989) that are intended to form part of a future programme of research. As such, the cases are not presented in order to build theory (Eisenhardt, 1989) but to provide a counterpoint to existing accounts of user-supplier interaction within the innovation studies literature, and in this sense aims to provide an account against which researchers can compare their experiences and gain theoretical insights (Dyer, Wilkins, 1991).

3.1 Computer game Modding

This case charts the emergence of the computer games industry from 1960's hacker culture and explores how firms moved from a tolerance of user hacking activities to their

³ A Trojan horse is a program that appear to be one thing, whilst actually being something else surreptitiously. In the context of computer security a Trojan horse is an application that fools a user into using or downloading it, thereby compromising their computer's security. Social engineering refers to the use of techniques to manipulate users to either provide information or agree to download software without their informed consent. A Root Kit is a software toolkit employed by crackers for concealing the fact that a computer's security has been compromised.

⁴ A Denial of Service attack is an attempt to penetrate a computer's system security for the purpose of causing the web or other system to cease operation.

encouragement and the eventual absorption of such activities within the business model of some firms.

The computer game industry is a huge and rapidly growing market that is predicted to be worth over \$21bn globally by 2007 (ELSPA, 2005) and is increasingly linked with other media like films. From its beginning as Spacewar, a two-dimensional spaceship shoot-em-up game created in 1962 on a PDP 1 minicomputer by a group of MIT hackers (Levy, 1984; Markoff, 2005), this industry now produces games designed for consoles (e.g. Sony PlayStation, Microsoft Xbox), PCs, hand-held consoles (e.g. Nintendo DS, Sony PSP), mobile phones, and mobile music players (e.g. Apple iPod). Originally designed for single players, computer games have evolved to include single, multi-user and massively multi-user game environments in which thousands of users can play on-line simultaneously.

Computer games development has its roots in hacking culture and there is a long history of developers inserting hidden features in commercial games, sometimes termed Easter Eggs (Takahashi, 2005b). Modern games for platforms like PS2 also include features that can only be unlocked using obscure 'cheat codes' that give gamers access to additional levels, challenges or other aspects of the game. On PC-based games this 'insider' feel is far stronger and gamers now often have the facility to develop their own modifications (or 'mods') to many aspects of a game. The creation of such mods (often termed modding) by users has become a significant source of innovation within the gaming community, and firms have reoriented the way in which they develop and publish games in order to harness this source of innovation. The scale of such activity is huge, with one internet site devoted to modding noting that it has over 1.2 m unique visitors each month viewing 200,000 page views on average each day (Moddb, 2006).

However, modding was not always so popular with users nor such an important part of the business model of some games developers, but emerged out of what has been described as the 'hacker ethic' (Levy, 1984). One of the earliest recorded mods in 1972, Adventure, was a variation on a text-based computer game that gave rise to a craze of similar game mods based around Dungeons and Dragons or Star Trek (Kushner, 2002). With the development of personal computers like the Apple II and IBM PC modding moved out of the computer science labs and by the early 1980's mods appeared for commercial products like the WWII shoot-em-up game Castle Wolfenstein (Au, 2002), and arcade games like Pac-Man (Kushner, 2002).

Modding continued to develop and by the 1990s enthusiasts were able to create entire levels for games like Duke Nukem and were also creating software tools to improve the mod production process. Although this activity clearly violated aspects of the game developers IP, the industry had grown in parallel with such outlaw use and modding was viewed as an aspect of the industry's relationship with its users. A key stage in the development of this relationship came in 1993 with the release of Doom, a science-fiction horror game, that was the first product of its kind intentionally designed to make it easier to develop mods (Kushner, 2002). This was achieved by developing a software architecture that made it less likely that users would damage the game and, ultimately, by releasing the entire source code. This led to the creation of a large number of mods, which in turn helped sales of the game and by the middle of the 1990s many PC-based games were released with software that enabled users to create their own mods, some of which were radical departures from the original game.

This relationship between game developer and the modder community developed further as individual ideas or even entire versions of games developed by modders were adopted by firms. Individuals were also finding employment within the games development industry on the back of their modding work. The boundary between industry and modder appeared to be increasingly blurred, and outlaw activities had become absorbed and formed an important element of one part of the industry's business model. An example of this integration can be found with the game Counter-Strike.

Counter-Strike is a multi-user on-line counter-terrorism game that has been recognised as one of the most popular games of its type (GameSpy, 2004). The game was originally developed in 1999 as a mod to the game Half-Life, which itself was a full mod of Quake (Kucklich, 2005). Counter-Strike was developed by a small group of modders and was later acquired by the developer of Half-Life, Valve Software (who also employed the lead modder). Valve Software also moved to further include modders within its business model by creating an on-line distribution network for mods (the Steam system) which includes licensing and payment mechanisms for modders who wish to release their games.

Although the once outlaw activities of product hackers or modders have been absorbed into one part of the computer games industry, their activities are less welcome in other parts of the industry that will take strong action to stop such activities. Mods or product hacks of consoles are routinely met with legal action and firms will often seek to discourage or distance themselves from game mods. For example, game publishers and developers sought to quash a mod (called Nude Raider) of the PC game based on Lara Croft, and the Hot Coffee feature locked in Grand Theft Auto: San Andreas (which, when unlocked, contained scenes of a sexual nature) led to the game being re-rated 'adults only' with significant controversy developing over game content and the role of games in the moral corruption of youth (e.g. McCullagh, 2005). A similar backlash has affected a mod to the Sims 2 game that displays the characters naked (Takahashi, 2005a).

3.2 Filesharing

This case will provide a brief overview of the emergence and development of illegal filesharing, the introduction of legal download services and the ongoing innovation in this area.

Napster was launched in the autumn of 1999 and was the first major file-sharing service to be offered over the internet. It was the first peer-to-peer (P2P) file sharing service that enabled users to freely share music files and led to allegations by the music industry of large-scale copyright violation by its users. Although it was possible to download music before Napster was launched, the system was instrumental in redefining music consumption. It enabled users to obtain popular songs in digital format without having to purchase the single or album and also enabled users to obtain tracks already purchased on another format (e.g. vinyl), making the creation of custom compilations possible. All of this activity took place outside the normal commercial channels and Napster lacked any mechanism for collecting and distributing royalties or controlling the distribution of content. As a result, a series of lawsuits were filed against Napster, generating publicity and attracting increasing numbers of users. At its peak in February 2001 Napster had 26.4 million users worldwide (Comscore, 2001), but after a series of lawsuits and a failed appeal Napster was ordered to prevent the trading of copyrighted music on its network and was shut down in July 2001. It was subsequently re-launched as a legal service in 2003 offering a range of purchase and subscription models.

The emergence, growth and ultimate demise of Napster demonstrated three things: the existence of a large market for music file sharing; that the business model used by Napster was unsustainable; and that the technical architecture it had employed was vulnerable to legal attacks. This led to the launch of many more legal and illegal file sharing services and a series of innovations in file-sharing protocols (see below). For example, in April 2003 Apple Computer launched iTunes, a legal download service that was integrated with its iPod music player. The iTunes system is a digital media player application that connects to the iTunes Music Store which allows users to purchase digital music, video and audiobook files that can be played by iTunes. Songs purchased from the iTunes Music Store are copy protected with Apple's digital rights management (DRM) system.

The integrated nature of the iTunes system has been designed to provide users with a great deal of flexibility in terms of uploading music from CD or downloading it from the iTunes Music Store, organising music into playlists, recording new CDs, and copying files to audio players like the iPod. It has also been the focal point for a number of innovations in legal downloading including the emergence and distribution of spoken audio files (podcasts – a form of asynchronous radio or television broadcast), music videos and other video files, and linking album art to the downloaded track. As a new entrant to the music industry, Apple's position on illegal file sharing was based on competition:

"We're going to fight illegal downloading by competing with it. We're not going to sue it. We're not going to ignore it. We're going to compete with it."

Steve Jobs⁵.

Since the closure of the original Napster system and the launch of legal download services like iTunes illegal file sharing has continued to develop and unofficial Napster-style servers have proliferated using a more sophisticated generation of P2P protocols. Designed as fully decentralized networks, these have been much more challenging for copyright owners to pursue in the courts. An indication of the scale of the activity may be obtained from a recent BPI (British Phonographic Industry) report which listed the following as the 'more well-known' systems being used to fileshare illegally: Kazaa, Grokster, eDonkey, LimeWire, Morpheus, Overnet, Direct Connex, BitTorrent, Soulseek, Bearshare, iMesh, WinMX, Ares, Gnutella, Grabit (BPI, 2005).

Protocols are a key element in the development of file sharing and innovation in such protocols has come as a direct result of the challenges faced by file sharers. A major challenge took the form of the legal onslaught on the original Napster service that resulted in it being closed down. Although this version of Napster was a form of P2P service that enabled users to share files between computers connected to the network, its technical architecture was based on a series of central servers that maintained a record of the computers that were connected and the music files they contained. The presence of this central server enabled Napster to become a relatively accessible target for legal challenge and led to the development of P2P protocols that did not require such a centralised server. An example of such a protocol is embedded within the Gnutella file sharing network.

⁵ Steve Jobs, quoted in Kahney, L iTunes, now for the rest of us, Wired News, Oct 16 2003, <http://www.wired.com/news/mac/0,2125,60851,00.html>

Gnutella is a P2P file sharing protocol that operates without a central server, enabling files to be shared directly between users and thereby overcoming one of the limitations of Napster. The first Gnutella client program was released in 2000 and, given the impending closure of Napster, was quickly adopted. Although the source code was later released the system was also reverse-engineered and open source versions launched. The shift of the development of the protocol into the open source community led to it being used within a large number of file sharing clients including GnuNucleus, LimeWire and Morpheus. The move to open source also means that the protocol continued to evolve and an open source community emerged to support its future development. Building on the Napster experience, Gnutella is an example of a second generation protocol that is able to provide true P2P, scalability and resilience. So-called Third generation protocols are those that also build in user anonymity and encryption with the intent being to enable anonymous, censorship-resistant file sharing (e.g. GUNet, Freenet, Entropy) although these have yet to be widely adopted.

4 Re-examining the role of users in the process of innovation

The cases outlined above provide examples of many of the facets of what is traditionally understood as user involvement in the process of innovation. For example, the SDMI example is a clear attempt to tap into the expertise and experience of a certain type of user, paralleling the learning by using or trying that has been noted in more traditional user-supplier relationships (e.g. Rosenberg, 1982). The adoption of the innovations created by computer game modders also finds parallel in earlier research (e.g. von Hippel, 2005). The development and use of ‘toolkits’ is also observed in earlier work in this area (e.g. von Hippel and Katz, 2002; Thomke & von Hippel, 2002), although Outlaw toolkits are developed by the users themselves, not suppliers. These cases largely mirror traditional supplier-user relationships since the initial innovation activity took place within the firm resulting in the introduction of a ‘product’, with supplier firms seeking to harness user expertise in order to further develop it further – a process broadly conforming to the notion of Innofusion (Fleck, 1988). However, filesharing and Black Hat activity do not readily fit this profile and are examples of user-driven systems of innovation that operate outside the accepted notions of user-firm interactions.

The resistance of users to the intended methods of use identified in the cases has also been observed in users’ relationship with earlier technologies (Kline, 2003). The sort of active resistance observed in the cases can be conceptualised as an attempt change the way in which the user has been configured in the product (Woolgar, 1991) by, quite literally, re-writing the script that is embodied in the product (Akrich and Latour, 1992). It can be argued that Outlaw Users are a significant agent of technological change (Kline and Pinch, 1996) although as we have seen, such change may be both welcome and unwelcome for firms. For example, in certain cases (e.g. Sony Aibo, PC game Modders) product hackers may well be the leading edge of a market trend and conform to the notion of lead users (von Hippel, 1986). However, in other cases (e.g. SDMI, Sony PSP, console game Modders) they may act more like a subversive group whose aim is to break the technical and legal boundaries manufacturers place on products’ use. This latter group may not necessarily represent an important trend in wider demand market but the emergence of a broad antiprogram that directly conflicts with the intentions of the firm (Akrich and Latour, 1992), with the impact on the product increased by impact of free revealing (Franke and Shah, 2003) coupled with the magnifying effect of the internet. This effect, enabling a relatively small number of technically able individuals to share their innovations within the larger group of Outlaw Users who may then deploy them,

illustrates how potent free revealing can be with small groups of Outlaw Users able to have a impact on firms that is disproportionate to their numbers.

Within the filesharing ecosystem digital content is decoded and is made available via sites that make use of one or more filesharing protocols, enabling files to be downloaded. At the core of this ecosystem are the technical elites who create systems to decode content, sites to publish that content and protocols that enables content to be distributed. These groups will probably exactly conform to the classic conception of lead user, as demonstrated by the very large number of individuals that make use of their innovations. The emergence and growth of a distribution system for digital content that bypasses mainstream business models, largely ignores existing IP and other laws, and is widely used by millions of Outlaw Users who share content is an interesting, if unconventional, example of lead user theory. Filesharing is also a vivid example of the highly contested nature of innovation and diffusion with users, producers, policymakers and a range of other actors providing differing meanings and uses to a particular combination of technologies (Oudshoorn and Pinch, 2003). Although filesharing was strongly resisted by many firms within the music and film industries, it is likely that iTunes could not have launched as it did if Napster had not created the market for digital downloads of music and other content. The launch of iTunes (and the many other legal download services) represents an example of how both the idea and the approach of downloading has been successfully adopted by mainstream firms, with key stages in the process of commercialisation (Teece, 1986) being driven by Outlaw use.

However, if we turn to cases in which the ‘product’ has been developed by (and for) outlaw users then the traditional supplier-user relationships found in the literature no longer apply. In this situation firms are faced with a parallel prosumer (Toffler, 1980) economy in which users design, build, develop and use products without any obvious interaction with firm-based innovation systems. In this context users become doers the democratisation of innovation is readily apparent (Castells, 1996; von Hippel, 2005). The case of filesharing is perhaps the most obvious example of this activity. Filesharing is a vibrant system of innovation and use that is global in scope and continually evolving in order to react to its environment. Innovations are to be found at all levels of the system and many actors are involved in the activities of innovation and use. Much the same is likely to apply to Black Hat hackers, and although their medium of expression are the products produced by firms, Product hackers present a similar economy, albeit one that is more clearly linked with firm innovation.

4.1 Exploring the links between Outlaw and Mainstream Innovation

The linkages between the innovation regimes and outputs that outlaw users and mainstream firms inhabit will have implications, both for the appropriability of outlaw innovations and their implications for existing products, business models and regulatory regimes. The cases explored in this paper indicate that the innovations produced by outlaw users can also i) provide an important source of research and development and ii) provide a source of challenge for existing products, business models and regulatory regimes. The implications of these observations will be explored below:

Organisational responses to Outlaw Innovation

In this section the part outlaw users play in this respect is explored together with the ways in which their outlaw innovations may be appropriated by firms. The preliminary categorisation below is an initial attempt to explore the approaches that firms adopt in order to react to the activities of Outlaw Users.

Monitor. In this reaction to outlaw innovation firms will closely observe the activities of outlaw users in order to either react to or else appropriate what they have observed. For example, the Aibo case illustrates how, once it had retreated from litigation, Sony appears to have appropriated many of the ideas and approaches first developed by the product hacker Aibopet. Similarly, The case of the Sony PSP appears to show how firms are able to appropriate knowledge of the weaknesses in their products into their product development regimes reacting, in the case of Sony, by frequent updates in product firmware. Finally, the SDMI case was an example of a firm seeking to discover both the weaknesses in their product and the methods by which these weaknesses could be exploited.

Adapt In certain circumstances firms will aim to adapt or copy the technologies, methods or other innovations that have been developed by outlaw users. For example, the filesharing case demonstrates how the emergence of Napster catalysed the latent demand for being able to access music and other digital content over the internet, creating a huge market. Although iTunes is very different from Napster in that it is a pay service delivered in a traditional way (not P2P) and contains digital rights management that has limitations on use, it clearly appropriates the central idea embodied in the first outlaw version of Napster. Similarly, the emergence of the BitTorrent file sharing protocol is a significant technical innovation that was developed on the fringe of outlaw innovation and, whilst it solves a major challenge associated with sharing very large files, it did not have any provision for digital rights management or a charging regime. The announcement by Microsoft that it intends to develop a similar protocol is another example of an Adaption response by a mainstream firm. The emergence of spyware and adware is another example in which mainstream firms have attempted to adapt the ideas and methods, if not the technologies, embodied within outlaw innovations.

Influence. In this approach firms seek to influence the direction and nature of the efforts of outlaw users. This may be done by informal recognition of the efforts of outlaw users and refraining from litigation, potentially offering a tacit encouragement. Firms may go further and adopt a more open position concerning source code, may make available toolkits to enable users to engage in development, and create an ‘official’ web presence for disseminating those tools and for users to share their mods. This would appear to be an attempt to move previously outlaw innovation into a more ordered environment, using the development toolkits to influence the direction that outlaw innovation will take, and easing the process by which the innovations that emerge may be appropriated. This may be seen both in the Aibo case and in the example of PC game modders and represents an extension in our understanding of the way in which firms have deployed toolkits (Thomke and von Hippel, 2002).

Absorb. If an innovation is highly attractive to a mainstream firm, the skills possessed by outlaw users are rare, or the boundaries between mainstream firms and outlaw users are unclear, firms may seek to absorb both outlaw innovations and the outlaw users that understand or created them. The case of the PC game modders is a demonstration of an industry that grew out from hacker culture and was able to develop a level of intimacy with its user population that is unusually high. The tolerance and even encouragement of outlaw innovation within the industry led, in product terms, to a blurring of the boundaries between user and producer (Jeppesen et al, 2003), with modders making significant contributions to the level of innovation and firms benefiting from the unpaid work of enthusiastic users

(Postigo, 2003, Kuchlich, 2005). In this context a wide range of ideas, approaches, techniques and other innovations are adopted by mainstream firms and the business model of some firms now reflect the degree of appropriation that takes place. It could be argued that this is an extreme version of users configuring designers (Mackay et al, 2000) since products and even the business models of firms have been reconfigured in response to user activity.

Participation in modding, no longer necessarily an outlaw activity, is now a route into the mainstream industry, with many modders having been employed on the strength of their work. Another example of absorption may be found in the computer security industry that has grown up in response to the threat posed by Black Hats or crackers, with many 'ex' Black Hats finding employment in mainstream firms.

Exploit. Firms who are unable to directly absorb or adapt innovations from outlaw users may seek to exploit their behaviour in other ways. For example, although filesharing often represents an illegal activity that firms may disapprove of, it also presents an opportunity for firms that wish to access key demographic groups.

Attack. Firms, industry bodies and legislators may choose to respond to Outlaw User activity by taking aggressive action against them, usually in the form of litigation. This was observed in many of the cases and has also been a recurrent feature associated with the emergence of illegal filesharing as a widespread activity. Firms may also seek to mould policy and concerning intellectual property (e.g. the DMCA), influence national legislation and strengthen copyright regimes.

The linkages between these approaches are likely to be complex and firms may choose to deploy several of these approaches at the same time. For example, a firm may move to attack Outlaw Users whilst simultaneously seeking to develop other strategies that could enable the firm to adopt their innovations in some way, or influence the direction of their activities. For example, filesharing presents a highly complex scenario in which many actors are simultaneously pursuing different strategies. In this case the incumbent firms are maintaining a high level of attack on Outlaw Users, whilst seeking to develop and promote their own download services which themselves appropriate the central ideas embodied in the early outlaw filesharing innovations. At the same time a new entrant to the market, iTunes, moved directly to Adaption and has continued to innovate at a rapid pace. In contrast, whilst one section of the computer games market appears to be developing ever closer links with modders, other parts continue to keep them at arms length. The way in which firms move between the responses is likely to be contingent on a complex series of context-specific issues. For example, as a result of the intimacy with their user base computer game firms were able to adopt monitor-influence-absorb model, whilst the particular circumstances of the Aibo case meant that a monitor-attack-adapt approach was taken. The growth of filesharing has seen a wide range of approaches being adopted by incumbents (monitor-attack/adapt) and new entrants (monitor-adapt). Each of these approaches are not without their own problems since the character and direction of Outlaw Innovation is, by its very nature, largely beyond the control of mainstream firms.

The fundamental uncontrollability of outlaw users can lead to unpredictable outcomes. For example, although firms have managed to harness the activities of those involved in the modding of computer games, mods continue to emerge that either violate copyright, enable players in on-line multi-user games to cheat, insert inappropriate sexual content into games (e.g. the 'Hot Coffee' mod), potentially damaging the games sector as a whole. The inclusion of the SonyBMG spyware onto music CDs not only created a weakness in the security of

computer systems (later exploited by hackers), it also illustrated the dangers firms face if they attempt to imitate certain outlaw activities for commercial ends. The case illustrated the mismatch between acceptable modes of engagement in mainstream and outlaw activities, and the adoption of covert Black Hat approaches was seen as underhand and a breach of trust between user and supplier, leading to several class action lawsuits in the US, with similar outcomes emerging from the Intermedia Adware case.

Firms may move between each of these approaches, with the particular firm response being contingent on a range of factors including firm strategy, sector and competitive context, product type and maturity, and the scale and nature of Outlaw activity. The adaption of outlaw innovations also does not necessarily mean that outlaw users will stop using the original outlaw mods or hacks, nor prevent them from going on to create new ones. The absorption of many outlaw innovations into the mainstream has not prevented new mods from emerging, new product hacks, nor the continued growth of filesharing.

4.2 Outlaw innovation as a source of challenge

Inherent in the nature of Outlaw Innovation is the challenge that it presents to firms via their products, business models and the associated regulatory regimes. Innovation and diffusion remains highly contested (Oudshoorn and Pinch, 2003), firms may seek to appropriate the innovative ideas and other advances that flow from Outlaw Users, but their continued presence presents a challenge that can act as a spur to innovation within firms (Kline and Pinch, 1996). For example, although we explored how Sony reacted to the hacking of the PSP games console, a similar story could have been told about many other technologies associated with computer games. In this sector, the activities of modders and hackers may have been directly appropriated within the PC games market, but their activities in other product areas have also resulted in firm-led innovations in product architecture and security. It could also be argued that the activities of Black Hat crackers have led to similar innovations in computer security as a whole.

The example of filesharing is unusual in that it presents a challenge both to firms and their business models via the copyright regimes that have been built up around their products and the digital rights management systems they wish users to adopt. Filesharing has developed into a parallel, invisible, non-market economy of the sort associated with the emergence of the prosumer (Toffler, 1980). The filesharing economy operates outside the mainstream, possesses its own system of innovation for the generation of algorithms and systems to decode, distribute and access digital content, and has thus far been remarkably resilient to legal and other attacks. Fundamentally, the filesharing economy has little in common with the operation of a commercial market, is driven by a complex array of non-commercial motivations, and is underpinned by an open-source, free-revealing system of innovation. The filesharer's challenge to the configuration of existing distribution and IP regimes has not only led to the emergence of iTunes and other legal on-line music services, but also initiated a series of structural changes to the music industry and rights management regimes as a whole that have yet to conclude. In this respect Outlaw users, including filesharers, may be viewed as a form of pariah lead user who demonstrate a series of unwelcome market trends that incumbent firms wish to resist.

Outlaw innovation can also be viewed as a form of unregulated market activity in which the needs and wishes of certain types of user are demonstrated in a manner that is unconfigured by the limitations that apply to mainstream use. It represents an environment in which firms

are able to observe a high level of activity, some of it innovative, whose motive force emerges from a very different set of drivers than those associated with commercial activity. As such, Outlaw Innovation represents both an alternative source of innovation in its own right, and acts as a counterpoint to structured mainstream user-supplier relationships, potentially driving innovative activity within firms. Certainly, that they are now a large number of knowledge workers or elites available to undertake such experimentation means that such outlaw activity may become a constant feature of the innovation environment within which firms operate.

4.3 Implications of Outlaw Innovation for R&D

The part played by users in wider processes of innovation and diffusion has traditionally been viewed as largely beneficial. Certain classes of user may possess the means to innovate, potentially indicating the shape of future demand, and firms may choose to incorporate user ideas or feedback into their products or services. However, in the context of information rich digital environments that are surrounded by strong IP laws largely framed to prohibit such actions (Tang, 2005), user innovation can be highly controversial and may be an outlaw activity. Outlaw Innovation has had a significant direct impact on important industries (e.g. computer games, music, software), and its influence has rippled out across many other sectors yet our understanding of this important source of innovation is weak and policy remains silent on this issue. Despite the visibility of this activity in the media, and its clear commercial significance, Outlaw Innovation is often only visible on the policy radar as a criminalised activity in the context of music and film downloading. By failing to develop a more informed and nuanced policy response to Outlaw Innovation there is clear risk of chilling an important source of creativity and innovation.

Outlaw innovation is a force that has produced powerful forces for change in product architecture, business models and regulatory environments and has impacted on the nature and direction of innovation efforts deployed by mainstream firms. As we have seen, Outlaw Innovation largely operates outside or on the border to traditional regulated environments and thus is free of the restrictions that apply in those environments. It also operates on a largely informal basis and may be driven more by challenge and curiosity than financial reward, something that it shares with free software and open source work. Outlaw innovation operates in a networked fashion via the internet and can operate in direct conflict with commercial interests. Finally, outlaw innovation may have a malicious or criminal intent, or alternatively may just be for fun, with the result that activities like modding have been referred to as 'Playbour' (Kuchlich, 2005).

As a result, Outlaw Innovation presents a series of challenges to developing an effective policy framework that will enable firms to draw on the benefits from such activity. A key stage in moving towards framing policy in this area is to develop our understanding of the scale, scope and depth of Outlaw Innovation in order to enable key policy issues to be identified. It is also important to distinguish between those forms of activity that have an economic or social value (e.g. product hacking), the more harmful (e.g. Black Hat activity), and activity that lies between these two extremes (e.g. filesharing). Once a clear policy direction has been framed that distinguishes between the forms of Outlaw Innovation that should be tolerated or encouraged and those activities that should be discouraged, it is likely that policy responses could be developed across a range of areas including industrial structures, business models, R&D support and intellectual property. Policy responses may range from simply maintaining a watching brief to more interventionist approaches and may

take the form of removing barriers, generating awareness, increasing the responsiveness of firms to Outlaw Users, stimulating positive Outlaw Innovation and discouraging negative user activity. Specific policy Responses may be shaped around beneficial outlaw use and policies could be framed to promote a culture innovation, use of R&D tax credits to promote firm-user links, and the redefinition of 'Fair Use' to decriminalise modding and other similar activities.

The origins and nature of much of Outlaw Innovation makes it a rebel anti-authority process and policy interventions to stimulate certain forms of outlaw activity are likely to run the risk of distorting or destroying it. Despite this risk, there are likely to be implications for practice by businesses in the provision of tools for supporting or channeling different forms of Outlaw Innovation, and also for policy in terms of IPR, infrastructure, skills and education/career routes, tools and the elimination of other barriers to maximising the value derived from such activity.

5 Conclusions

This paper has explored the role and impact of a wide range of 'hacking' activities on firm innovation. By focusing on hacking, a phenomenon whose impact on innovation is not fully understood, it has sought to extend the existing literature examining the role of the user in firm innovation and the changing nature of the innovation process itself. In developing this discussion the related notions of Outlaw User and Outlaw Innovation were introduced. The relationship between the Outlaw User and the current understanding of the user's role in innovation was explored and the linkages to the lead user concept were outlined. It was proposed that the emergence of Outlaw Innovation is the result of the same forces that have resulted in innovation becoming 'democratised' (von Hippel, 2005) or 'Open' (Chesbrough, 2003), but has found expression as a voice of dissent.

The paper suggested that Outlaw Innovation, at least within IT-intensive digital industries, is the result of widespread activity amongst Outlaw Users, often operating in parallel with commercial activity. The paper argued that such outlaw innovations may be appropriated by firms and acts as an additional source of innovation that may be appropriated, resulting in new and improved products and new markets. A series of cases in which firms had sought develop appropriate responses to Outlaw Innovations were introduced and a series of organisational responses were identified. Cases in which firms had been either successful or unsuccessful in appropriating Outlaw Innovations were examined and the potential dangers of straightforward imitation were identified.

This paper has outlined the emergence and impact of Outlaw Innovation and the results presented must be viewed as provisional and further research will be required to develop this line of enquiry. It should be recognised that this work will face a number of challenges, both of a methodological and practical nature. Lines of enquiry that may guide further work in this area include: the scale and scope of Outlaw Innovation; the nature of the linkages between firm and Outlaw Users; the impact of Outlaw Innovation in non IT-intensive industries; firm reactions to Outlaw Innovation; the impact of Outlaw Innovation of the direction and path of product innovation; the circumstances in which firms seek to foster Outlaw Innovation activities; the way in which firm responses to this form of activity vary over time and between sector; the conditions under which firms may benefit from an intentioned interaction with outlaw groups. The paper also explored potential policy responses and examined the difficulties of framing policy in this area. The emergence of such outlaw activities also raises

a series of questions for our understanding of innovation including the networked nature of outlaw systems of innovation (e.g. filesharing) and the shifting relationship between users and suppliers. Subsequent stages of this research will develop a structured approach to expanding our understanding of this area.

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Table 1 : examples of Outlaw Innovation activity

Sony Aibo	<p>The Sony Aibo is a toy robotic dog that when it was released in 1999 had a relatively limited set of functions and actions. From late 1999 an individual product hacker, subsequently known as “AiboPet” in the media, began to developing and releasing software tools and extensions to the software supplied with the Aibo. Between the years 2000-01 AiboPet continued to release software via his website that improved the functionality of the Aibo and tools that enabled other users to reprogram their Aibos. Notable among these releases was a piece of software called ‘Disco Aibo’ that enabled the robot dog to dance to music.</p> <p>By October 2001 Sony had sent several letters to AiboPet expressing their continued concerns and requesting the removal of a series of files from the website. In protest, AiboPet closed down the disputed parts of his websites (AiboPet.com and AiboHack.com). Following the closure of these websites the case was widely discussed in the media (the contents of both letters were published) and AiboPet received significant support from Aibo owners and many others. Sony subsequently withdrew its objections and AiboPet.com was put back online.</p> <p>In 2002 Sony shifted its position and embraced a more open approach to users, initially publishing the software specifications to the Open-R architecture used by the Aibo and making available a software development kit. This was followed in 2004 by the release of the Aibo Software Development Environment (SDE), a suite of tools that were very similar to those developed earlier by AiboPet and designed to enable a wide range of users to develop their own software and included a Motion Editor designed to enable users to create dance routines. Access to this system required users to register, but the Aibo SDE was made available at no charge and registration provided access to the developer website which contained a download area, FAQs and a bulletin board.</p>	Knight, 2001 Manjoo, 2001 Lessig, 2004 Aibopet, 2006a Aibopet, 2006b
SDMI competition	<p>In 2000 The Secure Digital Music Initiative, backed by a consortium of firms involved in the provision of digital content, ran a competition to see if external hackers or researchers could crack the digital audio watermark technologies that they had developed. The competition, called the ‘Hack SDMI Challenge’ offered a \$10,000 prize for cracking the encryption technologies, but required participants to sign a non-disclosure agreement in order to claim the prize. A number of groups claimed to have successfully hacked these technologies, including a group of academic researchers who went on to publish their findings and methods.</p>	Livingston, 2001 Costello, 2000 Tang, 2005
Sony PSP	<p>The Sony PSP (PlayStation Portable) is a handheld version of the hugely successful PlayStation 2 gaming platform. Launched in early 2005 it became a magnet for product hackers who exploited flaws in early versions of the PSP firmware. Released without a web browser an early hack was to utilise a browser contained within a computer game, with other hacks including such things as emulators for other gaming platforms (Nintendo), downloading TV shows from a TiVo, and a wide range of applications including PDA software, a virtual drum machine, streaming internet radio, a calculator, and a utility for converting PC video files to PSP format.</p> <p>Sony responded to the hacks by releasing a series of software patches and upgrades to the PSP firmware, including a web browser optimised for the platform and its own website which provided a range of downloadable content. With each new release of firmware flaws that had been exploited by hackers were fixed, and the latest firmware examined for further bugs by product hackers, which were in turn resolved in the next firmware release. Although users were not compelled to install the latest release of the firmware, all new PSP games required the update in order to run. Sony confirmed that they were responding to PSP hacks by updating firmware and were not ‘actively going after the people doing it’</p>	BBC, 2005 Evers, 2005 Sharma, 2005
BitTorrent	<p>BitTorrent is a novel P2P file sharing protocol that relies upon the cooperative distribution of the files within the user group trying to download it. With this protocol, the larger the number of people that try to download a file the faster downloading becomes, making it particularly suitable for transferring large files to large numbers of users. In BitTorrent terminology such large groups are called swarms and servers are set up to keep track of the active swarms.</p> <p>BitTorrent tracker sites have been created for the primary purpose of offering copyright material like music and DVDs and some sites have been closed down as a result of legal action, BitTorrent is also widely used for legal file transfer purposes (e.g. distribution of films, software, music, computer games) and, as a result, has thus far avoided legal action. Although Bittorrent has been very successful and is widely adopted it lacks mechanisms for digital rights management and in 2005 Microsoft announced that it was developing a protocol (code-named Avalanche) that is similar to Bittorrent but embodies strong digital rights management facilities.</p>	Niccolai, 2005 Sheriff, 2005 Bittorrent, 2006 Microsoft, 2006