

OGL: How to roll a Nat 1 on Charisma

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What happens when a company attempts to claim ownership over a person and a community's creativity? The D&D OGL scandal proved that even some of the most loyal fanbase in gaming and TTRPG's can and will fight back when greed oversteps their bounds. Bob World Builder is a moderately well-known D&D creator, who publishes D&D content and modules every week on Patreon. In his video, he discusses the OGL scandal and explains how it affected the community. Essentially, back in 2000, the people were allowed to use D&D mechanics freely, no fees, no paperwork, just go and make stuff. But in December 2022, a draft of OGL 1-1 was leaked, and it was way more restrictive. It would have only allowed printed or permanent digital stuff, make creators slap an official stamp on your work, as well as if you made over \$50,000, you had to report your earnings. Obviously, people were not happy. After a big community uproar, WOTC paused the OGL and came back with a revised OGL. He makes a lot of very good points in his video, and I highly suggest watching the video, but in this essay, I will talk about how the OGL affected 3rd party creators, the intense backlash, and how the policy was forced to change. This topic in particular was super important for me because I play D&D, and it is a very important part of how I de-stress.

Before we dive into this mess, let's clarify what an OGL is, and why it's so important for D&D creators. An OGL is an acronym for an Open Gaming License, which allows people to make and profit from the content and rules that Wizards of the Coast. They had a OGL beforehand, and as they were making their new addition, also known as OneD&D, they were planning on revising and refining the D&D OGL. At 14 minutes in Bob's video, he reads out an official statement from WOTC (Wizards of the Coast) that lists out what a creator must do to create and sell their content. "If you're making commercial content, little is going to change for most creators. For most of you who are selling custom content, here are the new things you'll

need to do. 1. Accept the license terms and let us know what you're offering for sale. 2. Report OGL-related revenue annually (if you make more than \$50,000 in a year). 3. Include a Creator Product badge on your work." (World Builder, 2023). Bob says at 14:21 "It's like, you can use it, but you have to wear our uniform, in a way." (World Builder, 2023) Personally, I agree with this, and yet find it quite interesting. As Bob mentions later on in the video, it's virtually exactly what is required for the DM's Guild, a similar platform for creativity. But the thing that really gets me is that this is required. I find this so interesting, because as the Legal Eagle states in his video, the rules of a game are impossible to copyright. The closest one can get is to copyright the exact wording and usage, and he uses the example of a manual. One could copyright how the manual is written, but you can't copyright a "process" as he puts it. (LegalEagle, 2023) This means that although WOTC can copyright the D&D manual, they wouldn't be able to copyright the entire idea and how D&D works and is structured. Since so much of D&D is community based, and if they didn't mention D&D or WOTC or use their exact wording that they do in the manual, WOTC wouldn't be able to go after them.

As Bob mentions in his video, there was a distinct lack of genuine documents and response from WOTC. The first kind of response we got from WOTC was a full week after the whole thing blew up, stating "We will continue to support the thousands of creators making third-party D&D content with the release of OneD&D in 2024. While it is certain our OGL will continue to evolve, just as it has since its inception, we're too early in the development of OneD&D to give more specifics on the OGL or System Reference Document at this time." (Brink, 2023a) To me and a lot of creators, this felt more like a 'hey chill. Your overreacting' kind of post. Many were scrambling to find out what this means, because for many people in the D&D community, this OGL is how they make their money. This uncertainty didn't just undermine the financial certainty of creators, but it also led to a widespread cancellation of

subscriptions. To rephrase the legal wording a little bit, it basically says that they will let people keep on making content, but you won't know how it is going to work until later. This caused quite a lot of stress, and it even caused many people to cancel their D&D Beyond subscriptions En Masse. It also sparked the movement of game systems entirely. For example, my D&D group moved over to Pathfinder just in case, completely depriving WOTC of our money, and we were only a small part of a large group.

One thing that did not help was the lack of any official confirmation or denial from WOTC until a while after it blew up. On January 18th, 2023, Kyle Brink, the executive Producer of D&D made a post on DNDbeyond.com. I won't quote in its entirety, because it's quite long, but it starts off with an apology. (Brink, 2023a)

“First, though, let me start with an apology. We are sorry. We got it wrong. Our language and requirements in the draft OGL were disruptive to creators and not in support of our core goals of protecting and cultivating an inclusive play environment and limiting the OGL to TTRPGs. Then we compounded things by being silent for too long. We hurt fans and creators, when more frequent and clear communications could have prevented so much of this. Starting now, we’re going to do this in a better way: more open and transparent, with our entire community of creators. With the time to iterate, to get feedback, to improve. If this sounds familiar, it’s because it’s how we do it for the game itself. So, let’s do it that way for the OGL, too.”

While the apology marked a shift in communication style, it also showed a genuine desire to change and do better, and this kind of honesty and transparency was exactly what was needed to show that we can start trusting them again, some might argue that the delay between the point where it blew up to the response of WOTC was necessary because its a complex legal issue, and

could claim that the company simply didn't know how major it was. To this, I need to remind you how fast and how much companies usually post. According to Dataminir, there is an average of about 490 brand-related tweets every 10 minutes when the crisis is at its peak (Edelboim, 2020), so there was absolutely no way they didn't know how major it was. On top of this, even Forbes admits how important it is to respond quickly, despite how complex the issue is. (Segal, 2023) Edward, a PR expert, states in a article from Forbes, "Instead, brands must communicate that they are taking the time to learn more about the issue, re-examine their history and position, and make significant internal changes; this also gives an organization a grace period in which to respond and communicates thoughtfulness and care (rather than knee-jerk deflections, inauthentic gloss-overs, or doubled-down defensiveness)."

Now, I will talk about the OGL and how it was changed, as well as how it would work. Starting at about 10 minutes, Bob goes over WOTC's statement about the ogl. (World Builder, 2023). It explains how it could work, and how they had changed it. They mentioned that it would be backwards compatible, which in case you don't know, means that something new works with an old product, like a new computer that would process VHS. Another section says (Brink, 2023b)

"OGL 1.1 makes clear it only covers material created for use in or as TTRPGs, and those materials are only ever permitted as printed media or static electronic files. Other types of content, like videos and video games, are only possible through the wizards of the coast fan policy, or a custom agreement with us. To clarify: Outside of printed media and static electronic files, the OGL doesn't cover it."

This is a very important section, because it tells us how it would actually work. If you read the OGL in full, it is quite easy to see how and why people would be worried, but this change in

OGL wouldn't affect the average homebrewing D&D GM, only large companies benefiting off of the lack of restriction. In the statement that WOTC made, it says "for the fewer than 20 creators worldwide who make more than \$750,000 in income in a year, we will add a royalty starting in 2024... no royalties will be due for 2023 and all revenue below \$750,000 in future years will be royalty free." (Brink, 2023b) This is an incredibly important statement, because a lot of people who make their livings off of D&D were worried about this. My GM and I had a conversation about this on discord a while back, where Jeb said "Yeah, I've been putting out job applications again. If this goes down, I'm going to need to focus on feeding my family rather than having fun. I know. Eating sucks." My GM was genuinely concerned that he would have to pay steep royalties on the money he makes off startplaying.games and the content he sells, and we even had to shut down one of our sessions because he was going to a job interview.

In this essay, I talked about what an OGL is, the backlash, and the lack of communication. While doing this research, I did find that WOTC's actions were very frustrating, but their eventual response and change of the OGL did show a willingness and ability to listen and change, and it did make me slightly change my mind. Originally, I thought that the OGL meant that nobody would be allowed to play D&D without paying, or that we would get fined, but it turns out, it was a lot less scary than that, and although it was a tough time in the gaming community, I do think that the backlash and the first bad 1.1 was ultimately good for WOTC. Creativity is like a dungeon. No matter how many walls there are, the players will always find a way out.

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