

Subcultural Change and Dynamic Norms

Revisiting Roller Derby's Master Roster

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I will never forget attending my first roller derby bout in November 2007. I was hooked at first sight by the sport's distinctive blend of counter-cultural style with serious athletic competition. The next year, listening to Chris Sprigman and Dotan Oliar present their work on comedians' norm-based regulation of their standup routines,¹ it occurred to me that roller derby offered not only an unparalleled entertainment spectacle, but also a natural experiment in the extralegal regulation of intangible property. A major feature that sets derby apart from other sports is skaters' use of pseudonyms in lieu of "government names" to identify competitors. Did derby girls care whether their names were unique? If so, how did they keep track of and enforce the uniqueness of their pseudonyms in a sport that was then transitioning from an obscure subculture to an international phenomenon?

In a 2012 article, "Talk Derby to Me: Intellectual Property Norms Governing Roller Derby Pseudonyms,"² I answered these and other questions about the roller derby community's use of social norms rather than law to regulate the distinctiveness of their skate names. While its subject matter was situated in the punk-inspired world of derby, the article's substantive inspiration was the tradition of legal literature about order in the absence of law that dates back to Ellickson's seminal work on the topic.³ "Talk Derby to Me" sought to explain skaters' preference for non-legal rules over state-created law, and to explore how those rules operated in terms of their creation and enforcement. All of the conclusions rested on descriptive claims about how the derby world worked, including its highly close-knit character and the importance of maintaining unique skate names.

My research for that article concluded early in 2011, and while I was able to update it throughout that year,⁴ it has now been about four years since I completed that snapshot of roller derby's name-regulation norms and practices. In this chapter, I revisit those norms and practices, and illustrate how they have—and have not—changed in the intervening time. This investigation enables a descriptive account of roller derby name norms that is dynamic rather than static, and allows insight into several under-explored issues: How norm-based regulation changes over time, what exogenous and endogenous forces lead to that change, and how this dynamic story further illuminates our understanding of how social ordering rooted in law contrasts with that rooted in norms. The first part of this chapter quickly introduces readers to the world of roller derby and summarizes my claims in “Talk Derby to Me.” Next is an exploration of how roller derby's name-regulation norms have changed in the intervening four years in terms of subcultural preferences about name uniqueness, use of legal regulation, and preferred forms of norm governance. Finally, the discussion reflects on how these changes in norms, preferences, and practices interact, and what lessons they bear for the study of extralegal regulation and informal order generally.

Talk Derby to Me Then

This section provides two types of background. First, it provides a quick sketch of contemporary roller derby's unique subculture and style. Second, it reprises my substantive claims about the norms that prevailed in that community regarding performance pseudonyms and the means used to maintain the distinctiveness of those names.

Understanding how roller derby's name norms work requires an understanding of the derby world itself. Before outlining the substantive claims of “Talk Derby to Me,” I will briefly describe the strange and wonderful world of contemporary roller derby.⁵ While the origins of the sport may be traced to the 1800s, present-day roller derby has its roots in the robust alternative subculture of Austin, Texas, where a group of rowdy women gathered in the early 2000s to re-imagine derby as a blend between an all-girl, full-contact sport and a chaotic rock-and-roll show.⁶ Roller derby provides its participants with much more than just an athletic extracurricular. In the countercultural niche within which

it flourishes, derby provides a sense of community and identity to its participants.⁷ Competitors forge close bonds thanks to both the rigors of training and shared aesthetic tastes.⁸ The appeal of derby led to the sport's explosive growth from a handful of leagues in Austin, Los Angeles, and New York in 2003 to its current global status.⁹ Derby leagues now span the globe, from Australia¹⁰ to Argentina¹¹ and from Scotland¹² to South Africa.¹³

Derby skaters are not your usual athletes. The sport's countercultural roots give it a decidedly punk-rock aesthetic, so skaters tend to feature more tattoos and piercings than competitors in other sports, and the atmosphere at a bout has far more edge than a trip to the old ballpark.¹⁴ What may set derby skaters apart from other athletes more than any other feature, though, is that they compete using fanciful and/or fierce pseudonyms in lieu of their legal names. Spectators thus root for such varied competitors as Juana Beatin, Ivanna S. Pankin, Tara Armov, Helen Wheels, Penny Dreadful, or—my personal favorite—the Arrested Development-inspired Raven Seaward.¹⁵ These pseudonyms—known in subcultural parlance as “skate names” or “derby names”—not only differentiate skaters in the eyes of their fans, but also provide a sense of identity within the derby community.¹⁶ The continued vitality of derby names is, however, very much in question as the sport grows more popular and less limited to the alternative subculture from which it emerged.¹⁷

The regulation of derby names supplied the subject matter of “Talk Derby to Me.” The need for regulation of derby pseudonyms grew out of skaters' desire that those pseudonyms remain unique. At least during the first decade of contemporary roller derby, skaters took very seriously the notion of name uniqueness, and typically reacted with rancor at the mere suggestion that someone would compete under a very similar or identical name.¹⁸ This concern for name uniqueness derived from three separate considerations. First, derby names distinguish skaters, so that duplicative names would lead to confusion both among fans and within the derby world.¹⁹ Second, and probably more important, skate names are a repository for the identities that skaters work so hard to create.²⁰ Third, while names are theoretically infinite, they are in practical terms increasingly scarce,²¹ so that skaters attach high value to finding a truly distinctive moniker. These three considerations led to the descriptive

conclusion that undergirded much of the analysis in “Talk Derby to Me”: that the uniqueness of their pseudonyms is highly important to derby competitors.²²

This descriptive claim about the importance of unique pseudonyms to roller derby competitors led to a pair of claims about how that uniqueness is maintained. The first is that skaters rarely, if ever, used state-created law as a means of managing and enforcing the exclusivity of their monikers. This may, at first, seem puzzling to those formally trained in law. A derby name is a kind of brand,²³ after all, and trademark law provides the primary legal route to protect marks associated with commercial goods and services.²⁴ In “Talk Derby to Me,” though, I showed that while some skaters had indeed trademarked their skate names, this practice was very rare and limited to the dozen or so skaters who had sought to start a business related to derby or otherwise commercialize their reputations as top competitors.²⁵ In contrast to the legal centralist account that animated most literature on IP norms, the case of roller derby suggested that people may prefer norms over IP law even when the latter was substantively available.²⁶ Of course, one might argue that trademark law is unavailable to derby skaters, few of whom are wealthy, not because it is substantively inapplicable to nicknames, but rather because the time and expense of formally securing a trademark renders the option practically unavailable. While this conjecture is plausible, all of my research revealed that derby skaters’ preference for norms arose independently of, rather than as a second-best response to the absence of, legal options.²⁷

So if skaters did not use trademark law to protect the distinctiveness of their pseudonyms, what did they use? The answer was the International Rollergirls’ Master Roster, an elaborate skater-created and -managed registration system that, as of 2011, provided a reasonably effective means to maintain name uniqueness.²⁸ The Master Roster sought both to establish priority among skate names and to make this information public, so that if a new derby competitor (“fresh meat” in subcultural parlance) desired to adopt a nickname, she would be able to tell quickly from the Master Roster (which was and remains publicly available online²⁹) whether that name had already been taken and was therefore off-limits.³⁰ The Master Roster also featured the “Derby Name Checker,” a program written by Minnesota Rollergirl Soylent Mean, that

would allow aspirants to quickly determine not only whether their exact proposed name was in use, but how many preexisting names were similar to it, and even how similar those names were to theirs.³¹ While the Master Roster formalized the registration of roller derby names, the adjudication and enforcement of name priority was left to informal means such as shaming sanctions.³² While far from perfect,³³ the Master Roster provided a flawed but basically effective means for managing the uniqueness of skaters' pseudonyms even as the derby world continued to grow explosively.³⁴

Talk Derby to Me Now

The previous section highlighted three claims I made in “Talk Derby to Me”: first, that the uniqueness of performance pseudonyms is highly important to roller derby skaters; second, that skaters eschew formal law, including the seemingly plausible option of trademark, as a means of ascertaining name uniqueness; and third, that the Master Roster provides skaters with a basically functional and generally accepted source of name regulation. I now revisit each of these propositions four years after completing my original research.

First, consider the proposition that formal law proves irrelevant to skaters' attempts to assure the uniqueness of their pseudonyms. When I finished writing “Talk Derby to Me,” there were only about a dozen roller derby nicknames formally registered as trademarks with the Patent & Trademark Office (PTO).³⁵ My most recent search of the PTO's database revealed that this number has about tripled in the intervening four years, with thirty-nine roller derby names featured on the principal register.³⁶ At first glance, this several-fold increase may seem an indication that trademark has recently become an increasingly favored form of name protection for skaters.

Such a conclusion needs to be tempered by the background of roller derby's enormous expansion during that time. The sport has, by all accounts, undergone enormous growth since 2011, especially in terms of the number of participants both in the United States and abroad.³⁷ To provide just one indication of this ongoing expansion, the membership of the dominant roller derby trade association, the Women's Flat Track Derby Association (WFTDA), grew by more than 10 percent in De-

ember 2014 alone.³⁸ The increase in trademarked derby names could simply reflect the increase in the number of participants in the sport. Nor did my recent research reveal a cultural shift in how skaters regard the role of formal law in protecting their names. On the contrary, skaters still tend to find trademarks a waste of time, at least as a way of maintaining name protection within the derby world. New York Gotham Girl and Team USA star Sexy Slaydie considered the trademark option, but decided against it because her stature within the derby world would likely deter anyone from copying her skate name.³⁹ And less well known skaters who have contemplated trademarking their names have typically dismissed the idea as too time-consuming and expensive, as well as unnecessary in light of the derby community's informal norms against name copying.⁴⁰

So if the relative increase in derby-name trademarks since 2011 is meaningful, it is probably not because the derby world has become more reliant on formal law in lieu of social norms. Rather, it is more likely a product of an increase in skaters' translating their notoriety and reputation on the track into derby-related businesses. As I noted in my earlier work: While skaters found trademark both cost-prohibitive and ineffective as a means for assuring name uniqueness within the derby community,⁴¹ what linked the few skaters who registered their pseudonyms even then was that they were creating commercial entities linked to their names.⁴² What they sought from trademark law was, like any other owner of a valuable brand, protection from infringement from the world at large.⁴³ Most of the new spate of registrations fit this model. For example, Bonnie D. Stoir, an elite skater for the San Diego Derby Dolls, has translated her derby expertise into a successful trade in coaching, seminars, and videos.⁴⁴ It is thus not surprising that in 2013, Bonnie applied for and received trademark registration for her skate name, under which she sells her derby-related services.⁴⁵ Finally, it is worth noting one skater's interesting—though outlier—opinion that in light of the recent decline in the importance of maintaining unique derby names, the minority of skaters who truly do care about having sole exclusive rights to their monikers should have to demonstrate that preference by going through the time and expense of securing a formal legal trademark.⁴⁶

A major premise of "Talk Derby to Me" was that skaters consider the uniqueness of their names important, and the evidence from 2008–2011

certainly bore this out. While community norms theoretically allowed derby folks to share names, so long as the senior user of the name permitted it,⁴⁷ the Master Roster revealed as late as 2011 only a handful of instances in which this actually took place, though that number had grown to just under twenty by later that year.⁴⁸ The very premise of the Master Roster was that registrants should get property-like exclusive rights over their names,⁴⁹ reflecting the general consensus at that time in favor of uniqueness and against duplication.

More recent evidence, though, indicates that this norm has changed dramatically. Now, skaters tend to express opinions ranging from decreased concern to indifference or even scorn for the idea that they should insist on unique names. Sausage Roller of Manchester (UK) Roller Derby indicated that he is fully aware of and copacetic with at least two other skaters, one with an identical name (Sausage Roller of Bay Area Derby Girls) and one with a phonetically indistinguishable one (Sausage RollHer of Otway (Australia) Derby Girls).⁵⁰ Sexy Slaydie echoed this reaction from a different perspective, observing that if another skater took her name, she would find it laughable rather than offensive.⁵¹ Each of these two expressions of indifference toward name duplication could be explained differently. Sausage's name-twins are so geographically far-flung as to eliminate any risk of confusion, while Slaydie enjoys enough international renown that a newbie seeking to take her name would likely be jeered off the track as a rank poser. A noob adopting the name "Sexy Slaydie" would be an absurdity on par with a garage band taking the name "U2." Slaydie also benefits from what some have termed the "unwritten rule" that you "can't take a name of a skater that's well known or famous," which would lead to "a lot of kickback" from the derby community.⁵²

Still, these opinions do not square with the consensus I reported five years ago, where insistence on name uniqueness overbore even practical concerns such as likelihood of confusion.⁵³ Sausage and Slaydie's observations appear to reflect a more general trend, one noted by Frisky Sour, who observed that people care less about derby names than they used to five years ago. Comments on derby-related Internet sites confirm the increasing sense that name uniqueness is no longer a highly prized value in the derby community. Kim Penetrable expressed a typical opinion that is the polar opposite of the mine-alone approach that was typical

some years ago: “[I]n my opinion, don’t stress[] if someone else is using your name or similar, say hello, make a friend and keep skating!!”⁵⁴ The volunteers who run the new registration site Roller Derby Roster, discussed in more detail below, report that not a single skater has complained about their policy of registering duplicate derby names.⁵⁵

The shift from a strong sense that names should be exclusively associated with individual skaters to the current norm that sharing names is acceptable represents a major change in the preferences that underlie the norms of the derby world. What explains this? Part of it may simply be a concession to the practical challenges of securing the exclusivity of derby names as derby continues its sprawling global growth.⁵⁶ The past four years have seen thousands, and possibly tens of thousands, of new participants join the sport, with an increasing percentage of this growth coming from outside the United States. The explosion of new skaters, combined with the related collapse of the Master Roster, as detailed below, left newbies unable to conclusively determine whether their preferred names are already in use.⁵⁷ Large-scale coordination is impossible without an effective coordination device. The rapid expansion of derby has also exacerbated the problem—complained about by fresh meat skaters even five years ago⁵⁸—that nearly all the good derby names are taken.⁵⁹ Sexy Slaydie recently lamented that she hadn’t heard of a great and truly original derby name in years.⁶⁰ In light of this, name exclusivity begins to seem like a selfish move by derby veterans at the expense of newbies, unless perhaps it promotes some other important value. And in the increasingly far-flung world of contemporary derby, it is hard to identify what that value would be. Most skaters agree that not copying the name of a local competitor is an important courtesy and means of avoiding name confusion, but with the exception of the few skaters who compete internationally, the confusion-based harm that a Tokyo-based Anita Kill would inflict on her Boston-based namesake is negligible.⁶¹ The move away from insistence on name exclusivity may thus be not only a product of necessity, but also of this changing cost-benefit calculus as well.⁶²

And, while derby names remain a distinctive and fun element of the sport for most observers and many participants, there is also a growing chorus of criticism about them. Some skaters have pointed out that the old approach whereby derby people would be entitled to an exclusive

name was inconsistent with derby's community ethos. Roller derby is supposed to be a share-alike world, not one that is characterized by self-aggrandizement,⁶³ and the kinds of disputes that will necessarily arise in a world where skaters feel wronged by others using similar names threatens this sense of unity. Some skaters regard those who make an issue of the exclusivity of their names as creating unnecessarily self-ish conflict that undermines derby's sense of amity. "It's definitely not sportswomanlike to get all bent out of shape," observed tennesseefrisky, "Derby is supposed to be unifying!"⁶⁴

The decreasing concern about name uniqueness may also be due to the growing sense that derby is a serious sport that should be defined by the excellence of its athletes, not the countercultural vibe that set the sport apart in its early days.⁶⁵ In contrast to the former sense that names were central to one's identity within the sport, some skaters have dismissed them as mere "vanity plates,"⁶⁶ admonishing those who have "their panties in a bunch" over name disputes to "put on [their] big girl skates and . . . uh . . . skate."⁶⁷ "There's a lot more to this sport and having an impact," commented DCB, "than what you're called."⁶⁸ Related to and reflecting the decline in concern for derby name uniqueness is the increasing trend of skaters competing under their own names.⁶⁹ While this remains a minority practice,⁷⁰ it has been adopted by a majority of competitors in one league⁷¹ and on some all-star teams,⁷² and a number of skaters have cited it as part of the explanation for declining anxiety about the exclusivity of derby names.⁷³

The move away from concern for unique derby names does not mean that skaters have grown entirely indifferent to who is skating under their name. Some skaters continue to insist on name exclusivity. New York Gotham Girl Fisti Cuffs, for example, declined a request by an Australian skater to compete under her same name.⁷⁴ And Rose City Roller Leet Seeking Missile has expressed her will that no one else will have her name⁷⁵—even though she has retired from skating. Still other skaters remark that while they think tolerating name duplication is the right thing to do in an age of scarce monikers and numerous skaters, they would be somewhat disappointed to find their derby name used by another competitor.⁷⁶

The foregoing two descriptive points raise a puzzle: If skaters cared deeply about name exclusivity, but declined to use formal law to enforce

their names, how did they do it? The answer, at least some years ago, was a formal but extra-legal system by which administrators vetted the uniqueness of proposed names and posted approved ones to a publicly available registry, the Master Roster. I described the Master Roster in detail in “Talk Derby to Me,” extolling its virtues as a form of spontaneous order but acknowledging the extent to which it was already beginning to crack under the strain of more submitted names than its handful of volunteer administrators could handle. Even when the Master Roster was first initiated, nearly a decade ago, skaters were complaining about long delays between submitting a name and its registration and appearance on the Roster.⁷⁷ Elsewhere, I have reflected on the challenges faced by a system that depended on a handful of people to register thousands of new names a month—as well as clear a years-long backlog of names that had already been submitted but were never processed.⁷⁸ In early 2012, there appeared to be some hope that the Master Roster could right itself. A new administrator, Elaina B., brought energy and diligence to the challenge, and through months of extracurricular effort had reduced the name backlog substantially.⁷⁹

Nearly four years on, though, the Master Roster has finally ground to a halt. Those in the derby community with long enough memories speak of “olden times” when the Roster “worked just fine.”⁸⁰ The current consensus is that derby has long since entered a post–Master Roster era, leading to a vacuum where there was once a sense of order.⁸¹ Elaina B. confirms that by late 2012, even her valiant efforts at clearing the backlog of submitted names and managing the onslaught of new proposed names outstripped what little time she could spare with competing derby and family duties.⁸² She threw in the towel in late 2012,⁸³ and the fact that no one volunteered to replace her likely illustrates the shared sense that the derby-name-registration system as it was then conceived could simply no longer function effectively.

The reason for the collapse of the Master Roster is no mystery. The structure of the Roster required the administrator, and perhaps a few helpers, to individually vet each name, process it, and post it online.⁸⁴ While some leagues had designated “name wranglers” whose job it was to clear names and submit them in groups, their work was invariably imperfect, so that the Roster administrator would still typically check whether a submitted name was identical to a preexisting one (in which

case it would be rejected outright) or similar (in which case it would be returned to the proposing skater to seek clearance from the preexisting registrant). The degree of similarity would determine different outcomes—a highly similar name would likely be rejected, while for a less similar name, the administrator might ask the proposing skater to seek clearance from the senior user. Making these kinds of judgment calls meant that registering names on the Roster moved at a snail's pace. And, in addition to registration, administrators also had to negotiate complaints from dissatisfied skaters, answer questions from league name wranglers, and handle all other kinds of time-consuming minutiae. So when the number of submitted names continued to skyrocket throughout 2012, it slowly became clear that the system as currently conceived had become unsustainable.⁸⁵

The collapse of the Master Roster did not, however, lead to a free-for-all in terms of duplicate name usage. The registration system did not constitute, but rather reflected, roller derby's name norms. The core derby principle—don't be a douche bag⁸⁶—admonished skaters to treat each other with dignity, including not copying names, or at least asking permission to do so.⁸⁷ And competitors with international reputations report even today that the respect and notoriety they have earned on the track effectively prevents name duplication regardless of any formalized claim to their derby pseudonym.⁸⁸ What did change in the wake of the Master Roster's demise was any reliable notion that one's name was truly unique, since newly registered names stopped appearing in 2012 (and some report that their names never appeared despite earlier submissions). The result of this was an uptick in simultaneous name usage, though much more likely as the result of good-faith accidents in light of the global and numerical expansion of the derby population rather than intentional copying.⁸⁹

Another reason that respect for derby names has persisted following the demise of the Master Roster is that other sites have risen up in its place to enable name registration, albeit with different administrative and conceptual approaches. Roller Derby Roster (RDR) is the closest lineal successor to the Master Roster.⁹⁰ The site is run by administrators who manage incoming name submissions and, once cleared, add them to a solely advisory database that includes all the names registered on the Master Roster,⁹¹ as well as the ability to search the roster for preexist-

ing names.⁹² RDR requires registering skaters to first create an account, after which they can submit a name and modify it through their online profile. A skater who quits derby can, for example, indicate on her profile that her name has been “retired,” and that status will be reflected on the name-registration database.⁹³ And in terms of name exclusivity, the site advises:

We strongly suggest that you check all of your league names and skater names against the current version of the master roster before submitting them. Duplicate and similar league and skater names are allowed, but really, what is the fun in that? Most of us didn’t get to choose the name our parents gave us, so here is your chance to go wild. Pick something that fits YOU, your unique personality and skating persona.⁹⁴

RDR thus seeks to strike some balance between the need to tolerate duplicate names and the desire not to abandon the notion of originality entirely. Their official rules reflect the new norm that overlapping names are formally permitted, but appeal to skaters’ sense of adventure to push in the direction of encouraging name uniqueness.⁹⁵

Another relatively new site,⁹⁶ Derby Roll Call (DRC),⁹⁷ eschews the Master Roster and its administrative approach entirely. DRC is the brainchild of Manchester Roller Derby skater Sausage Roller, a computer programmer by trade who developed the site when he attempted to come up with a coding solution to the derby-names coordination problem. DRC allows skaters to register their names by filling out a simple online form with only their derby name and email address (league is requested as optional information). Once a skater has submitted these two pieces of information, their name will appear on DRC’s list without any intervention by an administrator. DRC touts its automated approach as a way to allow its registry to “cope with the amazing growth our sport is seeing.”⁹⁸ The lack of approval as a precondition for registration also necessarily means that the site tolerates duplicate names, but DRC embraces this openly: “Given how many people are finding out about derby every single day, it’s inevitable two people will come up with the same name at the same time. Who are we to decide who got there first? The site’s approach is to accept this duplication and try to inform everyone about the situation.”

DRC thus serves a mainly informational function: It maximizes the ease with which skaters can register names in the hope that this will create awareness of preexisting identical and similar names.⁹⁹ The site also aspires to facilitate dialogue between skaters with similar names by sending emails to existing registrants when a new skater registers a name similar or identical to theirs,¹⁰⁰ further facilitating the ability of skaters to resolve name disputes among themselves. The site's approach has proven very popular. Since DRC was launched in early 2014, nearly 20,000 skaters have registered their names on the site.¹⁰¹

These two sites represent very different strategies to derby name registration in the post–Master Roster era. RDR uses the same basic structure as the Master Roster, but with some tweaks, most notably a greater degree of automation and streamlining of submitted data.¹⁰² DRC represents a more radical departure from the Master Roster model, doing away with the notion of name approval entirely, and instead seeking only to provide information to and facilitate resolution between skaters regarding their names. It also bears noting that there are a handful of other specialized registration sites that (unlike RDR and DRC) are available only to a subset of the derby community. The Junior Roller Derby Association (for skaters under age eighteen) operates its own registry for which “the only rule is that the name be G—PG”¹⁰³—i.e., that it not have sexual, violent, or other adult content. The list is not, however, meant to create enforceable, exclusive name rights for registrants. On the contrary, its administrators remind users that “this listing is *PURELY* for entertainment purposes! Please do not ask someone to change THEIR name at any time because it's ‘too close to your name.’”¹⁰⁴ Roller Derby Australia also operates a registry that is limited to skaters from that country. It still uses the Master Roster model, where skaters (or leagues) submit names via email to one central administrator for approval.¹⁰⁵ Unsurprisingly, the Australian registry has experienced similar backlogs to the Master Roster, and has apparently received the same kind of impatient emails from skaters frustrated that their names have not been registered more promptly.¹⁰⁶ In contrast to other sites, the Australian registry does not openly take a position on the registration of duplicate names.

Cultural Change and Social Norms

In the past four years, attitudes toward skate names in the roller derby world have undergone a significant change. What skaters tended to want in the early days of derby's countercultural resurgence was name uniqueness. As a result, the informal regulatory system that emerged to manage derby names used exclusion-oriented property strategies. The Master Roster provided a basis for claiming a derby name exclusively, so long as a skater successfully showed that she was the first to register it. This is a race approach to first possession, similar to law's means of securing property rights in wild animals and works of authorship, and the winner of that race could expect that no similar names would be registered without her permission.¹⁰⁷ The most significant shift in the derby rosters that have arisen in the wake of the Master Roster's desuetude is not that they use technology to streamline the name submission process, but that the new rosters reject the idea of name uniqueness. RDR tolerates the idea of duplicate names, but acknowledges that they are acceptable. DRC, though, embraces the idea of name duplication as a necessity in the increasingly large and global new roller derby world.

This regulatory change raises a question: Why have a registry at all if name uniqueness is a thing of the past? What is the point of letting the community know you are using a name if this will not prevent others from using the same name? The answer is coordination. Traditionally, property owners register their interests, such as in chains of title memorialized in public records. This public memorialization brings the twin advantages of securing the priority of an owner's interest and facilitating coordination with other interested parties: If you discover while searching title that a parcel of land is saddled with a mortgage, that enables you to avoid acquiring an encumbered property, or to enter into a negotiation with the mortgagee to resolve the cloud on title. The new derby name registries may not declare a name to belong exclusively to a skater, but they do still serve this valuable coordination function. If a newbie skater thinks up a name, the fact that it has been registered already does not mean that she cannot use the name, but it would certainly affect how she approaches its use. It may mean that the moniker no longer appeals to her, if she has a strong desire to find a truly unique name. But if the skater does continue to want the name, the registration may allow

her to determine whether—despite the increasing tolerance for duplicate names—she considers the other skater’s name too similar, or their location too proximate to permit name duplication as a matter of courtesy.¹⁰⁸ Finally, discovering a preexisting name on a registry is useful because, as with physical property, it enables dialogue between skaters about how and whether to share the name. DRC, for example, features information about a skater’s league when it returns names similar to a proposed one, thus making it easier to locate and contact skaters who already use a proposed pseudonym. And DRC’s in-process function that seeks to notify skaters when a name similar to theirs has been registered would do even more to facilitate the kind of dialogue that furthers the coordination function of the new roller derby name registries.

Two trends emerge from this analysis: The norms governing roller derby names have moved from exclusion to sharing;¹⁰⁹ and the systems used to regulate those names have moved from seeking to secure unique names to facilitating coordination between skaters with interest in the same name. Both norms about name exclusivity and the systems used to regulate names have changed. This points toward an interesting and difficult question regarding the causal relationship between these two trends. Did the collapse of the Master Roster force the derby community to become more tolerant of name sharing? Or did other trends—globalization and explosive growth—lead to the collapse of name-exclusivity expectations, so that the new registries simply reflected this preexisting trend? This kind of chicken-and-egg question may not be possible to answer, so it is important to be cautious about any conjectures. One skater did suggest that she thought the notion of unique derby names could have survived had the Master Roster not collapsed, suggesting that the inability to secure exclusive name rights led skaters to abandon their old expectations. Frisky Sour observed that the difficulty of registering a name on the Master Roster—which typically required complying with league prerequisites and having your name approved by your league’s name wrangler—made skaters value their names more when they were finally approved under the old regime. But most skaters emphasize independent explanations for the new norm of name openness, chiefly the impossibility of finding unique derby names for thousands of new skaters per year, but also the move from derby as a subculture where everyone knows each other into a global sport and

widely shared passion. There is little evidence, though, that the Master Roster's demise occurred simply because no one cared about derby name exclusivity anymore. On the contrary, the evidence indicates that concern for names persists, but that this concern has changed in its character and intensity.

The evidence is too thin to assay any strong conclusions, but one possibility is that the above chicken-and-egg phrasing of the problem (did the collapse of the Master Roster lead to increased indifference to derby names, or vice versa?) miscasts the inquiry. Another explanation, and likely the most plausible one, is that they were not causally related to each other, but instead were different products of the same external phenomenon. The numerical growth of skaters and the international reach of the sport made it impossible for the Master Roster—at least, as it was traditionally constructed with no automation and one or only a few administrators—to function. These two trends also eroded skaters' concern for unique derby names because it was increasingly difficult to find any such names, and the possibility of offending or being confused with skaters elsewhere in the world also diminished. Both the strong preference for exclusive derby names and the major system used to preserve it were epiphenomenal of each other. The recent changes along both of these metrics were, in all likelihood, caused by the geographical and absolute growth of roller derby itself.

At first glance, this updated account of the extralegal regulation of roller derby names may look like a story about the failure of such regulation: The Master Roster worked well enough to a point, but when demands grew too great, it collapsed. This was not because it was impossible to register all submitted derby names. Rather, it was because the time investment required to process those names overwhelmed the time and resources available even to committed volunteers for whom the Master Roster was a labor of love.¹¹⁰ This failure must be attributed to the norm-based character of roller derby's name regulation system. The defining characteristic of social norms is, of course, that they operate independently of the state. Were the Master Roster a state-supported bureaucracy, it would likely have persisted despite roller derby's expansion. For instance, the various state-funded Departments of Motor Vehicles continue to do their dreary work, despite that they are labors of love for no one. Indeed, this may still have been true had roller derby been

a for-profit sport with a professional association that embraced name registration as a function on which it was willing to expend capital.¹¹¹

Upon closer examination, though, the localized failure of the Master Roster is more accurately seen as part of the overall success of norm-based regulation of roller derby names generally. The Master Roster's demise took place at a time when community expectations about exclusive derby names were already diminishing. Its collapse would look very different if it had happened in an environment when skaters still felt very strongly about unique names, so that the absence of a registry created chaos and an inability to secure name exclusivity. Instead, though, the Master Roster's demise was thus part of an overall change in name ownership norms. By the time it had ceased to function in late 2012, its relevance was much more limited than it was even a couple of years previously.

The decline of the Master Roster may be recast as a success story for derby norms for another reason. Though the existence of a registry is very useful, it is not absolutely necessary to maintain roller derby name norms. Even absent a central registry, skaters can and do still research nicknames they imagine for themselves. Often when they find from word of mouth or another league's website that a preexisting skater has the same name, they will reach out to contact that skater to ask whether she would tolerate use of a similar name. Roller derby's community ethic leads to a degree of self-policing in name usage—even absent a registry—that is governed by norms of courtesy rather than exclusivity. Some degree of name exclusivity persists in the post-Master Roster era for a related reason: Top skaters have earned enough fame and credibility that they have something like brand recognition. International stars like Sexy Slaydie or Fisti Cuffs, or old-school derbyists who have successful derby businesses like Ivanna S. Pankin or Bonnie Thunders, don't need to worry too much about new skaters taking their names, since that would seem like an outrageous and inauthentic ripoff that no one would take seriously.¹¹² These skaters' brands are so strong that they need fear neither confusion nor dilution.

But perhaps the most compelling reason that the decline of the Master Roster is a story of the success, not the failure, of norm-based regulation of derby names is that it facilitated the rise of registries that better reflect the emergent tolerance for name duplication in the roller derby commu-

nity. The Master Roster, as we have seen, was premised on a property-like notion of exclusion: Once your name was registered there, it was understood that you had an informal, subcultural entitlement to use that name to the exclusion of another. The registries—RDR and especially DRC—that arose following the collapse of the Master Roster reflected a very different ownership strategy that made name-sharing presumptive, and these registries were constructed in order to facilitate this coordination approach rather than the exclusion approach that prevailed before. So while the decline of the Master Roster was not a conscious response to the decreasing interest in name uniqueness, it still fortuitously dovetailed with this change in the derby community's attitude toward their pseudonyms.¹¹³ The demise of the Master Roster may thus be regarded as a positive development, retiring a registry that no longer reflected prevailing norms, and paving the way for the emergence of systems that were based on and better reflected those new norms.

Regulation via social norms, as the story of the Master Roster's decline illustrates, is likely more susceptible to change than is regulation via formal law. The replacement of the Master Roster by newer registries happened organically. It did not require the approval of legislatures or the intervention of judges. So is this malleability a feature or a bug of regulation by social norms? The answer likely depends heavily on context. The story recounted here is an optimistic one of creative desuetude, where the decline of the Master Roster created the space within which alternative systems arose that more accurately reflected the derby community's new attitude toward skate names. Here, the malleability of norms-based regulation worked well in concert with changing subcultural preferences, and the insistence of WFTDA not to effect centralized control of the Master Roster appears wisely prescient. But it bears reflecting that this was not the only possible outcome. The Master Roster ceased to function at the same time that the derby community's insistence on name exclusivity weakened, but it did not cease functioning *because* of this norm change. Had the Master Roster broken down while skaters still had a stronger desire for name uniqueness, its unavailability would have been a problem rather than a blessing.

Conclusion

The great studies of norms—Ellickson, Bernstein, Ostrom—tend to take long, detailed looks at particular systems of informal order. This approach generates deep analysis and important insights about how such systems function. But these pictures tend to be static. They are snapshots, albeit highly detailed and useful ones, that exist outside a temporal context. This chapter, by contrast, has sought to introduce the element of time into the study of social norms by examining how the extralegal regulation of roller derby names has changed since I completed my research for “Talk Derby to Me” in 2011. Those changes have been substantial. While state-created law (trademark) remains marginal, the Master Roster is no more, having collapsed under the weight of too many submitted names for one volunteer administrator to handle. Even more significantly, the desire for name exclusivity on which the Roster was based has also eroded, replaced by a new tolerance for name sharing. This norm shift has ushered in a new generation of derby name registries that seek to facilitate coordination rather than exclusion.

Examining norm systems—or at least this one—across time showcases the greater pliability of such systems as compared to state-created legal regimes. That norms-based regulation has this quality is not terribly surprising; it is a familiar point that the apparatus of the state—whether the sclerotic legislative process or the deeply conservative common law approach to adjudication—slow the passage of new legislation and the establishment of new rules of law. Norm-based systems, unhindered by the state’s administrative ballast, can respond more quickly to changes in social norms. This claim is solely descriptive. While the story of derby name regulation is an object lesson in which the flexibility of extralegal regulation worked well in combination with developing social norms, this may not always be the case. It remains necessary to state the implications of this case study conservatively: One factor that recommends, or disfavors, social norms is the appeal of relatively rapid over glacial systemic change.

NOTES

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- 1 This was the IP Scholars' Conference (IPSC) at Stanford University in August 2008, where Sprigman and Oliar presented "There's No Free Laugh Anymore: The Emergence of Intellectual Property Norms and the Evolution of Stand-Up Comedy," 94 *Virginia Law Review* 1787 (2008).
- 2 90 *Texas Law Review* 1093 (2012).
- 3 This work, of course, is Robert Ellickson, *Order Without Law: How Neighbors Settle Disputes* (1991).
- 4 I chose to include the conclusion, "The Twilight of Derby Names," in "Talk Derby to Me," 1149–52, shortly before the article went to press, following conversations with skaters who were increasingly skeptical about the practice of skating under pseudonyms.
- 5 I summarize the history and context of roller derby in "Talk Derby," see *ibid.*, 1099–1115, and mostly cite that article in this chapter's descriptive account of derby. But for those justifiably fascinated by the sport, two outstanding books that provide a deeper examination of its roots and culture are Jennifer "Kasey Bomber" Barbee and Alex "Axles of Evil" Cohen, *Down & Derby: The Insider's Guide to Roller Derby* (2010) and Catherine Mabe, *Roller Derby: The History and All-Girl Revival of the Greatest Sport on Wheels* (2007).
- 6 Fagundes, "Talk Derby," 1100.
- 7 *Ibid.*, 1101.
- 8 See Barbee and Cohen, *Down & Derby*, 72–73 (discussing community as a source of derby's appeal).
- 9 Fagundes, "Talk Derby," 1100–1101 (discussing the global expansion of roller derby).
- 10 E.g., the Sydney Roller Derby League, <http://www.sydneyrollerderby.com/>.
- 11 E.g., Buenos Aires Roller Derby, <http://buenosairesrollerderby.com/>.
- 12 E.g., Glasgow Roller Derby, <http://www.glasgowrollerderby.com/>.
- 13 E.g., C-Max (Johannesburg) Roller Derby, <http://cmaxrollerderby.com/>.
- 14 Back when I was going to LA Derby Dolls bouts regularly, for example, the Dolls were supported by gothically styled "fearleaders" in lieu of cheerleaders and their bouts featured NSFW—but highly entertaining—narration by Evil E.
- 15 Get it? If not, see "5 Tips on How to Create Your Roller Derby Name," *Caroline on Crack* (July 13, 2010), <http://carolineoncrack.com> (quoting Raven explaining her name).
- 16 Fagundes, "Talk Derby," 1102–08 (discussing the relevance and importance of derby names within the derby community).
- 17 See *ibid.*, 1151 (reflecting on the then-nascent phenomenon of skaters rejecting pseudonyms and competing under their government names).

- 18 Ibid., 1108–09 and nn.76–79 (quoting Cheap Trixie as saying, “When you bite on someone’s style you look like a douche and so uncool”).
- 19 Ibid., 1110–11 (explaining that this concern is especially salient as derby competitions become national and international).
- 20 Ibid., 1111–12 (noting that overlapping name usage inflicts dignitary harm on preexisting users’ identities within the derby world).
- 21 This is because the growth of derby has expanded faster than available pop culture references has grown, so that skaters often find themselves thinking of five or six names before they come up with one that has not been used before. Ibid., 1112–13.
- 22 Ibid., 1113.
- 23 Ibid., 1111 (discussing skate names as bases for subcultural skater identity); see also the interview with Sexy Slaydie (observing that skaters choose names to build identities around them).
- 24 See generally 15 U.S.C. §§1051, 1053, 1114 (establishing protection for marks used in connection with goods and services used in commerce); e.g., *Hirsch v. S.C. Johnson & Son, Inc.*, 280 N.W.2d 129, 130 (Ill. 1979) (upholding the registration of the “Crazylegs” nickname for former football star Elroy Hirsch).
- 25 Ibid., 1129–30.
- 26 Ibid., 1131–32 (discussing the legal-centralist implications of much of the IP norms literature); e.g., see chapter 1, “Norms-Based Intellectual Property Systems,” by Emmanuelle Fauchart and Eric von Hippel (arguing that “conditions [are] favorable to norm-based IP systems” when “any extant law-based . . . IP protection [is] inadequate or unsatisfactory”).
- 27 Fagundes, “Talk Derby,” 1132–33 and n.202 (citing evidence from founding members of early roller derby leagues that norm-based derby name regulation arose independently of consideration of legal alternatives).
- 28 See *ibid.*, 1114–29 (discussing the operation of the Master Roster generally).
- 29 As I explain below, though, the Master Roster has ceased to include new names, so that its utility is limited to the informational function of reflecting names that were registered as of late 2012. <http://www.twoevils.org/rollergirls/>.
- 30 Fagundes, “Talk Derby,” 1118 and n.128 (citing as the first rule of the Master Roster the “uniqueness requirement [that] only one skater can skate under a given name”).
- 31 Ibid., 1119 (describing and explaining the operation of the Name Checker).
- 32 Ibid., 1121–31 (discussing adjudication and enforcement).
- 33 One constant complaint lodged by skaters was the lapse of time after they submitted their name and before it was approved and posted by the site’s administrators. This gap was due to the understandable challenges undertaken by the administrators of clearing thousands of submitted names per month, which in addition to day jobs and league responsibilities, could be an overwhelming task. See Dave Fagundes, “The Varieties of Motivation and the Problem of Supply: A Reply to Professor Ellickson,” 90 *Texas Law Review*. See also 311, 313–14 (2012). As I discuss below in more detail, it was the understandable inability of the site’s administra-

- tors to manage the ever-increasing influx of names that led to the Master Roster's desuetude.
- 34 Fagundes, "Talk Derby," 1117 ("[W]hile there are (and have been for some time) movements afoot to supplant [the Master Roster] with a newer, better version, it remains for now the dominant, unique means by which roller derby girls can register their skate names[.]").
 - 35 See *ibid.*, 1129–30 (discussing rare instances of derby girls registering their skate names as trademarks). The PTO website is publicly available at <http://www.uspto.gov/>.
 - 36 I performed this search on April 12, 2015, using the Trademark Electronic Search System (TESS) on www.pto.gov. I searched the "goods and services" field of all live and dead trademarks for the phrase "roller derby," which returned 188 results. I then sorted through each entry to identify the marks that were claimed by individual skaters as opposed to leagues, derby-related businesses, or other entities.
 - 37 Interview with Sausage Roller (commenting on the roller derby explosion, including internationally, over the last several years).
 - 38 WFTDA added 29 leagues in December 2014, raising its total league membership from 273 to 302. "Roller Derby Rankings, Tournaments, and Growth," *Derby Central* (Jan. 13, 2015), <http://www.derbycentral.net>.
 - 39 She explained that because of her international profile, everyone is aware that the name Sexy Slaydie belongs to her, and other skaters would consider it a painfully unoriginal breach of subcultural norms even to try to use it.
 - 40 Interview with Brett Rogers (explaining that he decided not to trademark his daughter's junior derby name for these reasons). These are more or less exactly the same reasons that skaters reported for their indifference to registering their skate names when I researched "Talk Derby to Me." See Fagundes, "Talk Derby," 1132–33.
 - 41 One skater reported that her teammate had "received a cease and desist letter from a skater with the same name." Comment of Breaking Back Sunday, in "Duplicate roller derby names," *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>. But this remains an isolated and unconfirmed reference, and Breaking confirmed the anomalousness of this purported resort to formal law: "To me, that was just so extreme and against the spirit of the derby world." *Ibid.* Other skaters concurred. See comment of Frisky Sour, *ibid.* ("YIKES.").
 - 42 Fagundes, "Talk Derby," 1129–30 (noting, for example, that O.G. skaters Trish the Dish and Ivanna S. Pankin both trademarked their names as part of their starting Sin City Skates, a business that vends derby-related goods).
 - 43 For this reason, leagues and some teams tend to trademark their names as well. *Ibid.*, 1130 and n.192.
 - 44 See Bonnie D. Stoir Official Site. <http://www.bonnieastroir.com/>.
 - 45 PTO word mark BONNIE D. STROIR, serial no. 85717219, approved for final registration Apr. 23, 2013.

- 46 See comment of VicGoria, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com> (“My two cents is: If you care enough about your derby name then you can trademark it like some skaters have”).
- 47 See Fagundes, “Talk Derby,” 1118 and n.128.
- 48 Ibid. 1121, n.147. From today’s vantage, this relatively rapid growth in name-sharing likely represents one of the first instances of the eroding concern for name uniqueness.
- 49 For example, the Master Roster’s accompanying rules stated that duplicate names were allowed only with the permission of the prior skater who had registered the name. Ibid. 1118, n.128.
- 50 Interview with Sausage Roller.
- 51 Interview with Sexy Slaydie.
- 52 Email exchange with Frisky Sour, June 9, 2015 (on file with author).
- 53 Fagundes, “Talk Derby,” 1110–13 (discussing this point and citing examples).
- 54 Comment of Kim Penetrable, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>; see also comment of Jessica Rabid, *ibid.* (noting that she learned another skater is using her name, but “I don’t really mind”); SINnamon Challenge, *ibid.* (“Should someone else take SINnamon Challenge, chances are I’d hardly notice.”).
- 55 Email from Roller Derby Roster Support, June 16, 2015 (on file with author).
- 56 Interview with Sausage Roller (explaining the decline in concern over name exclusivity as a function of the growth of derby from a few hundred skaters to nearly a hundred thousand); email from Roller Derby Roster Support, June 16, 2015 (on file with author) (“[S]katers understand the sport is growing and eventually duplication becomes a side effect of that growth.”).
- 57 See comment of DCB, *ibid.* (noting that “in the time since the ‘demise’ of the fully functional twoevils [Master Roster] . . . duplicates have become more present (mostly by accident)”).
- 58 See Fagundes, “Talk Derby,” 1112 n.92 (discussing The Boogiewoman’s regret that she ended up skating under her fifth- or sixth-choice name).
- 59 See comment of Kim Penetrable, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com> (“Considering the growth of roller derby, it’s not possible that there are enough unique names out there that aren’t at least close to someone else’s already used name.”).
- 60 Interview with Sexy Slaydie.
- 61 See, e.g., comment of SINnamon Challenge, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com> (explaining that because she skates in Japan, she would be indifferent to uses of her name elsewhere in the world). This, too, represents a different sense than the one I observed in the derby community several years ago. Then, skaters insisted on the exclusivity of their names regardless of concerns about likelihood of confusion. See Fagundes, “Talk Derby,” 1106–08 (discussing non-confusion-based reasons for insistence on name exclusivity).

- 62 Frisky Sour observed that “I would be mildly bummed if someone used Frisky Sour, but that’s not a compelling argument against duplicate names.” Posting of Frisky Sour, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>. Her comment epitomizes the new perspective on derby names, prioritizing the community need for good derby names above her personal preference for exclusivity.
- 63 Skaters who are self-interested at the expense of the group are said to violate derby’s core principle: “don’t be a douchebag.” See Fagundes, “Varieties of Motivation,” 317 n.33.
- 64 Comment of tennesseefrisky, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>; see also posting of Breaking Back Sunday, *ibid.* (characterizing a skater’s sending a cease-and-desist letter as “so extreme and so against the spirit of derby”).
- 65 Comment of Kim Penetrable, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com> (dismissing the importance of exclusive derby names in part due to the effort to “make the game more sport than spectacle if you get my drift, no fishnets, but instead compression tights, often called Grown-Up derby by my team mates”); see also the interview with Sexy Slaydie (agreeing with the proposition that contemporary roller derby is much more professional than it used to be, and that the sport’s focus is increasingly on athletic competition rather than aesthetic or alternative flair).
- 66 Comment of Kim Penetrable, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>.
- 67 Comment of VicGoria, *ibid.*; see also email from Roller Derby Roster Support, June 16, 2015 (on file with author) (“At the end of the day, playing roller derby is about athleticism, teamwork, and having fun. If your heart is set on having the same name as someone 1,000 miles away from you, who are we to tell you that you cannot take on that persona.”).
- 68 Comment of DCB, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>.
- 69 I noted this then-nascent trend in “Talk Derby to Me,” 1107 n.71 (“It bears noting that a small number of skaters have begun skating under their legal names.”).
- 70 Interview with Sexy Slaydie (noting that most skaters still use and enjoy pseudonyms despite a vocal minority who do not).
- 71 A majority of skaters for Denver Roller Derby use their own names. DRD also changed its league name from “Denver Roller Dolls” to solidify the legitimacy of the sport in the local community. “Rebranding for Equality: Dolls Set Precedent with ‘Denver Roller Derby’ League Name,” *DenverPost.com* (Feb. 9, 2015), <http://yourhub.denverpost.com>.
- 72 E.g., Team Legit, <https://www.facebook.com> (a flat-track all-star team that used government names as far back as 2008, and took its name in part from this feature).
- 73 Comment of Roarshock Tess, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com> (“All in all, I really don’t mind duplicate

- names. Personally, I think we should just make a move to use our real names [don't hate me].”).
- 74 See interview with Sexy Slaydie (recounting this story about Fisti Cuffs). What is less clear, interestingly, is whether the Australian skater actually honored Fisti's admonition and chose a different name.
- 75 Email from Frisky Sour (“my friend swears that no one else will ever be Leet Speaking Missile EVER”).
- 76 See posting of Frisky Sour, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com> (reflecting that she would be “mildly bummed if someone used Frisky Sour”).
- 77 Fagundes, “Talk Derby,” 1149–50 and n.279 (discussing increasing problems with and complaints about the Master Roster even four and five years ago).
- 78 See generally Fagundes, “Varieties of Motivation.”
- 79 Elaina B. had high hopes at the time she initially signed on to help with the Master Roster around late 2011. *Ibid.*, 313 (“If I say I'm going to do a job, I'm going to do it. Even if it kills me. And I'm going to do it right.”). As of early 2012, she had actually reduced the Master Roster backlog significantly. *Ibid.*, 312 n.4.
- 80 Posting of Frisky Sour, in “Duplicate roller derby names,” *littleanecdote.com* (Jan. 23, 2014), <http://littleanecdote.com>. Frisky actually pegs the days when the Roster “worked just fine” as around 2007, noting that “a few years later” delays were already becoming problematic. *Ibid.*
- 81 See comment of Kim Penetrable, *ibid.* (lamenting that “[i]f [the Master Roster] worked, then the whole unique name thing could probably have worked”).
- 82 Interview with Elaina B.
- 83 *Ibid.*
- 84 The puzzle that I've never been able to solve is why the organizers of the Master Roster insisted that names had to be registered only by a handful of administrators. The stated rationale was always that the administrators had to be consistent with their choices and that too many decision makers would lead to disorganization and confusion. But any such downsides seem minimal in comparison with the upsides of actually getting enough names registered. The Master Roster seemed ideally suited for the kind of community-based crowd-sourcing solution that roller derby has so effectively used elsewhere.
- 85 Interview with Elaina B.
- 86 See Fagundes, “Varieties of Motivation,” 317 n.33 (discussing roller derby's ubiquitous no-douchebag rule).
- 87 Fagundes, “Talk Derby,” 1118 and n.128.
- 88 Interview with Sexy Slaydie.
- 89 See comment of DCB, email from Roller Derby Roster Support, June 16, 2015 (on file with author) (noting that “in the time since the ‘demise’ of the fully functional twoevils [Master Roster] . . . duplicates have become more present (mostly by accident)”).

- 90 The site acknowledges that it was “adopted from the original Roller Derby Master Roster[.]” <http://www.rollerderbyroster.com> (“guidelines” tab). RDR’s volunteer managers also report that “[t]o help keep the legacy of the original names we imported the list that Two Evils had.” See email from Roller Derby Roster Support, June 16, 2015 (on file with author).
- 91 Nothing about the original Master Roster suggested it was mandatory—in fact, many skaters noted that it simply enabled courtesy—but RDR takes an even lighter approach, stating that the site “has been put together just for fun, and to carry on the spirit and importance of the Roller Derby pseudonym.” *Ibid.*
- 92 *Ibid.* (“search” tab).
- 93 These innovations have the salubrious effect of both cutting down on and streamlining name registrations. The Master Roster simply required that any skater could submit derby names via email, so that administrators themselves had to enter information that skaters input on RDR via their profiles. See Fagundes, “Talk Derby,” 1120 (discussing the technical details of how skate names were submitted to the Master Roster, including the role of “name wranglers”).
- 94 <http://www.rollerderbyroster.com> (“guidelines” tab).
- 95 The site also suggests, per Slaydie’s suggestion, that in the case of very famous skaters, duplication is unacceptable. “The world isn’t big enough for two ‘Bonnie Thunders,’” RDR admonishes. *Ibid.* (“guidelines” tab). Bonnie is a star jammer for the New York Gotham Girls. See <http://www.gothamgirlsrollerderby.com>.
- 96 Derby Roll Call launched on January 20, 2014. See interview with Sausage Roller, April 14, 2015.
- 97 Derby Roll Call. <http://www.derbyrollcall.com/>.
- 98 *Ibid.* (“The registration process is automated, allowing it to cope with the amazing growth our sport is seeing.”).
- 99 For this reason, the DRC home page offers a simple name-search functionality that returns all identical and similar nicknames to a given proposed name. For example, the proposed name “Ida Slapster” has ten similar names (including Ida Stroyder and Ida Slapabitch) but no identical matches on the site.
- 100 See <http://derbyrollcall.com> (“You may also be emailed if somebody submits an identical or similar name to you. Sausage Roller told me that this feature of the site remains in development. See interview with Sausage Roller.”).
- 101 *Ibid.* (“Number of registered names: 19,724.”).
- 102 See email from Roller Derby Roster Support, June 16, 2015 (on file with author) (“What is different about our site is that people submit their own names and then they are approved by us with the click of a button. Once approved you can come in and edit your number or league or even change your status. . . . [T]he automation helps us stay on top of things significantly.”).
- 103 Junior Roller Derby Names Listing. <http://www.juniorrollerderby.org> (“Any names that are deemed inappropriate for an organization such as the JRDA, will be removed without warning.”).

- 104 Ibid.
- 105 Derby names roster registration. <http://www.rollerderbyau.net/> (stressing in boldface and red type that “we currently only have one volunteer tending to the roster updates”).
- 106 This is clear from the site’s twice asking visitors in boldface, underlined text to “please be patient” with the registration process. <http://www.rollerderbyau.net>. The site also implores users to “Please refrain from sending check-up emails [because] we often have limited time to process emails, enquiries about your roster fill our inbox and delay roster updates.”
- 107 There were several instances of duplicate names registered on the Master Roster, but this was permitted only when the senior skater permitted the junior skater to do so. The notion that prior registration gave skaters the right to share or decline to share their name illustrates the exclusivity approach that animated the Master Roster regime.
- 108 These factors remain relevant even in the post–Master Roster age. Sausage Roller’s tolerance for duplicate names was to a large extent a result of the other skaters’ being located on other parts of the globe, and he emphasized that skaters would still consider it taboo to take the same name of someone in their league, or even in the local area.
- 109 In another respect, the norms have changed to more closely reflect substantive trademark law. I noted in “Talk Derby to Me” that derby norms mapped trademark law to the extent that skaters used many of the factors at play in the *Polaroid* test to determine whether two marks were excessively similar. Fagundes, “Talk Derby,” 1122 n.149. But this more recent change brings the substantive (norm-based) rights of skaters more in line with what U.S. law promises trademark owners: An entitlement that is limited to the scope of its geographical recognition; see *Dawn Donut v. Hart’s Food Stores, Inc.*, 267 F.2d 358 (2d Cir. 1959), rather than one that operates independently of practical considerations.
- 110 David Fagundes, “Labor and/as Love: Roller Derby’s Knowledge Commons,” in *Governing Knowledge Commons* (Oxford University Press, 2014).
- 111 Registries for American racehorses’ names, for example, functions well because it is controlled and funded by the well-heeled Jockey Club. In Australia, racehorse name registry is a public function bankrolled by the state.
- 112 Sexy Slaydie remarked that if a newbie skater competed under her moniker, it would be cause for laughter rather than concern.
- 113 And while no one was vocally critical of the Master Roster and its exclusion approach, neither did anyone fight too hard against its decline. Elaina B. recalls a few people raising their voices to keep the Roster alive after she retired, but no one ultimately followed through to actually do the work. RDR is the closest equivalent, but it explicitly embraces duplicate names, and in that respect represents a sharp departure from the Master Roster’s exclusion approach.