Unity clarifies ToS changes, welcomes back “unsupported” SpatialOS

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Days after a nasty public split with cloud gaming developer Improbable, Unity has reinstated the company’s license and updated its own terms of service to offer what it is calling a “commitment to being an open platform.”

“When you make a game with Unity, you own the content and you should have the right to put it wherever you want,” Unity wrote in a blog post explaining the move. “Our TOS didn’t reflect this principle—something that is not in line with who we are.”

The new terms of service allow Unity developers to integrate any third-party service into their projects, no questions asked. As a caveat, though, Unity will now distinguish between “supported” third-party services—those Unity ensures will “always [run] well on the latest version of our software”—and “unsupported” third-party services, which developers use at their own risk.

Under the new terms, Improbable will have its Unity license reinstated, and the company’s SpatialOS will be allowed to work with Unity as an unsupported third-party service. “We do not consider them a partner, and cannot vouch for how their

service works with Unity as we have no insight into their technology or how they run their business," Unity wrote. "Although SpatialOS is not a supported third-party service, it can continue to be used for development and shipping games."

How we got here and where we're going

The move is a significant retreat for Unity, which said it had been in negotiations with Improbable for "over a year" to make sure the SpatialOS service could continue to operate as an "approved Unity platform partner." Improbable maintains that its service had been in compliance with Unity's terms until a December 5 ToS update imperiled any games and projects that were using SpatialOS at the time.

Unity later offered a special exception allowing current SpatialOS projects to continue to work with its engine, though it continued to deny Improbable a license to provide SpatialOS updates. Later that day, Improbable partnered with Unreal Engine maker Epic Games to "assist developers who are left in limbo by the new engine and service incompatibilities that were introduced today… [to] transition to more open engines, services, and ecosystems."

To ensure developers aren't blindsided by similar ToS changes in the future, Unity now says developers can stick to the ToS version for that year's major version release (including bug fixes) as long as they don't actively upgrade the project. Thus, games released under an older version of the ToS will be able to continue to operate under that legal framework indefinitely. Updates to the Unity ToS will now be posted on GitHub as well.

In a Reddit AMA session earlier today, Unity CEO John Riccitiello said, "We have no plans to make our TOS more challenging in the future." He added that Improbable's

conflict with Unity was a unique case where the cloud gaming service maker implied a partnership with Unity that did not exist.

“Aside from Improbable, we’ve never terminated licenses for a service provider, and would not have in this instance had they been more open with us,” Riccitiello wrote.

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