

Relevance of Copyright and Trademark in the Gaming Industry

Authors : Deeksha Karunakar

Abstract : The gaming industry is one of the biggest industries in the world. Video games are interactive works of authorship that require the execution of a computer programme on specialized hardware but which also incorporate a wide variety of other artistic mediums, such as music, scripts, stories, video, paintings, and characters, into which the player takes an active role. Therefore, video games are not made as singular, simple works but rather as a collection of elements that, if they reach a certain level of originality and creativity, can each be copyrighted on their own. A video game is made up of a wide variety of parts, all of which combine to form the overall sensation that we, the players, have while playing. The entirety of the components is implemented in the form of software code, which is then translated into the game's user interface. Even while copyright protection is already in place for the coding of software, the work that is produced because of that coding can also be protected by copyright. This includes the game's storyline or narrative, its characters, and even elements of the code on their own. In each sector, there is a potential legal framework required, and the gaming industry also requires legal frameworks. This represents the importance of intellectual property laws in each sector. This paper will explore the beginnings of video games, the various aspects of game copyrights, and the approach of the courts, including examples of a few different instances. Although the creative arts have always been known to draw inspiration from and build upon the works of others, it has not always been simple to evaluate whether a game has been cloned. The video game business is experiencing growth as it has never seen before today. The majority of today's video games are both pieces of software and works of audio-visual art. Even though the existing legal framework does not have a clause specifically addressing video games, it is clear that there is a great many alternative means by which this protection can be granted. This paper will represent the importance of copyright and trademark laws in the gaming industry and its regulations with the help of relevant case laws via utilizing doctrinal methodology to support its findings. The aim of the paper is to make aware of the applicability of intellectual property laws in the gaming industry and how the justice system is evolving to adapt to such new industries. Furthermore, it will provide in-depth knowledge of their relationship with each other.

Keywords : copyright, DMCA, gaming industry, trademark, WIPO

Conference Title : ICIPRL 2024 : International Conference on Intellectual Property Rights and Law

Conference Location : London, United Kingdom

Conference Dates : March 11-12, 2024