

# Aspects of Intellectual property rights in video gamew and films

Gabriel Wechta

January 24, 2023

# Table of Contents

- 1 Introduction
- 2 Plagiarism in video games
- 3 Intellectual property protection of video games
- 4 Patents in video game industry
- 5 Digital Rights Management in video games
- 6 Patents in film industry

# Plagiarism

## Definition of plagiarism

**Plagiarism** – act of using someone else's work without giving them proper credit. Plagiarizing involves using words, ideas, or information from a source without citing it correctly.

## In practice

- Copying parts of a text word for word, without quotation marks.
- Giving incorrect information about a source.
- Using someone else's *research* or *ideas* without acknowledging the source.
- Submitting work that was written by someone else, or paid for also constitutes plagiarism.
- Reusing your own work without providing proper attribution, self-plagiarism.

# Plagiarisms in video games

To my surprise, honestly nothing interesting.

## Lana del Rey's song

But during googling I found *that Video Games* by Lana del Rey was considered to be a plagiarism of Elen's Vitali *Oi Dromoi Pou Agapisa*:

[https://www.youtube.com/watch?v=NCS\\_auNZ9Xg](https://www.youtube.com/watch?v=NCS_auNZ9Xg)

# Intellectual property protection of video games

## IP protection through

- copyright
- patents
- trademarks
- DRM

## Problems

- Not a fixed medium.
- Similar issues as with the copyright of software.
- It is natural to reuse game concepts from prior games to create new gameplay styles – *game genres* (bounded by illegally direct cloning of existing games[1]).

## Are games **computer programs** or **works of art**?

### Berne Convention standards

- This standard treats the whole game as a singular component.

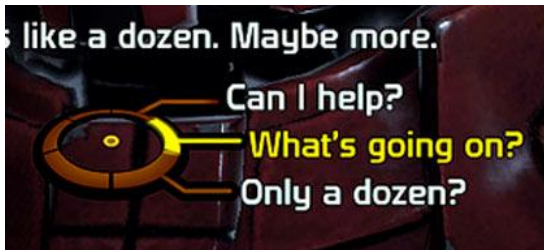
### WIPO (World Intellectual Property Organization) standards

- **computer programs** – classified as works of authorship (in that case, the source code for a video game is classified as a literary work)
- If **pictorial or graphic** authorship predominates, a video game may be classified as a **visual arts** work.
- If **motion picture or audiovisual** authorship predominates, a video game may be classified as a **motion picture/audiovisual** work.

# Patents Examples

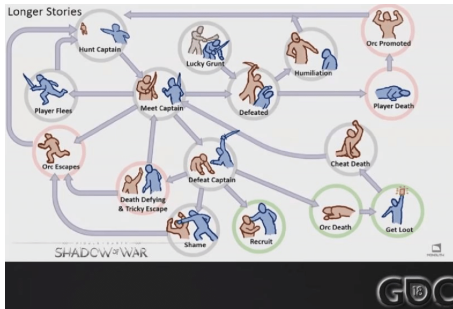
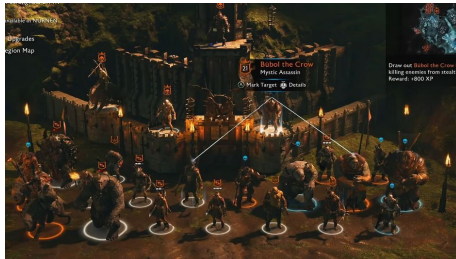
Video game software may be patented. A couple of examples A video game may be protected as creative work.

- *Mass Effect* dialogue wheel (paraphrases of dialogue option, intuitive and constant design)



Dialogue wheel easy to control with pad stick.

- *Middle-earth: Shadow of Mordor* Nemesis system





- *The Medium* Dual-reality gameplay



The main character is rendered in two places at the same time.

# What is Digital Rights Management

## Digital Rights Management (DRM)

- method of controlling access to and use of digital content through the use of technology
- the main goal – **preventing piracy**
- used by content creators and distributors to prevent unauthorized copying, sharing, and distribution of their content (encryption, watermarking, license keys, etc.)
- criticized by some because it can restrict the rights of legitimate users and limit the functionality of devices and software

# DRM in video games

## Controversial

The most common DRMs work by requiring gamers to

- constantly have access to the game's server (*Assassin's Creed II*),
- allowing them to play games only on a couple of registered devices (*Spore*).

This limits the gaming experience. For example, *GOG.com* owned by **CD Project**, famously, has a strict no DRM policy.

Because of the unserious nature of video games, DRMs in video games sometimes take a fascinating turn.

# Game Dev Tycoon



Your company faces bankruptcy caused by gamers pirating your game.

# Alan Wake



Pirate's eye patch.

# GTA 4



The in-game camera during cutscenes behaves somewhat like a drunk person, it shakes abruptly and causes nausea in no time. Additionally, every device you enter explodes.

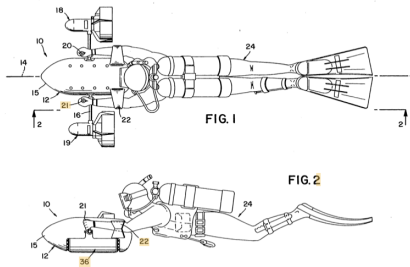
# Patents in film industry

## Comparing IP of films to IP of video games

From an intellectual property point of view, films are less complicated than video games.

Yet still, some interesting things can be said about the property law of inventions connected to the film industry.

# Apparatus for propelling a user in an underwater environment



## Patent history

- issued in 1991
- James and Micheal Cameron
- developed in 1989 while shooting film *The Abyss*
- later used in 1997 in *Titanic*

Technical drawing of propelling apparatus.



# Spider-Man: Into The Spider-Verse' Animation Tech

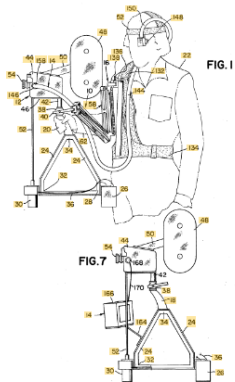
## Patented visual effects

- Ben-Day dots
- Thought balloons
- Written sound effects
- The illusion of alignment flaws in color separation



# Garrett Brown's Steadicam

U.S. Patent April 12, 1977 Sheet 1 of 3 4,017,168



Drawing of Steadicam.

Thank you for your attention

# References



[https://en.wikipedia.org/wiki/Intellectual\\_property\\_protection\\_of\\_video\\_games](https://en.wikipedia.org/wiki/Intellectual_property_protection_of_video_games).

[Online; accessed 11-January-2023].



<https://patents.google.com/patent/US4017168A/en>.

[Online; accessed 11-January-2023].



<https://en.wikipedia.org/wiki/Copyright>.

[Online; accessed 12-January-2023].



<https://blog.juristat.com/film-patents>.

[Online; accessed 14-January-2023].