

Tutorial 3: Digital entertainment and intellectual property rights

Part 1

1. Identify the types of digital entertainment discussed in the lecture class. Then, use appropriate examples to analyze the benefits and drawbacks of digital entertainment. (PIC: Pei Xuan)

Types of digital entertainment

- 8D Audio
- Computer Games
- Virtual Reality Games

Benefit of digital entertainment

- **Exploration of diverse culture**

- Social media is a massive craze for digital entertainment, with different people posting, live chatting across different continents. People get to **learn** that someone from another part of the world has similar interests as them. Without stepping outside home, they can get to **learn about other religions, cultures, and languages**. Eventually, this could lead to **building connections** with diverse people all around the world.

- **Source of Inspirations and Education**

- Virtual Reality (VR) is good digital entertainment for education. VR in education allows the ability to inspire students' creativity and spark their imaginations. And this can motivate them to explore new academic interests. Besides, VR in education goes beyond academics as well to include cultural competence, the ability to understand another person's culture and values—an important skill in today's interconnected, global society. For example, a VR field trip to other parts of the world, exposes students to cultures other than their own.

- **Relieve stress and anxiety**

- Sometimes, the teenagers would like to take a break off their tight schedule to relax their mind by playing some video games. For instance, gaming would increase the level of dopamine in one's body, causing the person to feel happier and eventually reducing stress. As a result, the students can think better and perform well afterwards.

-improve hand, eye, mind coordination skill -- act fast /accurate upon

- improve problem-solving skills & critical thinking skill-- e.g. sudoku

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-foster teamwork, team coordination, relationship cultivation - e.g. MOBA type like mobile legends, league of legends, valorant, Dota, CS go

Drawbacks of digital entertainment

- **Addiction to online entertainment**

- Computer games are the most common addictive digital entertainment. A lot of young people now spend most of their time playing computer games, some

even spending money on the “advanced equipment” in the computer games to fulfill their satisfaction when playing the computer games. This may cause having less time with family and also will affect health conditions.--**gambling addiction**

- **Exposure to harmful content**

- If there's no parental control, digital entertainment can expose kids to explicit and harmful content. Children will indulge in watching pornographic content and other character damaging content without your knowledge. For example, there are violent elements in some computer games, and children can easily be influenced by these games before their hearts and minds mature and want to imitate the characters in the games. As adults, it is essential to be aware and apply parental control to gadgets and electronics that children use to access digital entertainment.

-raise up health concern/issues

E.g. couch potato ---stick in front of TV and do nothing

-lack of rest time/sleep ---mental clock cycle affected ---fall into insomnia

- obesity -- didnt have exercise, sit long time

- eye strain, back pain

Poor time management ---- cant complete work on time

--exposed too much too violent content and mould your character to become more violent
Shoot up the vandalism, gangsterism and violence case/crime in the society.

2. Do computer games result in addiction to gambling? Justify your answer by giving appropriate examples. (PIC: Xin Yi)

Yes, gambling is known as a betting of something valuable with the consciousness of risk and hope of gain on the outcome of a game or uncertain event with a view to winning other things of value. Therefore, computer game can fuel in addiction to gambling this is because most of the computer games has embedded some gambling element such as it requires the user **spending money to top up cash/credit inside the computer games** in order to get the certain desired item for example, power, weapons and also the lives to be used in the games. For instance, MapleStory is one of the computer games that has an addiction to gambling because when the players need to mould their characters to their liking by increasing their abilities. They will top up the Maple Cash with the real money using the debit/credit card or online banking. Then, the players can visit the “Shop” in the game to purchase a variety of character appearances or gameplay enhancements to improve their character in order to fight with others to win the game. Therefore, I believe computer games can eventually lead to gambling addiction.

Gacha games - Honkai impact, genshin impact, similar to loot box, but it gives better or stronger character, or weapon with real money. The character designs and their kit is very fun and addicting, it even has trials for the certain characters and they are also limited.

There are loot boxes which have in-game features involving a sealed mystery "box" - sometimes earned through playing the game which sometimes required user paid for with real money/digital currency...

In conclusion, computer / online games raised up the issues like:-

- Perception of the value of money decrease when paying with virtual cash (credit card, e-banking, bit-coin)
- lack of human contact to question and advise gamblers on the implications of their action as it is occur on online domain rather than in physical gambling platform

3. Do online research, discuss the following topics:

(i) Digital games that could help to reduce obesity issues. (PIC: Jun Xian)

There is this digital game named **Ring Fit Adventure**, developed and published by Nintendo for Nintendo Switch users. It is an exercising action role-playing game that **introduces users to exercise regularly**. The game comes with a device designed to only play this game, it is a control that is in a ring shape, allowing users to squeeze and pull with their hand and another device to monitor the movement of the legs. The game itself consists of several modes like story mode, casual, challenges, and random mode. The most exciting part of the game is its story mode, it has exciting stories and a series of events and challenges that pushes the player to hit certain physical milestones. These stories and events are the reason why the player would continue playing the game despite it being an exercising game.

Reference link/source: [Ring Fit Adventure - Nintendo - Official Site](#)

(ii) Digital games that could help to increase the outdoor activities of game players. (PIC: Kah Wei)

One of the most famous digital games that could increase outdoor activities is **Pokemon Go**. Pokemon Go is a game that uses the **phone's GPS and clock to detect where and when you are in the game** and make Pokemon "appear" around you (on your phone screen). If you wanna go and catch them, you should move to the specific destination either by walking,

running or any method to move from one place to another place. The main idea of Pokemon Go is to encourage you to travel around the real world to catch Pokemon in the game. This could increase the outdoor activities of the Pokemon Go game players because they must go outside in order to catch more Pokemon.

Reference link/source:

(iii) Other applications of digital games in addition to entertainment. (PIC: Yit Wee)

Kahoot. Kahoot is a **game-based learning platform**, used as **educational technology** in schools and other educational institutions. They are user-generated multiple-choice quizzes that can be accessed via a web browser or the Kahoot app. Kahoot! can be used to review students' knowledge, for formative assessment, or as a break from traditional classroom activities and it also includes trivia quizzes.

Act as simulator / simulation tools to train your professional to deliver/act in your profession/job. E.g. To train your shooting skill,

Train children to master mathematical calculation / foreign language

Part 2

4. Define and elaborate the following terms:

<p>Copyright</p> <p>5 exclusive rights:</p> <ul style="list-style-type: none"> -Reproduction (no one is able to duplicate the work without owner's permission) -distribution -public display (others can't display the paintings,.. In front of public without the 	<p>Patent</p> <p>A patent is an exclusive right granted for a technical invention, which is a product or a process that provides. Generally, a new way of doing something, or offers a new technical solution to resolve the issue.</p> <p>4 conditions of patentability:</p>
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<p>owner's permission)</p> <ul style="list-style-type: none"> -public performance (e.g musical work) -production of derivative works (amendment → if you are not the owner, you are not allowed to amend/modify the work without the owner's permission) <p>Works to be protected under copyright: Expression of idea/concept that have been convert into readily available/ready to use/publish/sell format/mode (tangible form)</p> <p>E.g.</p> <ul style="list-style-type: none"> -Art work (Painting) -literal work (novel, book, poem) -musical work (music album, song, original soundtrack, lyrics, melody) -dramatic work (cartoon, animation, reality show) 	<ul style="list-style-type: none"> -novelty -inventive step -industrial applicability -lawful <p>Works to be protected under patent:</p> <ul style="list-style-type: none"> -Invention, innovation (functionality, idea, concept, solution, ingredient, formula) -design (dyson -bladeless fan) -technology/algorithms -discoveries (e.g new species...) -ways of doing work /procedure -medicine <p>**not every technology,.. worth for patent</p>
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i) Patent (PIC: Chia Chung)

<p>A patent is an exclusive right granted for a technical invention, which is a product or a process that provides. Generally, a new way of doing something, or offers a new technical solution to resolve the issue.</p> <p>To get a patent, technical information about the invention must be disclosed to the public in a patent application.</p> <p>For malaysia context,</p> <p>Protection period:</p> <p>Moreover, a patent allows you to prevent others from using your invention for commercial purposes for up to 20 years.</p> <p>Where to file/register patent protection?</p> <p>An application for a patent in Malaysia must be filed with the Patent Registration Office of the Intellectual Property Corporation of Malaysia (MyIPO). The Patent Registration Office is responsible for the administration, processing and registration of patents and certificates for utility innovations. The application may be submitted to the Patent Registration Office by hand or mail. The head office of MyIPO is situated in Kuala Lumpur, whereas its two branch offices are located in Kota Kinabalu, Sabah and Kuching, Sarawak respectively.</p>
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ii) Patentable (PIC: Jun Rong)

Within the context of a national body of law, an invention is patentable if it meets the relevant legal conditions to be granted a patent. For example, the Title 3 of the United States Code, Section 101 states that whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title

Meaning to say, need to fulfil the 4 criteria as below:

- novelty
- inventive step
- industrial applicability
- lawful

iii) Copyright (PIC: Ming Jun)

What is copyright?

Copyright refers to the legal right of the owner of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression. In simpler terms, copyright is the right to copy. This means that the original creators of products and anyone they give authorization to are the only ones with the exclusive right to reproduce the work. In copyright law, there are different types of works, including paintings, photographs, illustrations, musical compositions, sound recordings, computer programs, books, poems, blog posts, movies, architectural works, plays, and many more.

Reference:

<https://www.investopedia.com/terms/c/copyright.asp>

<https://www.copyright.gov/what-is-copyright/>

Where to file/register copyright?

In Malaysia, copyright protection is provided under the **Copyright Act 1987**. Unlike trademarks, designs and patents (other intellectual property rights), there is no specific system of registration for copyright in Malaysia. Copyright exists as soon as the original work is created and belongs to the creator of the work automatically.

Although copyright is a non-registrable right (i.e., cannot be registered) in Malaysia and enjoys automatic protection, ownership of copyright is difficult to establish. As such, proper documentation can be prepared to prove ownership. Copyright owners can claim ownership

through a Statutory Declaration or by filing a Voluntary Notification at the Intellectual Property Corporation of Malaysia (MyIPO).

How long does copyright protection last?

In Malaysia, the copyright is valid for the lifetime of the creator and will continue to be valid for 50 years after the creator's death.

Reference:

<https://www.kass.com.my/copyright/>

iv) Trademark (PIC: Yih Feng)

Trademark means any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings.

Origin – A trade mark helps to identify the source and those linked for the products and services trade in the market.

Choice – A trade mark assists consumers to choose goods and services with ease.

Quality – Consumers define a certain trade mark for its known quality.

Marketing – Trade mark play a significant role in promoting. It's common for consumers to make purchases based on continuous effect of advertising.

Economic – Recognized trade mark is a valuable asset. Trade marks may be licensed or franchised.

Trade mark registration is valid for ten years from the date of application and may be renewed every ten years.

5. Answer the questions below related to the terms elaborated in Question 4:

i) What are the conditions of patentability? (PIC: Chia Chung)

Novelty (new)

- Your invention must **not have been published elsewhere or by anyone** before. The invention is counted as known even if it is you yourself who has used or published it.

Inventive /inventive step

- The process must be an inventive solution. The solution must **not be obvious to a person skilled in that technical area**. → vary greatly /significantly from those work/idea that made known /available in the market. Take the example of a different attachment method as well as differ significantly from what is already known.

Industrial applicability (usefulness throughout the respective field/industry)

- Must be utilized or implemented throughout the industry with commercial value. For example, you can apply for a patent on a new kind of playing card that is easier to hold than existing cards. But you cannot obtain a patent for an idea for a new card game.

Lawful (legality)

- Must be statutory and not violate the Patent Act which means inventions that violate public order or morals cannot be patented. This generally refers to incitement to acts likely to disturb public order or criminal acts or propaganda for racial or religious discrimination and manifest obscenity.

ii) How is a patent obtained? (PIC: Jun Rong)

To obtain a patent in Malaysia, the inventor must make an application to the Intellectual Property Corporation of Malaysia ("MyIPO"). The inventor will request that a patent be granted and set out the specification of the invention. The specification includes a description of the invention and the inventor's claims.

Generally, patents should be filed as soon as possible since most countries including Malaysia award patents to applicants on a first-to-file basis. Hence, it is in the interest of an inventor to make an early decision on whether or not to file a patent application to pre-empt another competitor from filing ahead of him. Once granted, the duration of a patent shall be 20 years from the filing date of the application, subject to the timely payment of prescribed annual fees.

Steps:

1. Submit patent registration
2. Patent search (to ensure the idea/right has not been owned by any other parties)
3. Process the patent application
4. Issue patent certification

iii) How is a copyright obtained? (PIC: Ming Jun)

There is no need to file for registration to get a copyright protection. An author automatically enjoys copyright protection as soon as he creates and expresses his original work for the first time such as in recording or writing.

Copyright is secured automatically when a work is created. No publication, registration or other action in the Copyright Office is required to secure copyright. However, definite advantages to registration include the ability to sue for infringement. So, it is highly advisable to register for copyright protection for your work.

Below are the steps to obtain copyright (USA context):

1. Eligibility

Works eligible for copyright registration must contain a small amount of creativity, they must be fixed in some manner, such as on paper or on compact disc, and they must be original.

2. Copyright Application

Now you can start applying for copyright registration, you have the choice of using a paper application or applying online through the Electronic Copyright Office, or eCO. An eCO application allows for a faster processing time, online tracking status, credit card payment, a lower filing fee and the ability to submit a specimen of your work online.

3. Completing the Application (copyright declaration)

In order to complete your application, tell the Copyright Office the type of work you are registering. You also need to provide your name and address, the contact information for the author of the copyrighted work if you are not the author, the title of the work, a statement as to whether the work has been published previously, the year the work was completed, the date of first publication, the nation of publication and your personal certification that you are authorized to apply for copyright registration on behalf of your business.

4. Submitting the Application (copyright declaration)

After you finish your copyright registration application, you will be required to submit a copy of your work to the Copyright Office. If you have used the online registration process you may upload a copy of your work directly to the Copyright Office. Otherwise, you must mail a copy of your work to the address on your copyright application. Once you have submitted a copy of your work and completed the application you need to pay the applicable filing fee.

Reference:

<https://smallbusiness.chron.com/steps-obtaining-copyright-61262.html>

Meanwhile in Malaysia, there is no specific system of registration for copyright in Malaysia as copyright protection in Malaysia is provided under the Copyright Act 1987. However,

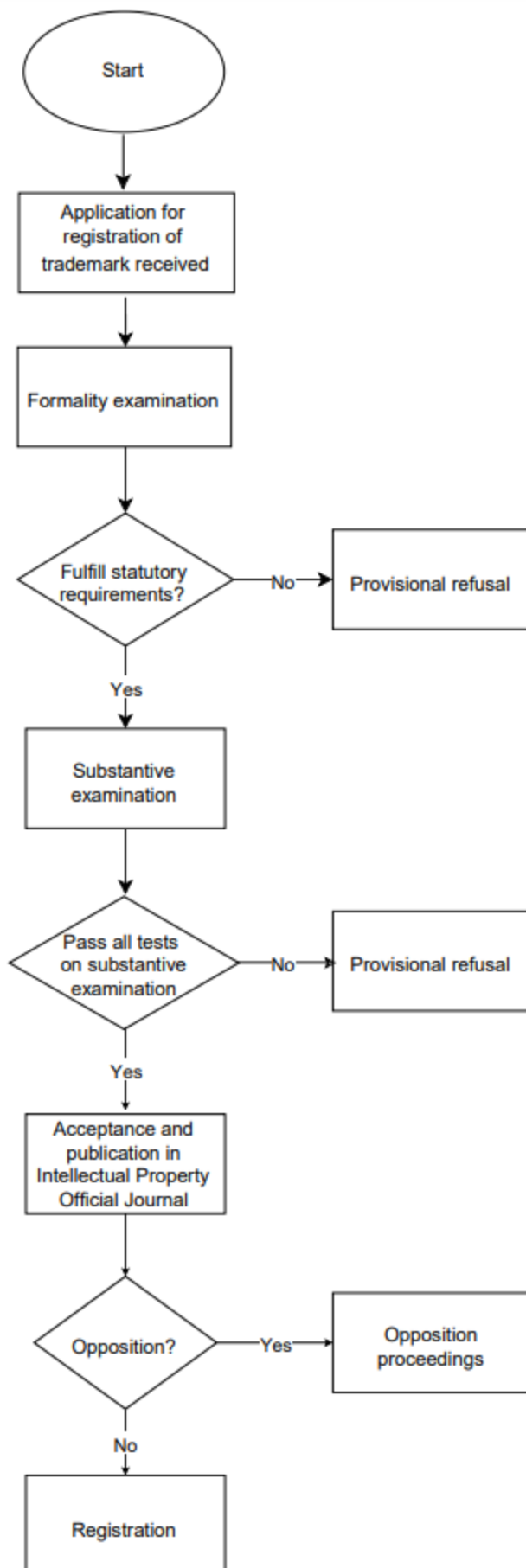
ownership of copyright can be registered at Intellectual Property Corporation of Malaysia ([MyIPO](#)) to help all creators to have a strong proof to prove their ownerships.

iv) How is a trademark obtained? (PIC: Yih Feng)

Requirement

2 copies of completed application (model form is available).

- One copy will be returned to customer for future reference.
- The trademark size must not exceed 10 cm x 10 cm.
- The payment is RM950.00 per class if the list of goods or services applied for is adopted from the pre-approved list of goods and services (Fee code TMA2A)
- Responsibility lies upon the applicant to claim that the list of goods or services applied for is adopted from the pre-approved list
- The list of goods and services will be deleted if it is found not to be as claimed.
- The payment is RM1100.00 per class if the list of goods or services is not adopted from the pre-approved list (Fee Code TMA2B)
- If the trademark is in series, an additional fee of RM50.00 is applicable for the second and each subsequent trademark (Fee Code TMA2C)
- The applicant may apply more than one class in single application (Multiple classes).
- Payment is made either by cash/ cheque/ money order/bank draft/ credit card and payable to "Perbadanan Harta Intelek Malaysia".



6. Recently, you have created a fantastic game for pre-school educational purposes. You have shown it to one of the preschool centers and the principal is very interested in using the game to teach their children. Suggest and explain how you can protect your game before and after selling to the center? (PIC: T'nsam)

Before selling:

Register a trademark for the game title and logo to have maximum protection against clones. Therefore, this can prevent others from designing a game which has a similar title and logo.

After selling:

Obtaining and registering a software copyright for the game can protect the game before and after selling. For example, **copyright protection for the game product as a whole -- involves all the code, images (game character, background design), music inside to make up this game as a whole** . Software copyright prevents unauthorized copying of the software. It gives the owner the rights of reproduction and distribution, while others that do not have the permission from the owner can be punished by the law.

-Register for patent to protect the technologies implemented in the game such as VR technology included in the game. Sign contract / non-disclosure agreement with the preschool principle so that he will not simply break the rules stated in the contract/agreement.

7. There has been a controversy over the patentability of software. Do you think that software should be patentable? Why? (PIC: Kai Yuan)

Yes, I think that software should be patentable. This can prevent others from stealing the ideas of software invention from the owner and making profits using that software. Being patentable can protect the original idea and the right of the owner of the invented software.

Patents protect functionality, compared to copyright only protects expression which would be the limitation. Even if the substantial modification on the original work performs exactly the same function, it would not be prevented by copyright.

A patent must also disclose the invention publicly to let the public be aware of the software invention. It can also be treated as an appreciation to the owner of such an invention.

OR

No, i think that software does not need to be patentable because the software is just a computer-implemented invention that is linked to any defining physical structure such as computers, it is a precursor to technology but not the technology itself. It is just simply a program written in a computer language, so not necessary to be patentable. Since the software in certain extent is full of use of mathematical algorithms and formulae as part of its main content, since mathematical formulaes are not eligible for patent protection, so happen to software.

---Hinder/prevent other from working on Research and Development (R&D) on the same topics/titles/work as such a topics/titles/work have been registered ownership under a specific individual/company. In others word, this idea opposites/contradicts with what we promote under "Open source" umbrella/concepts - which is to promote the sharing of technology/source code among all.

8. Jason copies the entire last chapter from the well-known fantasy novel, "Harry Potter" to his commercial blog without additional commentary. By doing so, it seems like it did attract a lot of readers to visit his blog. Thus, it did shoot up traffic and page views on his commercial blog, and he finally gets paid income from the advertisers. Since Jason only used part of the copyrighted work, he claims to be protected under the fair use clause. Do you agree? Justify. (PIC: Mun Jun)

Not agree. Based on the fair use,

Purpose and Character of use: **(commercial use Vs non-commercial use (e.g. education))**

It is used in commercial blog and it is non-educational. Not fair use (against fair use factor)

Nature of work: **(fiction (create from your imagination) vs. non-fictions-factual)**

Harry Potter is a fantasy novel. It is used of fiction from a published works. Not fair use

Amount of work copied: **(the more you copy, the less permissible under fair use, rule of thumb is less than or around 10 percent of overall work is permissible under fair use)**

Jason copies the entire last chapter from the Harry Potter Novel. Not fair use

Effect on market for work: **(readily available/published/marketed work vs out of print work)**

Although the Harry Potter novel are accessible through the Internet. Jason copies the whole chapter and allow the blog to access by public. Reader will able to read the chapter from jason's blog instead from harry potter website, book sale will drop & market will affected. Not fair use

The court would unlikely to view Jason case as a Fair use.