

Assessment Task 3 – Professional Legal & Ethical Issues research Assignment 2015

Scenario:

Background

- Alex and Kim graduate from the CIT/AIE Bachelor of Games and Virtual Worlds (Programming) Degree and start working at HEATWAVE Ltd in the gaming industry in Sydney. During the semesters of study they bonded over online discussions and decide to share a flat and move in together in Sydney.
- Alex is working in the graphics area of HEATWAVE Ltd (designs characters, environmental landscapes and levels). Alex is known for creativity at HEATWAVE due to the suite of characters that has been developed with the team. There is specific excitement surrounding two of the characters 'FIREFOX' and 'SILVER SLUG' which are going to be registered as trademarks. They are testing well with target market consumer groups.
- ~~Kim is working in the Artificial Intelligence (AI) area which simulates learning and enhancing the interaction with the opposition in game play. Kim has created a complex library of algorithms which fuses and synthesises data from multiple sources to provide decision support in the game environment, HEATWAVE has named this library 'TERRAWESOME'.~~
- ~~Although they love what they are doing and talk about it at home as well as with friends, their true passion lies in indie game development.~~
- HEATWAVE has a culture of active development and innovation in the work environment and encourages teams **to design and develop prototypes which the company can explore in the future.** Developments are presented at a quarterly forum run by the senior executives in a 'dragons den' environment.
- HEATWAVE has announced it is in **negotiations with PasiVision around a possible merger,** and that development will be slowed to allow the media team time to co brand a new release. This has led to considerable free time in the working day for Alex and Kim to progress a concept utilising HEATWAVE'S systems, infrastructure and staff.
- ~~Earlier in the month PasiVision communicated a proposal to shelve all planned releases for 8 months to ensure that the elements of their current go to market strategy are delivered.~~
- **Both Kim and Alex are disappointed at the delay and see an opportunity to be first to market with their concept outside of HEATWAVE and capitalise on the development they have been undertaking over the last months.**
- They reach out to an acquaintance Sam, a games developer, who publishes a weekly column in 'Game Programmer', **to get a sense of the market and gain advice on progressing their indie game to market.**
- ~~Sam who has been a part of their conversations at home, is excited about the possibility to get involved and starts a hype campaign around a new indie game on the horizon, supported by leaked pics and screen grabs of some of the scenes.~~
- ~~Some staff at HEATWAVE begin talking in the staffroom about the article in "Game Programmer"; and Kim gets worried and tells Alex that they need to act on this game quickly, as the feeling is uncomfortable at work.~~
- ~~Alex approaches Sam's connections at a marketing strategy firm; they estimate that the capital injection that is required is \$100,000 to get the game to market.~~
- Upon hearing the size of the sum involved, Alex connects with you, knowing that your Uncle died earlier in the year and left you \$150,000, with the idea to finance them working full-time on their indie game for a year.
- Alex and Kim offer you a 35% share of all profits, and full ownership of the IP they have developed.
- Noting that the characters are substantially based on the HEATWAVE concepts and the AI leverages TERRAWESOME, and Sam has put together the games soundtrack through cutting and dicing other questionably sourced materials on 'borrowed' software platforms, you decide to brief an IP Lawyer before making your decision.

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Questions: (each to be answered in a maximum of 2,000 words or less, not including references.

Submission Date: 14 June)

1. For each of the stakeholders mentioned above, identify and describe the ethical conflicts or issues apparent from their perspective. Indicate the nature of the **issue** and provide references to support your discussion.
2. You are going to brief an IP lawyer to investigate **what you would actually own** if you invested in their enterprise, and any **legal challenges that could be mounted to disrupt the release of the indie game**. Create a document detailing the IP concerns that you would like the IP lawyer to check out.

(For each concern, indicate the relevant area of law that you would want advice on, what are the possible issues and any cases, journals or articles that would support your concerns.)

Marking Rubric

	Pass	Credit	Distinction	High Distinction
Format and presentation of Assignment 15%	Cover Page identifying Student and Assignment; Word processed and spell checked; Complete English sentences and construction; Includes Bibliography	Pass criteria plus: Pages numbered; student and assignment identification in Headers; In-text citations linked to Bibliography	Credit criteria plus: Harvard referencing used throughout; consistent style used throughout; in-depth, factual and precise; no orphan headings; pleasant to read	Distinction criteria plus: Voice and tone of expression consistent throughout; superior expression and flow of concepts; engaging to read; outstanding high quality with exceptional structure
Academic Content of Ethical issues 35%	Acceptable number of issues identified and adequate explanation of issues;	Pass criteria plus: Additional discussion and explanation drawing on reference material; evidence of additional research	Credit criteria plus: Refined argument with examples; additional complexity identified, justified and discussed	Distinction criteria plus: superior detail, complexity and clarity; evidence of extensive additional research
Academic Content of IP Brief 50%	Acceptable number of issues identified and adequate explanation of issues;	Pass criteria plus: Additional discussion and explanation drawing on reference material; evidence of additional research	Credit criteria plus: Refined argument with examples; additional complexity identified, justified and discussed	Distinction criteria plus: superior detail, complexity and clarity; evidence of extensive additional research