

Legal Issues in the Game Industry

LEARNING GOAL & SCALE: Standard	
4	Student will be successful in level 3 and: Apply information on intellectual property laws to their current game build.
3	Student will: -Identify legal issues that affect games, developers and players. -Identify what intellectual property and contract law relate to the gaming industry. (Part I) -Compare and contrast government and industry content regulation and industry ratings of video games. (Part II) (standard 28.0)
2	Student will: -Understand that there are legal issues that affect game developers. -Define intellectual property law as it relates to the gaming industry.
1	With help from the teacher, the student has partial success with the current content.
0	Even with help, the student has no success with the current content.

Work Scenario: You are developing your first game at a new company and decide you need to find some assets to use because you don't have time to create every object. You are not sure what copyrights cover and need to research what the law is. You also need to understand what laws protect different areas of your game once it is complete and you put it out for others to download.

Table 3: Game Project and IP Law

Copyright	Trade Secret	Trademark	Patent
<ul style="list-style-type: none"> • Music • Code • Story • Characters • Art • Box design • Website design 	<ul style="list-style-type: none"> • Customer mailing lists • Pricing information • Publisher's contacts • Middleware contacts • Developer's contacts • In-house development tools • Deal terms 	<ul style="list-style-type: none"> • Company Name • Company Logo • Game Title • Game Subtitle • Identifiable 'catch phrases' associated with the game or company. 	<ul style="list-style-type: none"> • Inventive game play or game design elements • Technical innovations such as elements in software, networking or database design • Hardware technical innovations

Legal Issues and Games

Part I: Use the article provided on legal issues “Mastering the Game” (start on page 72) to complete research on copyright laws as they relate to the game industry. Important points are highlighted. Cover the below information in a project (DO NOT COPY AND PASTE FROM THE ARTICLE; MUST BE YOUR OWN WORDS).

You can answer the below in a PowerPoint, blog post, research paper, Prezi, video with commentary, etc. Each one should be a different slide if you do a PowerPoint/Prezi.

1. What does intellectual property laws do for game developers?
2. What a copyright is and what it protects
3. What is protected by copyright?
4. What two categories of copyright law do games fall under? (hint: page 74)
5. What parts of a video game are protected under copyright?
6. How would a developer go about getting a copyright?
7. After 1978, in the US, what is the length of copyright protection?
8. What is a derivative work?

Part II: Review the ESRB Ratings on the next page. Write 2-3 paragraphs (in word or blog) on if you agree or do not agree with the age ratings and why. Include valid rationale and make an argument for your stance. Go into detail.

ESRB Ratings Definitions

Early Childhood

Titles rated EC - (Early Childhood) have content that may be suitable for ages 3 and older. Contains no material that parents would find inappropriate.

Everyone

Titles rated E (Everyone) have content that may be suitable for ages 6 and older. Titles in this category may contain minimal cartoon, fantasy or mild violence and/or infrequent use of mild language.

Everyone 10+

Titles rated E10+ (Everyone 10 and older) have content that may be suitable for ages 10 and older. Titles in this category may contain more cartoon, fantasy or mild violence, mild language, and/or minimal suggestive themes.

Teen

Titles rated T (Teen) have content that may be suitable for ages 13 and older. Titles in this category may contain violence, suggestive themes, crude humor, minimal blood and/or infrequent use of strong language.

Mature

Titles rated M (Mature) have content that may be suitable for persons ages 17 and older. Titles in this category may contain intense violence, blood and gore, sexual content, and/or strong language.

Adults Only

Titles rated AO (Adults Only) have content that should only be played by persons 18 years and older. Titles in this category may include prolonged scenes of intense violence and/or graphic sexual content and nudity. (Note: Trading Circuit does not carry games that receive the "Adults Only" rating.)

ESRB Content Descriptors

Alcohol Reference - Reference to and/or images of alcoholic beverages

Animated Blood - Discolored and/or unrealistic depictions of blood

Blood - Depictions of blood

Blood and Gore - Depictions of blood or the mutilation of body parts

Cartoon Violence - Violent actions involving cartoon-like situations and characters. May include violence where a character is unharmed after the action has been inflicted

Comic Mischief - Depictions or dialogue involving slapstick or suggestive humor

Crude Humor - Depictions or dialogue involving vulgar antics, including "bathroom" humor

Drug Reference - Reference to and/or images of illegal drugs

Edutainment - Content of product provides user with specific skills development or reinforcement learning within an entertainment setting. Skill development is an integral part of product

Fantasy Violence - Violent actions of a fantasy nature, involving human or non-human characters in situations easily distinguishable from real life

Informational - Overall content of product contains data, facts, resource information, reference materials or instructional text

Intense Violence - Graphic and realistic-looking depictions of physical conflict. May involve extreme and/or realistic blood, gore, weapons, and depictions of human injury and death

Language - Mild to moderate use of profanity

Lyrics - Mild references to profanity, sexuality, violence, alcohol, or drug use in music

Mature Humor - Depictions or dialogue involving "adult" humor, including sexual references

Mild Violence - Mild scenes depicting characters in unsafe and/or violent situations

Nudity - Graphic or prolonged depictions of nudity

Partial Nudity - Brief and/or mild depictions of nudity

Real Gambling - Player can gamble, including betting or wagering real cash or currency

Sexual Themes - Mild to moderate sexual references and/or depictions. May include partial nudity

Sexual Violence - Depictions of rape or other sexual acts

Simulated Gambling - Player can gamble without betting or wagering real cash or currency

Some Adult Assistance May Be Needed - Intended for very young ages

Strong Language - Explicit and/or frequent use of profanity

Strong Lyrics - Explicit and/or frequent references to profanity, sex, violence, alcohol, or drug use in music

Strong Sexual Content - Graphic references to and/or depictions of sexual behavior, possibly including nudity

Suggestive Themes - Mild provocative references or materials

Tobacco Reference - Reference to and/or images of tobacco products

Use of Drugs - The consumption or use of illegal drugs

Use of Alcohol - The consumption of alcoholic beverages

Use of Tobacco - The consumption of tobacco products

Violence - Scenes involving aggressive conflict

Additionally, online games that include user-generated content (e.g., chat, maps, skins) carry the notice "Game Experience May Change During Online Play" to warn consumers that content created by players of the game has not been rated by the ESRB.