

INTELLECTUAL PROPERTY PROTECTION FOR GAMES

The gaming industry is among the fastest growing industries. Gamers today have many options, from card games and board games to gesture recognition and multiplayer online games. Game developers and promoters however often find themselves wanting for options to protect their business interests in the game. In a nutshell, game developers and promoters wish to prevent the games developed and/or promoted by them from being copied by their competitors. While the legal framework may not provide any provisions to prevent all the aspects of a game from being copied, a well defined intellectual property protection strategy can protect business interests of game developers and promoters to a large extent.

TRADEMARK

Several aspects as a gaming business can be protected under trademark law. One of the advantages of trademark registration is that the registration can exist indefinitely. Some of the aspects of a gaming business that can be registered as trademark are listed below.

- Name of the game, ex: ALCHEMY and PLANTS VS. ZOMBIES
- A tag line associated with the game or the gaming company, ex: "Live in your world, play in ours" a tagline adopted by Sony
- Logo of a game, ex: PlayStation logo designed by Manabu Sakamoto for Sony
- A distinctive package in which the gaming material is enclosed and sold/marketed
- Characters in a game

Protecting the above aspects of a gaming business under the trademark law can go a long way in preventing competitors from passing off their offerings as those of the original creators/promoters of the game.

COPYRIGHT

Copyright is exclusive legal rights granted to a creator of an original work. Copyright can protect artistic works, cinematographic films, musical works, literary works, dramatic works, sound recordings, as well as computer software. A common misconception is that copyright can protect rules of playing a game. However, in reality, copyright cannot protect rules of playing a game. For instance, the rules of a game may be expressed in a gaming manual. A person who makes

copies of the manual without authority may violate your copyright. However, a person who follows the rules of the game and plays the game, even without your express authorization, will not be violating your copyright. While copyright law may not enable you to prevent others from following the rules of the game you might have created, the law can protect several aspects of the gaming business. Some of the aspects of a gaming business that can be protected under copyright law are listed below.

- Source codes and object codes of digital games, such as video games
- User manual of the game
- Characters in a game
- Background music in a game
- Other multimedia content in the game
- Other artistic content associated with the game

PATENT (UTILITY)

A utility patent can protect aspects of a game related to science and technology. A product or a process which is novel and non-obvious can be protected under patent law. Some of the aspects of a game that can be protected under patent law are listed below.

- Article such as baseball bats and playing boards, among other such articles/products
- Hardware digital products such as joysticks used in video games
- Software innovations in digital games
- Technical processes of enabling games, such as technical processes that enable real time multiplayer games

PATENT (DESIGN)

While a utility patent protects functional aspects of a product, a design patent on the other hand protects ornamental design (aesthetics) of a functional item. Some of the aspects of a game that can be protected under design patent law are listed below.

- Appearance of a playing board
- Appearance of articles used in a game, such as toy bikes
- Icons (computer icons) present in the game



Existing laws may not enable original game developers and promoters to prevent competitors from adopting the rules of the original game. However, a carefully designed intellectual property protection strategy can protect various aspects of a gaming business as discussed above. Such a strategy can dilute the appeal of a counterfeit game or an inspired game to gamers, thereby substantially limiting their success and giving original game developers and promoters a competitive edge in the market.

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