

## Copyright protection of computer and video games

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Lecture and discussion:	"Copyright protection of computer and video games"
Organized by:	Department of Commercial Law, Multimedia- and Telecommunication Law of Prof. Gerald Spindler of the University of Goettingen (Germany)
Speaker:	Olaf Wolters (German Trade Association of Interactive Entertainment Software (BIU))
Time:	April 16th 2010 at 12:00 p.m.
Place:	University of Goettingen (Germany), ZHG 005
Further Information:	<a href="http://www.lehrstuhl-spindler.uni-goettingen.de/pub/web/index.php?id=26&amp;L=1">http://www.lehrstuhl-spindler.uni-goettingen.de/pub/web/index.php?id=26&amp;L=1</a> The event is free of charge. Applications may be submitted by e-mail ((lehrstuhl.spindler(at))jura.uni-goettingen.de) or phone (+49/551/39-7374).

Mr. Wolters (German Trade Association of Interactive Entertainment Software (BIU)) held a lecture about "Copyright protection of computer and video games". As the questions of protecting computer and video games are faced with similar problem as virtual worlds, as analyzed in D7.1,<sup>1</sup> the lecture and following discussion were aimed at sensitizing the listeners for the questions of copyright protection of entertainment software as well as the economic need to protect the developers' financial investments.

After an introduction about the development of the market in the gaming industry, the manufacturing process of games, and business conditions particularly concerning the investments of the software development, the lecturer Mr. Wolters talked about the question how computer and video games are classified in copyright law. Mr. Wolters elaborated that computer and video games can be protected via copyright law:

The audiovisual representations of complex games can be protected as cinematographic works and thus prohibit similar game play or appearance<sup>2</sup> and the pictures moreover may be protected as moving images. The software itself is also protected, but this does not include protection of the audiovisual representation<sup>3</sup>; hence computer programs are only protected in the form of data, printed matter or preparatory design materials, or in the form of source code.<sup>4</sup> Mr. Wolters explains that the distinction between the (protected) program code and the (unprotected) audiovisual representation is very important in this respect, because developers may either use licensed software tools (development kits or engine software) or develop their own technology. Since these technologies are of considerable value, it is necessary to precisely lay down the scope of licensing in the exploitation contracts.

Particular questions arise in the area of user generated content, as the creativity of users is encouraged by the industry in order to enhance their products. The creation and spread of so called "mods", i.e. unauthorised modifications of the game by end users, may arise both copyright and liability questions.

To summarise, the lecture and following discussion emphasised that protecting software by copyright is faced with various questions but the protection is necessary to keep investments worthwhile and thus enable innovation in the field of entertainment software development.

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<sup>1</sup> See D7.1, chapter 3.5 "Protection of the Virtual World 'VirtualLife'", pp. 51 – 54.

<sup>2</sup> Such a protection must be answered in the negative for virtual worlds like VirtualLife as they merely offer a platform and the tools for interaction between the different users and do not predefine certain alternative actions, see D7.1 chapter 5.3.2.2., p. 52.

<sup>3</sup> See D7.1, chapter 5.3.2.1., p. 52.

<sup>4</sup> See D7.1, chapter 5.3.1, pp. 51.