

Online Games from the Standpoint of Media and Copyright Law

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Remarkable for their increasingly sophisticated underlying technology, online games are achieving ever-closer representations of reality.

The more realistic the design of game worlds, the more comparable they become to other forms of realistic audiovisual representation, such as film and television.

The growing resemblance between different categories of audiovisual services is reflected in new questions about the legal standards to be applied to them. The greater the similarity between a game and a film involving interactivity, the greater the possibility that the game could be protected as a film work. But what exactly would such a work consist of, and who would hold the copyright to it?

If comparable services are meant to be subject to comparable legislation, we need to ask whether this is in fact the case. The new Audiovisual Media Services Directive, for example, contains standard provisions for all such services. Yet Recital 18 of the Directive stipulates that online games are excluded from its scope. Are we to conclude from this that online games lack the core characteristics that distinguish audiovisual media services from other types of service? What is the main purpose of online games, who is editorially responsible for them, and for whom are they intended?

In this issue of IRIS plus, Paul Göttlich explores these and other questions and concludes that there are certainly arguments for protecting online games not only as software but also as audiovisual works. He shows, too, that many types of game may qualify as audiovisual media services on grounds not just of presentation but also of their inherent characteristics.

It is clear from this edition of IRIS plus that an unambiguous legal framework for online games has yet to be established, so these issues will remain topical. Paul Göttlich's article also usefully documents the rules that definitely can be applied to online games already.

Online-Spiele im Spiegel des Medien- und Urheberrechts

http://www.obs.coe.int/oea_publ/iris/iris_plus/iplus10_2007.pdf.de

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