

Abstract

Protection of computer games and video games

This study aims to explore the issue of legal protection of video games and their components, with the main focus on the intellectual property rights. Furthermore, this study describes the possibility of the protection for video games as complex unit through a copyright and the protection of video games or their components using the industrial property rights, in particular through patent and trademark protection. The study also aims to describe the legal status of the video game protection, within the framework of Czech legal system as well as European Union law and international law. Finally, this study summarises the issues arising from the existing legal regulation and provides possible implications.

The first chapter outlines the main rationale for choosing the topic of the study and the aims of the study.

The second chapter describes and defines the term video game and computer game.

The third chapter contains brief history of the development of video games and their technical and legal protection. The section highlights important milestones in the development of protection of video games as well as some important decisions regarding video games, important organisations and regulations within the European Union and international law.

Fourth chapter describes the instruments and terms of intellectual property law which are connected with legal protection of video games within the framework of Czech legal system, such as copyright work, patent, trademark, computer program or audiovisual work. The chapter will aim to conclude the possibility of categorizing video games as audiovisual work or computer program and description of video games as complex works protected by copyright.

Fifth chapter is dedicated to the possibilities of protecting video games and their parts through industrial property rights. This chapter also contains examples of video game trademarks and patents with the description of the main attributes of abovementioned types of

protection. The patent section of this chapter also includes the analysis of several decisions of the Boards of Appeal of the European Patent Office concerning the patentability of certain parts or elements of video games. On the basis of these decisions the main arguments are summarized in relation to the patentability of some parts of the video game.

The sixth part of the study is devoted to the analysis of selected court decisions concerning the field of video game protection. Furthermore this chapter contains decisions issued by courts in United States of America and the Court of Justice of the European Union.

The seventh chapter focus on the main themes related to video games. The main aim of this chapter is the topic of communication of video game content to the public, in particular various video game videos including so-called let's play videos and streaming. The chapter also covers the field of eSports.

The final chapter concludes the findings and problems related to the legal protection of video games, including the evaluation of the legal status in this field. There are also mentioned possible ways to solve mentioned problems.

Keywords: legal protection of video games, copyright, industrial property rights