

Protection of Computer Games and Video Games

Abstract

The topic of this thesis is the legal protection of computer games and video games. Its main goal is to analyse the Czech law of video game protection and to figure out if the current state of legislation is sufficient enough considering the quick growth of the gaming industry by comparing it to the legislation in other countries and pondering *de lege ferenda* possibilities. The secondary goal of this study is to serve as a brief and practical guide for game creators who are having a hard time with regards to legal protection of their own creations. The thesis does not only revolve around the Czech national law, but it also deals with international law and Community law upon which the Czech law is based.

The thesis is divided into six parts. The first part lays down the main goals of the study and possible ways of achieving them. The second part goes through the most important theoretical concepts, terminology and video game history, through which it introduces the reader to video games. The third part focuses on international treaties potentially applicable to video game protection, on the US law, and finally on the European Union law and the law in a few specific European countries. The fourth part introduces in detail all the possible legal forms of video game protection within the Czech law, from copyright law, through industrial property law, all the way to general civil law protection. It also focuses on some of the most common contracts with which a game maker might come into contact while working on a video game and offers some advice as to how to avoid potential legal issues. The most important contract introduced here is the so-called End User License Agreement. The fifth part looks at the topic of fair use doctrine and its continental law equivalent the derivative works, specifically in the context of streaming and modding, and it goes over some ambiguities of the current legislation in this area. Finally, the closing part sums up all the findings and reaches a conclusion with regards to (not only) the Czech legal protection of video games while also offering some possible solutions to the mentioned issues.

Keywords: video game, copyright law, End User License Agreement