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Navigating Intellectual Property Rights in India's Booming Gaming Industry

Gaming sector in India, which is expected to grow by 20% by Financial Year 2025 to reach INR 231 Billion is among the top five in the world for mobile gaming, has experienced rapid expansion in recent years. The unprecedented challenges the world had faced during the Covid-19 pandemic, the gaming industry experienced significant growth in 2020. During the widespread lockdowns, people of all age, engaged in activities to escape boredom, anxiety and gaming emerged as a prominent choice to deal with the same.

Even after the fortunate departure of the Covid-19 pandemic, the popularity and growth gained by the gaming industry has not declined; instead, it continues to witness sustained growth. More and more people are engaging into the gaming sector. The video game industry's recent technological advancements have brought to light the legal aspects with respect to the protection of intellectual property, particularly copyright, in the video game business.

The intersection of the gaming sector with intellectual property has become a critical aspect of the industry, influencing both the creative and business dimensions. Intellectual property in the gaming sector primarily encompasses copyrights, trademarks, patents, and designs.

Here is a brief overview of how these elements intersect:

<u>Trademarks</u>

Trademarks are often used to protect the names of video games and associated logos. This ensures that the title and visual identity of a game remain distinctive and are not easily confused with those of other games. Distinctive characters, symbols, or assets within a game can be trademarked to prevent others from using similar elements. Trademarks provide a legal basis for gaming companies to enforce their brand rights. If another entity attempts to use a similar name or logo, the trademark owner can take legal action to protect their brand.

<u>Copyright</u>

Copyright protection extends to the creative elements of a game, including graphics, music, dialogue, and the overall design. Developers often seek copyright protection to safeguard their unique and original creations. The source code and underlying software architecture are also protected by copyright. This is crucial for preventing unauthorized reproduction or distribution of
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a game's codebase. Copyright also protects visual elements such as game graphics, animations, and audio elements such as background music, sound effects, and voiceovers. These protections ensure that the overall sensory experience of the game is safeguarded. Developers have the exclusive right to create derivative works based on their original creations.

Design

The protection provided by the Designs Act, 2002, for industrial design encompasses the visual elements of video games, including graphic characters, gaming covers, and graphic interfaces. This legislation applies to features like shape, configurations, patterns, ornamentation, or composition of lines or colors that are visually appealing. However, it is essential to understand that industrial design protection specifically addresses the outward appearance of the game and does not extend to the underlying technological functionality.

Patent

Patents in the gaming sector extend to hardware components and technical solutions. This includes innovations related to gaming consoles, controllers, virtual reality (VR) devices, and any other hardware that involves unique and inventive technologies. With the growth of Augmented reality and Virtual reality technologies in gaming, patents play a crucial role in protecting novel inventions related to immersive experiences, interactive interfaces, and hardware advancements in these domains. Patent protection covers not only the hardware or technical solutions but also the innovative gameplay incorporated in video games.

Conclusion:

While there are established legal frameworks for protecting creative works, including copyrights and trademarks, the dynamic and rapidly evolving nature of the gaming sector poses unique challenges. The gaming industry in India is embracing new and innovative technologies such as augmented reality, virtual reality, and online multiplayer platforms. The existing legal framework may not always keep pace with the rapid advancements in these areas. Determining the scope and boundaries of these rights in the context of gaming is an evolving area. However, we are looking forward to seeing the evolution of Intellectual Property Rights with respect to the dynamic growth of the gaming sector in India.

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