

Legal Regulation & Education: Doing the Right Thing?

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The Hunger (for) Games?

To what extent should the video game sector have a special or distinctive legal status? Tax reliefs originally designed for film have been replicated or extended to a number of sectors, including games. Consumer law, at the EU and UK level, increasingly applies to 'digital content', sometimes raising particular issues for game-related transactions. Meanwhile, intellectual property cases (again at both levels) demonstrate three things in respect of games: (a) the importance of the dedicated copyright regime for software, (b) the crucial part of mainstream (non-software) provisions to software-based industries, and (c) the partial impact of copyright, trademark and passing-off law on the issue of 'cloning'. Drawing upon the study of industry and trade publications, alongside doctrinal legal analysis and consideration of creative industries policy, this paper is an identification and critique of claims made in respect of games and the law, and an exploration of general and sui generis regulation of the sector.