



video game

MSK's Video Game practice is a premier multi-disciplinary practice focused on the specific needs of the games industry and with deep expertise in the industry. We represent many of the major video game publishers, as well as a number of independent and mobile developers. We are particularly known for intellectual property litigation; providing ongoing advice and counsel on matters related to game development, production, and distribution; drafting and negotiating video game contracts, including licensing, development, and distribution agreements; providing immigration assistance for game developers and e-sports athletes; and advising on privacy, compliance and consumer protection issues. Our team also offers brand protection and enforcement services, advising on strategies to combat copycats, cheats, bots, and other bad actors. We also represent the Entertainment Software Association and other trade associations in connection with governmental affairs and public policy issues.

representative matters

Transactional Matters

- Negotiated talent and voice-over agreements for the use of celebrity likenesses and performances in AAA game titles.
- Advised on a deal related to the development of an animated streaming series based on a video game franchise, including securing rights to major talent collaborations and negotiating voice-over and translation services.
- Secured and structured licenses for the creation of novels, comic books, board games, and cookbooks for a popular video game franchise.
- Worked on the original deal for a film adaptation of a renowned video game title.
- Negotiated the movie rights and deal structure for a beloved classic video game franchise.
- Negotiated a wide range of merchandising agreements for leading video game companies, supporting their global brand expansion.

practice contacts

Marc E. Mayer
Karin Pagnanelli

attorneys

James D. Berkley
Theresa B. Bowman
Alan M. Brunswick
Stacey Chuvaieva, CIPP/US/
E
Anna Czege
Julia Davis
Lindsay R. Edelstein
Brian Fu
Josh Geller
Mark J. Geylikman
Brandon E. Hughes
Mark C. Humphrey
Marissa B. Lewis
Ian T. Logan
Aaron J. Moss
Bradley J. Mullins
Andrew Nietes
Lucy Holmes Plovnick, AIGP,
CIPP/US
Howard D. Shapiro
Hannah G. Shepherd

related practices areas

entertainment & ip litigation



- Drafted and negotiated a variety of in-game license agreements and cross-marketing agreements for major game publishers.
- Handled hundreds of publishing, development, licensing and other agreements related to popular mobile and AAA games.
- Drafted and negotiated numerous outsourcing and work-for-hire agreements for major video game companies.
- Oversaw all music licensing efforts for a highly anticipated game by a renowned game developer.
- Prosecuted and obtained dozens of trademark registrations for new and existing game franchises.
- Guided the acquisition of game development studios by large game publishers.
- Represented a foreign mobile game development company in an international sale of a leading mobile video game to an interactive entertainment company and game developer/publisher.
- Provide ongoing development and refinement of terms of service and privacy policies for mobile and console game releases.
- Develop and oversee anti-piracy and content protection efforts for several major game publishers.
- Create and develop privacy policies and data protection agreements for leading game publishers and developers.
- Provide ongoing support with IP clearance and compliance matters for major video game publishers. This includes reviewing and clearing third-party content, ensuring compliance with copyright, trademark, and licensing laws, OSS, and assisting in resolving IP-related issues to facilitate smooth game development and distribution.

Litigation Matters

- Represented Activision Publishing in litigation against a cheat software provider, securing a \$14 million judgment, permanent injunction, and transfer of the infringing domain.
- Represent major video game and entertainment companies in privacy-related litigation and arbitration, including matters involving the California Invasion of Privacy Act (CIPA), the Video Privacy Protection Act (VPPA).
- Participate in industry-wide joint defense groups addressing high-profile issues such as video game addiction litigation and gambling-related class actions, representing leading publishers and developers.
- Secured a favorable settlement in a multimillion-dollar arbitration involving a marketing dispute for a prominent international esports organization.



- Obtained summary judgment for Activision Blizzard, Inc., Activision Publishing, Inc., and Major League Gaming Corp. in a high-profile dispute in the Southern District of New York involving challenges to the realistic depictions of the military vehicle, HUMVEE, in "Call of Duty."
- Successfully obtained \$2 million judgment on behalf of Plaintiffs, Riot Games, Inc. and Bungie, Inc., in an action seeking to put a stop to Defendant's unlawful, for-profit sale and distribution of malicious software products designed to enable members of the public to gain unfair competitive advantages to two of the most popular online multiplayer video games in the world: *Valorant* and *Destiny 2*.
- Lead counsel in the successful representation of Blizzard Entertainment, Inc. and Valve Corporation in a copyright infringement suit against uCool and Lilith involving many of Blizzard Entertainment, Inc.'s high-profile video games such as *World of Warcraft*, *Diablo III*, and *StarCraft II: Wings of Liberty*.
- Successfully obtained \$10 million monetary judgment as well as a permanent injunction on behalf of Riot Games Inc. against the makers of cheating software designed for Riot's *League of Legends* video game.
- Currently defending a developer and publisher of video games in a contractual dispute concerning services rendered for a popular eSports world championship tour.
- Representation of Take 2 Interactive and Rockstar Games in a trademark infringement lawsuit alleging the company's game "Grand Theft Auto: San Andreas" infringes upon the marks of a Los Angeles business establishment.
- Obtained summary judgment on behalf of Activision Blizzard against Axl Rose's tort and contract claims concerning *Guitar Hero III*.
- Prevailed in an anti-SLAPP motion on behalf of Take-Two Interactive and Rockstar Games against right of publicity claim and claims of fraud and misappropriation of likeness regarding the lead character in their hugely popular video game *Grand Theft Auto: San Andreas*.
- Obtained summary judgment in favor of Activision in trademark lawsuit involving the popular video game "Call of Duty: Modern Warfare 3."
- *Blizzard Entertainment, Inc. v. Ceiling Fan Software LLC, Case No. 12-0144 JVS (C.D. Cal. 2013)*. Obtained \$7 million judgment on behalf of Blizzard Entertainment, Inc. against the maker of a popular software "bot" that enabled users to cheat in the video game "World of Warcraft."
- Obtained summary judgment in favor of Blizzard Entertainment, Inc. on copyright and right of publicity claims arising from a set of recordings used to voice a "World of Warcraft" character.
- Successfully defended Sony Pictures Entertainment, Amblin Entertainment, and writers of Men in Black 3 in a copyright infringement action based on the film Men in Black 3, obtaining dismissal with prejudice on the grounds that the works at issue were not substantially similar as a matter of law. *Basile v. Sony Pictures Entertainment, Inc., et al., Case 2:14-cv-04264-DMG (C.D. Cal. 2014)*.



headlines

12 MSK Attorneys Named to the 2026 Edition of Southern California *Super Lawyers*
Super Lawyers , February 20, 2026

MSK Highlighted for Supporting Valnet's Gaming 4 Good Campaign
Hardcore Gamer , September 16, 2025

MSK Advises Kojima Productions on Music Licensing for *Death Stranding 2: On The Beach*
June 26, 2025

Mitchell Silberberg & Knupp Expands Entertainment IP Litigation Practice in LA with Addition of High-Profile Lateral Group
Leading copyright attorney Aaron Moss anchors three-attorney team
March 17, 2025

MSK Promotes Five Lawyers to Partner
Business Wire , December 19, 2022

MSK Recognized as a 2019 "Top-Tier Firm" by the *Legal 500*
May 29, 2019

Marc Mayer Named to *The National Law Journal's* 2019 List of "Intellectual Property Trailblazers"
March 1, 2019

MSK Elects Five Lawyers to Partnership
January 1, 2019

MSK Recognized as a 2018 "Top-Tier Firm" by the *Legal 500*
May 30, 2018

Karin Pagnanelli Named to *The Recorder's* 2017 List of "Women Leaders in Tech Law"
October 2, 2017

Karin Pagnanelli and Marc Mayer Named to *Los Angeles Business Journal's* 2017 "Most Influential Intellectual Property Attorneys" List
August 14, 2017

Marc Mayer Named to *The National Law Journal's* 2017 list of "Intellectual Property Trailblazers"
July 3, 2017



Karin Pagnanelli and Emily Evitt Named Among the *Los Angeles Business Journal's* Most Influential Women Lawyers
April 24, 2017

Game Over! MSK Scores Win for Riot Games
March 2, 2017

MSK Names New Partners: Emily Evitt and Gilbert Lee
January 23, 2017

news

MSK in the News for Representing Blizzard in Turtle WoW Infringement Lawsuit
August 30, 2025

MSK Highlighted in *Law360* for Representation in Grand Theft Auto IP Suit
Law360, August 27, 2025

Marc Mayer Quoted in *MLex* Article on Video Game IP Protections
MLex, June 12, 2025

Marc Mayer and Mark Humphrey Mentioned in *GamesIndustry.biz* for Representation of Activision in Lawsuit Against Creator of Call of Duty Hacking Software
GamesIndustry.biz, May 13, 2025

Marc Mayer and Mark Humphrey Noted in *PC Gamer*
PC Gamer, January 12, 2021

Eric German Quoted in *Billboard* Discussing Video Games
Billboard, July 24, 2020

Marc Mayer and Matt Beasley Mentioned in *Law360* Article
July 7, 2017

MSK's Victory Mentioned in *Law360*, *Daily Journal*, *The Hollywood Reporter*, and *Ars Technica*
May 17, 2017

Karin Pagnanelli Highlighted in *Los Angeles Business Journal's* "Entertainment Law Roundtable"
February 6, 2017

MSK's Marc Mayer Featured in *Daily Journal* Cover Story
November 2013

Frackman and Pagnanelli Selected by *LABJ* for "Who's Who in Intellectual Property Law"
November 1, 2012



Russell Frackman and Karin Pagnanelli Named Among Top 75 IP Litigators in California
April 26, 2012

Karin Pagnanelli Named One of the "Top 100 Women Lawyers" and "Top 75 Women Litigators in California" by
Daily Journal
May 12, 2011

Karin Pagnanelli Named one of the "Top 50 IP Lawyers Under 45" by *IP Law & Business*.
May 1, 2008

publications

How the FTC's proposed COPPA Rule changes could impact the video game industry
Daily Journal , January 29, 2024

Right of Publicity
Wolters Kluwer; The Licensing Journal, May 2020, Volume 40, Number 5 (p. 20-21)

Computer Games and Immersive Entertainment: Next Frontiers in Intellectual Property Law, Second Edition
ABA Book Publishing, December 13, 2018

How to Beat the Cheats
Games Law Summit Journal, Issue 1, April 27, 2017

Featured, Hired Guns Hunt Hackers for Video Game Makers
November 2013

Digital Domino Effect: The Erosion of First Sale Protection for Video Games and the Implications for Ownership of Copies and Phonorecords, 42 SW L. REV. 441
2013

Trademarks, Video Games and the First Amendment: An Evolving Story
World Trademark Review, October 2010

User-Directed 'Personalization' of Video Game Content: Balancing Consumer Demand v. Legal Reality
April 2007

alerts

Court Rules "Video Game Addiction" Claims are Barred by the First Amendment and Section 230
MSK Client Alert , April 25, 2025

Fortnite Is Nearly Free From Pellegrino Suit Over Dance Moves
MSK Client Alert , April 3, 2020



MSK Scores a Win for Activision in "Call of Duty" Trademark Litigation
MSK Client Alert , April 2, 2020

Court Sides With Video Game Producer Over The Use Of Athlete's Tattoos
MSK Client Alert , March 27, 2020

Legislating Access to Video Games?
MSK Intellectual Property & Technology Newsletter, December 2006

events & speaking engagements

2026 Entertainment and Media Law Conference
March 19, 2026

U.S. Gaming Industry Radar: Clones, Anti-Piracy Enforcement, and AI
Intellectual Property in the Gaming Industry Conference
February 12, 2026

IP & Video Games
More Than Just a Game Washington, D.C.
January 8, 2026

Annual Litigation Update
UCLA Law's Digital Media & Video Game Conference
November 7, 2025

2025 Games Industry Law Summit
September 3, 2025

The New Arena: Legal Considerations Where Sports Meet Entertainment
June 11, 2025

AI Object, Your Honor
Video Game Bar Association 2025 LA Summit
June 3, 2025

Dark Patterns, Pitfalls & Plaintiffs
13th VGBA Summit on Game Law & Business Affairs
June 2, 2025

The Business of Video Gaming: Navigating Intellectual Property Challenges and Opportunities
International Trademark Association (INTA) 2025 Annual Meeting
May 21, 2025



Red Flags in Your Terms and Conditions

May 14, 2025

Pushing Boundaries

More Than Just a Game London

May 8, 2025

Recreating Reality: Examining Freedom of Expression in Video Game Development

December 18, 2024

Annual Litigation Update - Part I

Copyright, Trademark, ROP, Rights of Privacy, Patent

November 8, 2024

A Deep Dive into VPPA Service Providers: From Newsletters to Video Games

September 23, 2024

So Close, No Matter How Far: Emulators & Unofficial Servers

Games Industry Law Summit Vilnius 2024

September 4, 2024

Legal Radar: USA

Games Industry Law Summit Vilnius 2024

September 4, 2024

Litigating Clones XC 2024

Games Industry Law Summit On Tour: Limassol 2024

April 19, 2024

Collective and Non-Human Creativity

More Than Just a Game Stanford 2024

March 1, 2024

Digital Media and Video Game Conference

November 15, 2023

Video Game Law Conference Tokyo

November 1-2, 2023

Music in Gaming

September 21, 2023

AI Deconstructed

2023 Games Industry Law Summit

September 7, 2023



Arbitration Clauses in the Video Game Industry: Best Practices in the Digital-Based Marketplace
June 9, 2023

Litigation Update
Video Game Bar Association 2023 Summit
May 23, 2023

Games Industry Law Unpacked Warsaw 2023
May 9-11, 2023

Can't Cheat Your Way Out of Copyright Law: Stopping Video Game Cheaters
April 18, 2023

Games Industry Law Summit Vilnius 2022
September 7-9, 2022

Games Industry Law Summit Vilnius 2021
September 16, 2021

Vetting in the Virtual World
April 22, 2020

Fun, Games & Legal Claims: Exploring the Intersection of Copyright in Video Games
February 15, 2020

Esports Operational Pitfalls
January 21, 2020

eSports: Navigating the One of the World's Fastest-Growing Industries
December 9, 2019

ABA Forum on the Entertainment and Sports Industries' 41st Annual Conference: "Playing the Game"
OCT 11-13, 2019

Video Game Law Conference Tokyo 2019
Hosted by BANDAI NAMCO Entertainment
September 13, 2019

Navigating a Brave New World: Best Practices for Digital Trademarks
Beverly Hills Bar Association's IP, Internet & New Media Law Section
July 18, 2019

New Cases in Copyright Law—Internet and Beyond
Practising Law Institute
July 8, 2019



Games Industry Law Summit Vilnius 2019

May 2, 2019

VGBA's 6th Annual Game Business & Legal Affairs Conference

May 14, 2018

Games Industry Law Summit Vilnius 2018

May 3-4, 2018

Navigating Privacy in an Interconnected World: Hot Topics, Including the GDPR

April 19, 2018

Employment and Immigration Issues

May 15, 2017

Games & Entertainment Industry Leadership Roundtable

May 10, 2017

Games Industry Law Summit Vilnius 2017

April 27-28, 2017

Decrypting Cybersecurity Laws: 2016 Year In Review and Looking Forward to 2017

2017 ABA Section of Litigation Corporate Counsel CLE Seminar

February 17, 2017

Hot Topics and Trends Affecting the Video Game Industry

May 16, 2016

Right of Publicity and Videogames

February 1, 2016

Building Convincing Virtual Words: Legal Issues In The Use Of Copyrights, Trademarks and Celebrity Likenesses
In Video Games

Game Developers Conference

March 17, 2014

Current Developments in Content Protection

Minority Corporate Counsel Association

March 3, 2014

Computer Fraud: Abuse Act and Digital Assets

Beverly Hills Bar Association

January 2014



Rights of Publicity and Transformative Use Cases that have Impacted the Video Game Industry
ABA Forum on the Sports and Entertainment Industries Video Games and Digital Media Conference
March 6, 2012

Trademarks, Transformations, and Touchdowns: Recent Issues in Clearing Motion Picture, Television and Video
Game Content
January 20, 2011

Video Game Content and Third Party IP: The Intersection of First Amendment, Copyright and Trademarks
May 22, 2010

Search & Sensibility: Who and What Are Protected on the Internet
American Intellectual Property Law Association Spring Meeting
May 14, 2008