



recreating reality: examining freedom of expression in video game development

December 18, 2024

Event Sponsor: LA Copyright Society

Mark Humphrey is speaking on the LA Copyright Society panel, "Recreating Reality: Examining Freedom of Expression in Video Game Development," held via Zoom on December 18, 2024.

About the panel...

Thirteen years ago, Justice Scalia famously wrote that "video games qualify for First Amendment protection." *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786 (2011). He explained that "[l]ike the protected books, plays, and movies that preceded them, video games communicate ideas—and even social messages—through many familiar literary devices (such as characters, dialogue, plot, and music) and through features distinctive to the medium (such as the player's interaction with the virtual world)."

Since then, however, courts have continued to struggle with the task of reconciling the intellectual property interests of "real world" rights holders with the First Amendment interests of video game developers and publishers engaged in the business of recreating reality in "virtual worlds."

Join us for an engaging discussion on this fascinating intersection of creativity and the law, as our distinguished panelists explore the legal issues surrounding:

1. **Cultural Expression in Games:** Including the latest updates on litigation around tattoos, dance moves, and choreography.
2. **Landmarks, Heritage and Every Day Products:** Historic preservation laws and the depiction of iconic buildings; as well as including more mundane, real-world products.
3. **Virtual Personas and Publicity Rights:** How the "No Fakes Act" and "The Preventing Abuse of Digital Replicas Act (PADRA)," measure up against the First Amendment for game developers.

attorneys

Mark C. Humphrey

practice areas

Artificial Intelligence (AI)

entertainment & ip litigation

intellectual property

specialties

video game



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The panel will strive to provide practical advice for navigating these challenges for those who must seek to balance creative freedom and legal risk.

Panelists:

Joshua Simmons, Partner at Kirkland & Ellis LLP

Sean F. Kane, Co-Chair of the Interactive Entertainment Group at Frankfurt Kurnit Klein & Selz

Mark C. Humphrey, Partner at Mitchell Silberberg & Knupp

Moderator: *Dan Nabel*, Senior Director and Associate General Counsel at Riot Games, President of the Los Angeles Copyright Society

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