

Constructive and consultative approach to intellectual property

Video games constitute some of the most renowned, innovative, valuable, and complex IP in the world. Locally made video games help to bring in export revenue that can last years. At the same time, games remain vulnerable to copyright infringement and IP theft. Noting the breadth of issues and diversity of views across the Australian and New Zealand creative sectors on IP policy, and particularly around copyright, our position is that where there is a need for reform, we support an approach that is considered, constructive, and consultative.

How important is intellectual property in video games?

Video games comprise some of the most economically and culturally important IP in the world. Collectively, more creative effort goes into making video games than likely any other cultural product, with the development of some titles involving thousands of workers. Under Australia and New Zealand's copyright frameworks, while games are not a specific category of copyrighted 'work' like a film, book, or song may be, practically all elements of a video game, from the game's code to everything that you see and hear within a game, are protected by copyright. Strong IP and copyright laws are critical to fostering creativity and innovation in game development and encourages our industry to keep investing in making, releasing, and sustaining games locally.

Does video game piracy still occur?

Unfortunately, yes. According to the latest research from the Australian Government, around one in three video game players said that they engaged in illegal copyright infringement to play some or all of their games. Our industry continues to proactively address copyright infringement and its drivers. Video games are already one of the most affordable forms of leisure, with a single game able to provide hundreds of hours of entertainment (or more). 'AAA' games have largely stayed the same price over the past decade, while many popular games are now free or bundled into subscriptions. Our industry also relies on Technological Protection Measures (TPMs) as a crucial and practical tool to fight copyright infringement. We support copyright laws that give content creators and owners the ability to protect their properties effectively and pragmatically.

What is IGEA's approach to copyright reform?

We are a key stakeholder of copyright policy and engage with the Australian and New Zealand governments closely. Recognising that there is a range of views between stakeholders on this topic, we encourage all reform processes to be driven by evidence and consultation. Even within our own membership there can be diverse views, so we consider reform thoughtfully, and with an open mind, on a case-by-case basis. Existing copyright policies that we support as being effective include: the current lengthy copyright terms that reflects the long-term value of games, protections around the usage of TPMs as a key tool for fighting infringement (and protecting players from interference and hacking), and the freedom to contract out of copyright exceptions, a practice that encourages developers to open up their IP for a wider range of third party uses.

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