



**DIRECCIÓN NACIONAL
DE DERECHO DE AUTOR**

Unidad Administrativa Especial
Ministerio del Interior



WORKSHOP

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Mastering the Game Business and Legal Issues for Video Game Developers

Organized by
the World Intellectual Property Organization (WIPO)

in cooperation with
the Dirección Nacional de Derecho de Autor

with the support of
the Ministry of Information Technology

and
Camará de Comercio de Bogotá (CCB)

and
LOOP 2014 – the 6th Latin American Festival on Animation and Videogames

Bogota, October 27 and 28, 2014

PROVISIONAL PROGRAM

prepared by the International Bureau of WIPO

Monday, October 27, 2014

8.30 – 9.00 Registration

9.00 – 9.30 Opening and Welcome Remarks by:

Mr. Giancarlo Marcenaro, Director General, Dirección Nacional de Derecho de Autor, Bogotá

Mrs. María Carolina Hoyos Turbay, Vice-Minister, The Ministry of Information Technology and Communications

Ms. Donna Hill, Counsellor, Creative Industries Section, Copyright Infrastructure Division, World Intellectual Property Organization (WIPO)

9.30 – 10.30 **Topic 1** **The Importance of Copyright for the Video Game Industry**

(i) The Economic Performance of the Video Game Industry: Focus is placed on the significant growth of the computer and software industries in their contribution to a country's GDP and employment and how this growth underscores the current dynamics of the video game industry.

Speaker: Ms. Donna Hill

(ii) WIPO Study on the Legal Status of Video Games: Focus is placed on the Study's analysis of the classification that each identified country has adopted for video games.

Speaker: Mr. Paolo Lanteri, Assistant Legal Officer, Copyright Law Division, WIPO

10.30 – 11.30 **Topic 2** **Setting the Scene: The Current Video Game Industry Landscape**

The video game industry is a US\$ 70bn (in 2014) industry worldwide rivaling the film industry and continues to grow with new forms of distribution; new platforms; and a growing worldwide market. In just the last few years dramatic changes have occurred in the industry with the growth of digital distribution and mobile games; the introduction of new consoles; the growing importance of independent developers throughout the world; and new ways to raise money to finance games. This session will focus on the changing videogame landscape from development to distribution and the evolving role of the major players such as game developers, publishers, console manufacturers and distributors.

Speakers: Mr. David Greenspan, Senior Director of
Legal and Business Affairs, BANDAI
NAMCO Games America, San Jose,
California, USA

Mr. Jas Purewal, Lawyer, Purewal &
Partners LLP, London, UK

Mr. Juan Sebastian Sandino, Project
Manager, Digital Contents, Ministry of
Information Technology and
Communications, Bogotá D.C.

11.30 – 11.45 Coffee Break

11.45 – 13.30 **Topic 3 Intellectual Property in the Video Game Industry**

IP Strategy 101: Copyright, Trade Secret, Trademark,
Patents, Rights of Publicity under Licensing.

Intellectual property (“IP”) is the most important branch
of law for developers to understand. Not only will
developers need to protect their creative works but they
also need to avoid infringing the rights of third parties.
This session will focus on the importance of an IP
strategy; how to protect IP; and avoiding IP and rights
of publicity claims.

Speakers: Mr. Giancarlo Marcenaro, Director General,
Dirección Nacional de Derecho de Autor,
Bogotá D.C.

Mr. David Greenspan

Mr. Jas Purewal

13.30 – 14.30 Lunch Break

14.30 – 15.45 **Topic 4 Major Business and Legal Issues in Agreements**

A basic understanding of the major business and legal
terms and conditions in agreements is critical for
developers to help negotiate the most favorable terms
while also minimizing risks. During this session, an
overall view of the major business and legal terms that
appear in industry wide agreements will be discussed.
Focus will be placed on specific issues and negotiating
strategies involving rights, term, territory, options,
advances/guarantees, royalties, determining royalties,
approvals, submissions/delivery schedules,
accounting/statements, reps and warranties,
indemnification, governing law, obligations, possible
commitments, i.e. marketing, and boiler plate law.

Speakers: Mr. Manuel Santiago Barrera Palacio, Legal Advisor, Colombian Federation of Software Industry - FEDESOFTE, Medellin

Mr. David Greenspan

Mr. Jas Purewal

15.45 – 16.00 Coffee Break

16.00 – 17.30 **Topic 5** **Game Development Issues: Licensing, Regulatory Issues**

Throughout the evolution of gaming, developers have incorporated licenses in their games with the aim to distinguish them from others and attract wider audiences by attaching recognizable brands, stories, and personalities. This session will discuss the different licensing scenarios for developers; the factors in considering a license, dealing with Licensors who own IP; and negotiating the major terms of a licensing deal. This session will also cover other game development issues a developer needs to consider when developing a game such as age ratings, data privacy, regulation of business models and consumer protection.

Speakers: Mr. Andrés Umaña, Director of Legal and Corporate Affairs, Microsoft Colombia, Bogotá D.C.

Mr. David Greenspan

Mr. Manuel Santiago Barrera Palacio

Mr. Jas Purewal

Tuesday, October 28, 2014

9.30 – 11.00 **Topic 6** **The Publisher – Developer Relationship**

Publishers have traditionally played a critical role in financing and distributing games created by independent developers. While the publisher's role has evolved during the last few years with new forms of distribution, new platforms, and new ways to raise money, publishers still play a major role in the industry. This session will discuss the changing role of the publisher-developer relationship; the importance of publishers; and the major business and legal terms that generally make up the different agreements between the parties.

Speakers: Mr. Eivar Rojas, Director and Founding Partner,
Efecto Studio, Bogotá D.C.

Mr. David Greenspan

Mr. Jas Purewal

11.00 – 11.15 Coffee Break

11.15 – 13.00 **Topic 7 Digital Distribution**

Within the last few years, with improvements in technology, shrinking retail space for PC games, growth in bandwidth capabilities and rising Internet use, digital distribution has become the leading form of distribution for PC games and a growing form of distribution for console games. This changing landscape has provided developers with unprecedented opportunities and access to consumers. This session will discuss the potential distribution opportunities and issues with digital distributors and console manufacturers.

Speakers: Mr. Arturo Nuñez, Unity Technologies,
Mexico City, Mexico

Mr. David Greenspan

Mr. Jas Purewal

Mr. Andrés Umaña

13.00 – 14.30 Lunch

14.30 – 16.00 **Topic 8 The Mobile Gaming Market**

Mobile gaming has become the fastest growing sector in the video game industry and has become the single largest use of mobile smartphones. For developers, the mobile market offers benefits that might be unattainable in other areas of the video game market, with relatively low barriers of entry including lower development costs and the ease of publishing worldwide and reaching consumers. This session will focus on getting your game distributed and development, business and legal issues specifically related to the mobile gaming industry and the different business models including the growing importance of free-to-play.

Speakers: Mr. David Greenspan

Mr. Arturo Nuñez

Mr. Jas Purewal

Mr. Eiver Rojas

16.00 – 16.15 Coffee Break

16.15 – 17.30 **Topic 9 Panel** **The Future of Video Game Industry: A Window of Opportunity**

Moderator: Mr. Giancarlo Marcenaro

Speakers: Mr. David Greenspan

Ms. Donna Hill

Mr. Paolo Lanteri

Mr. Arturo Nuñez

Mr. Manuel Santiago Barrera Palacio

Mr. Jas Purewal

Mr. Eivar Rojas

Mr. Juan Sebastian Sandino

Mr. Andrés Umaña

17.30 **Closing**

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