

GAME :: BUSINESS :: LAW

International Summit on the Law and Business of Video Games



KEYNOTE PANEL: JOSEPH OLIN, *Academy of Interactive Arts & Sciences*; RANDY PITCHFORD, *President and CEO, Gearbox Software*; RICHARD HILLEMAN, *Executive Creative Director, Electronic Arts*; EVAN HIRSCH, *Executive Creative Director, THQ*; DR. PETER RAAD (Moderator), *Founder and Executive Director, The Guildhall at SMU*

On January 26th, there was not a seat to be found in Hillcrest auditorium as electronic media professionals from across the country assembled for the third annual Game::Business::Law International Summit on the Law and Business of Video Games. The two-day conference, hosted by SMU Dedman School of Law, The Guildhall at SMU, and The Center for American and International Law, drew almost one hundred registered participants. Attendees included intellectual property attorneys and industry professionals from the areas of developing, publication, and distribution.

Dr. Peter Raad, Executive Director of The Guildhall at SMU, opened the keynote panel titled “What in the Heck is Going On?” by diving into the case on the mind of every attorney in the digital media world—*Schwarzenegger v. Entertainment Merchants Association*. The then-pending Supreme Court case challenged a 2005 California law that bans the sale of certain violent video games to anyone under the age of eighteen. The district court found the law was an unlawful restriction of minors’ First Amendment rights, and the Ninth Circuit Court of Appeals affirmed its decision. Joseph Olin, President Emeritus of the Academy of Interactive Arts and Sciences, described the case as “the best test for video games to be validated as a medium [of expression].” He stated, “Governments have attempted

to stifle creativity and First Amendment rights, and each time this is rejected it validates games.” Richard Hilleman, Chief Creative Director at Electronic Arts, had a less optimistic point as he added, “Unfortunately there will be another law following; we are an easy target for politicians.” Evan Hirsch, Executive Creative Director at THQ Inc., emphasized the importance of the *Schwarzenegger* case because “the U.S. is driving the industry as far as setting the standard [for the level of violence] for games.” The courts and industry professionals are still working to understand this issue and all of the global implications of such new mediums of expression. “This is the biggest generation gap in all media,” stated Randy Pitchford, President and CEO of Gearbox Software.

The panelists also discussed the current trends in the video game industry and the effect recent advances in technology have made on the business. Specifically, tablet computers are opening up a new market for gaming on the go. As noted by Richard Hilleman, “The bulk of gaming is no longer taking place in the living room. The number one thing the iPad does is introduce gaming where you are; these are not the same players.” Additionally, motion-based controllers such as Wii and XBOX Kinect are creating a new target audience for developers. Pitchford noted that “Kinect has tried to broaden the base for Microsoft; it’s a product marketed to

Mom and is very mature comparatively.”

Internet gaming is another expanding platform for developers. The consensus of the panel was that much like portable gaming, internet gaming is not hurting traditional console sales as much as might be expected, but is actually opening another portal for gaming. Randy Pitchford sees the industry moving towards a “pay to play meta-game where gamers can participate from all of their devices. The challenge is gaining attention and engagement.”

Over the course of the conference, participants heard from six additional panels featuring leaders in publishing, developing, marketing, and intellectual property law speaking on topics including privacy problems, growth and sale matters, deal negotiation, recent court rulings, and digital distribution. An evening reception followed by dinner, sponsored by Munck Carter, LLP, was hosted at the SMU Meadows Museum. Professor Xuan-Thao Nguyen, SMU Dedman School of Law, and Dr. Peter Raad brought the conference to a close by thanking the esteemed panelists and taking suggestions from the participants on what they would like to see at next year’s event, which is already in the works. Dr. Peter Raad concluded, “It is an amazing form of human expression for all of us to benefit from.” ■

