



Ministry of
Culture
and National
Heritage of
the Republic
of Poland.



CONFERENCE - WORKSHOPS

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Mastering the Game Business and Legal Issues for Video Game Developers Baltic Sea Region Perspective

Organized by

the World Intellectual Property Organization (WIPO)

and the Ministry of Culture and National Heritage of Poland

in cooperation with Cracow Technology Park

Kraków, Małopolska IT Park, November 4 and 5, 2015

CONFERENCE PROGRAM

Document prepared by the Secretariat of WIPO

Wednesday, November 4, 2015

8.30 – 9.00 Registration

9.00 – 9.30 Opening and Welcome Remarks by:

The representative from the Ministry of Culture and National Heritage

The representative from the Cracow Technology Park

The representative from the World Intellectual Property Organization (WIPO)

9.30 – 10.30 **Topic 1** **Setting the Scene: The Current Video Game Industry Landscape**

Presentation of the data on the games industry focusing across all video game platforms and business models that may assist companies in finding the best international business partners with an emphasis on Baltic Sea region countries. The presentations would give an understanding of the games industry.

Moderator: Mr. Maciej Dydo, Deputy Director, Department of Intellectual Property and Media, Ministry of Culture and National Heritage, Warsaw

Speakers: Ms. Donna Hill, Counsellor, Creative Industries Section, Copyright Infrastructure Division, WIPO, Geneva

Mr. Jari Pekka Kaleva, COO, European Games Developers Federation, Helsinki

Ms. Patrycja Rodzińska, Head of Paid Products Department, Onet.pl, Warsaw

Mr. Michal Bobrowski, Managing Director, GRY-Online portal, Krakow

Mr. Mariusz Socha, Head of Business Development, Ganymede Sp. z o.o., Krakow

Q&A Session

10.30 – 11.30 **Topic 2** **Tips and Hints about Baltic Sea Region. Entering the Markets.**

The possibilities of increasing the company revenue and making a large change in a consumer profile might be a reason to enter a new market. The differences in the legal and tax laws are crucial barriers. Typical issues companies need to overcome might include challenges in linguistic and cultural barriers and simply distance.

This panel will provide an overview of the markets and regulatory framework, as well as an update on recent trends and developments.

Moderator: Mr. Jari Pekka Kaleva

Speakers: Ms. Johanna Nylander, Policy Advisor,
Swedish Games Industry Organization,
Malmo

Mr. Vlad Micu, Business Development
Manager, Data Realms LLC, Utrecht

Mr. Mariusz Klamra, CEO, GRY-Online
portal, Krakow

Ms. Maribeth Aquino, Chairwoman,
Executive Board, Games Austria, Vienna

Q&A Session

11.30 – 11.45 Coffee Break

11.45 – 12.45 **Topic 3** **10 Most Important Intellectual Property Issues Each Developer Should Know**

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 top 10 issues when it comes to an IP strategy. How to protect IP, avoid IP and rights of publicity claims will be emphasized.

Moderator: Ms. Donna Hill

Speakers: Mr. David Greenspan, Senior Director,
Legal and Business Affairs, BANDAI
NAMCO Entertainment America Inc., San
Jose, California

Mr. Jas Purewal, Purewal & Partners LLP,
London

Mr. Gregory Boyd, Frankfurt Kurnit Klein &
Selz, PC, New York

Q&A Session

12.45 – 13.45 **Topic 4**

General IP Concerns while Producing an International Blockbuster

Gaming is business, involving great opportunities and challenges. There are technology and hardware companies, production companies, investors and publishers, content owners, consumers, and of course developers all in the gaming ecosystem. In this context, IPRs are becoming more important than ever. This panel will focus on the issues that the biggest Polish developers face during the game production as well as issues others, i.e. publishers, should be aware of.

Moderator: Mr. David Greenspan

Speakers: Mr. Rafał Jaki, Business Development Manager, CD Projekt Red (The Witcher), Warsaw

Mr. Rafał Kłoczko, Legal Counsel, CD Projekt Red (The Witcher), Warsaw

Mr. Sean Kane, Partner, Interactive Entertainment Group, Frankfurt Kurnit Klein & Selz, PC, New York

Mr. Jas Purewal

Q&A Session

13.45 – 14.45 Lunch Break

14.45 – 16.00 **Topic 5**

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 over 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 based on different experiences, starting with the traditional developer-publisher relationship, i.e., with an experienced developer company expanding its publishing brand and with a game developer who has successfully cooperated with international publishers in HOPA games. Discussions will also touch on the latest developments and importance of self-publishing options. The import of publishers and the major business and legal terms that generally make up the different agreements between the parties will be the focal point of the presentations.

Moderator: Ms. Donna Hill

Speakers: Mr. Bartłomiej Rozbicki, ATGames, Warsaw

Mr. Piotr Żygadło, Grey Wizzard Innovative,
London

Mr. Rafał Jaki

Mr. Rafał Kłoczko

Mr. David Greenspan

Mr. Sean Kane

Q&A Session

16.00 – 16.15 Coffee Break

16.15 – 17.30 **Topic 6 Key Games Law Issues in Baltic Countries: Part 1**

Moderator: Mr. Maciej Dydo

Speakers: Mr. Vladislav Arkhipov, Counsel, Dentons,
St. Petersburg

Mr. Tomasz Targosz, Legal Counsel,
Traple Konarski Podrecki Legal Office,
Krakow

Q&A Session

Thursday, November 5, 2015

9.30 – 10.30 **Topic 7 Key Games Law Issues in Baltic Countries: Part 2**

Moderator: Mr. Maciej Dydo

Speakers: Dr. Tobias Schelinski, Partner, TaylorWessing,
Hamburg

Ms. Ieva Andersone, Sorainen, Riga

Q&A Session

10.30 – 12.00 **Topic 8 Major Legal Issues in Agreements – Case Studies**

A practical 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 the major legal issues in agreements will be presented based on the case studies presented by company representatives and legal specialists. The presentations will be based 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.

Moderator: Ms. Donna Hill

Speakers: Mr. Sergei Klimov, Gremlins, Inc., Vilnius

Dr. Tobias Schelinski

Mr. David Greenspan

Mr. Gregory Boyd

Q&A Session

11.45 – 12.00 Coffee Break

12.00 – 13.15 **Topic 9 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.

Moderator: Mr. Marcin Turski, President, Association of Producers and Distributors of Entertainment Software, Warsaw

Speakers: Mr. Piotr Babieno, CEO, Bloober Team, Krakow

Mr. Sean Kane

Q&A Session

13.15 – 14.15 Lunch

14.15 – 15.45 **Topic 10 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. What makes Nordic IP and video games competitive with so many others titles? An insight in creating an international brand will be deliberated.

Moderator: Ms. Donna Hill

Speakers: Mr. Dirk Bosmans, Director of Operations, PEGI S.A. (Pan-European Game Information), Interactive Software Federation of Europe, Brussels

Mr. Sarunas Ledas, CEO, Tag of Joy, Vilnius

Mr. Valentin Merzlikin, Creative Mobile, Tallin

Mr. Bartlomiej Rozbicki

Mr. Jas Purewal

Q&A Session

15.45 – 16.00 Coffee Break

16.00 – 16.45 **Topic 11 The Changing Landscape of Video Game Regulation**

The unusual status of being both a creative and a technological industry means that the application of existing regulation to video games is often less clear. This brief overview of the changing landscape of the video game industry will highlight key areas of video game regulation which developers and publishers need to be aware of when making a game: from data privacy to consumer protection (PEGI ratings) to advertising and marketing, and other regulation.

Moderator: Ms. Donna Hill

Speakers: Mr. Ireneusz Matusiak, Legal Counselor, Partner, Kochanski Zieba and Partners, Warsaw

Mr. Dirk Bosmans

Mr. Jas Purewal

Mr. Gregory Boyd

Q&A Session

16.45 – 17.30 **Closing Panel The Future of Video Game Industry: A Window of Opportunity**

Moderators: Mr. Michał Bobrowski

Ms. Partycja Rodzińska

Panelists: Panel to be selected among previous speakers.

17.30 **Closing**

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