

[Publications](#)

2024

Rules of the Game: Are the Rules and Mechanics of Video Games Copyrightable?



The video game industry has long been characterized by game developers borrowing gameplay features from earlier releases to develop their own new and innovative games.

This practice has persisted due to the widespread belief that the rules of video games are excluded from copyright protection under § 102(b) of the Copyright Act, either for being too abstract or for having a functional nature. This Article is the first scholarly work to argue that this belief is mis-taken and that none of the § 102(b) exclusions categorically apply to such rules. Specifically, it proposes that most video game rules are in fact eligible for “thin” copyright protection, and that such protection would strike an appropriate balance between incentivizing creativity and permitting competition in the industry. This Article concludes that such a copyright would provide improved legal clarity and a reliable means of preventing video game “cloning,” which does not exist in the status quo.

About the Author

Perkins Coie LLP; J.D., 2024, Stanford Law School. Many thanks to Sonali Maitra and Mark Lemley whose instruction and mentorship made this paper possible. Additional thanks to Tim Fellows, Jonathan Haderlein, and Leon Leeds for providing valuable feedback on earlier drafts

[Click here to read the full publication at UCLA Entertainment Law Review.](#)

Authors

Explore more in

[Intellectual Property Law](#) [Trademark, Copyright, Internet & Advertising](#) [Digital Media & Entertainment, Gaming & Sports](#) [Regulated Gaming](#)