

In the Eyes of the Law, Driving Simulation Games Are Works of Art

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by Ryan Meyer



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Sometimes, the best place to determine whether a work qualifies as art is in a courtroom. In a recent decision, Judge John H. Chun of the District Court for the Western District of Washington found that a driving simulator video game, *Spintires*, is an expressive work entitled to First Amendment protection. See *Saber Interactive Inc. v. Oovee, Ltd.*, No. 2:21-cv-01201-JHC, Dkt. 51 (W.D. Wash. Oct. 6, 2022). *Spintires* simulates driving through various wilderness tracks in a variety of real-world vehicles. While Oovee has licensed some of the vehicles depicted in *Spintires*, it has not licensed all of them. For the unlicensed vehicles, Oovee provides the following disclaimer:

All other trademarks are the property of their respective owners. All characters and vehicles appearing in Spintires® are fictitious (except where licensed). Any representations to real-life persons (living or dead), or real-world vehicle designs (except where licensed), is purely coincidental.

It is, of course, one of the unlicensed vehicles appearing in *Spintires*, the K-700, that is at the heart of the dispute in *Saber Interactive v. Oovee*.



