

Retrogaming Responsibly

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In the past few years, retrogaming – collecting and playing video games from past generation consoles – has become incredibly popular. However, retrogaming raises some interesting copyright issues for both IP owners and gamers. One such issue is the gaming world concept of “abandonware.” This is the idea that, if an IP owner is no longer selling, using, supporting, etc. its video game, it has, in some sense, “abandoned” its game. But does an IP owner actually “abandon” any of its rights just because its game is out of print? More specifically, does a company’s failure to actively use its IP allow a gamer to download and play an unauthorized copy of the game without paying the IP owner?

Another issue, which sometimes relates to abandonware, is whether a gamer can legally download a digital version of a game ripped from an original disc cartridge – called a “ROM” – for free and play it on a PC, tablet, or other device using emulation software. Some argue that doing so falls under the archival exception to copyright infringement for software as long as the user owns an original disc or cartridge of the game, but does this

argument hold water?

I recently had the opportunity to discuss these video game ownership issues, as well as video game preservation, on an episode of the popular YouTube gaming industry series, Extra Credits, which you can view [here](#). It was a great honor and a lot of fun working with the Extra Credits crew. I especially appreciate the excellent job they did creating an animated version of me.