

EXPERT LEGAL
ADVICE FOR

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THE
GAMING INDUSTRY



SEMENOV
& PEVZNER
LAW FIRM



WHY IT MATTERS



\$118 bln

Volume of the global video game industry

In today's world, a **video game** is not just a fruit of a creative process: it is also a commercial product, as valuable as it is complex. Over the past five years Russia's video game market almost doubled in size and reached \$1.9 billion. According to a research released by PwC, that figure will grow to at least \$2.5 billion by 2023. The volume of the global gaming industry is currently estimated at \$118 billion.

\$58 bln

Volume of the global mobile games market

\$1,9 bln

Volume of the Russian video game market



Like any other business, the gaming industry needs legal tools that help to manage its workflows and assets effectively.

Whether you are a small independent company or a major development studio, we are here to safeguard your rights and business interests.

WHY CHOOSE US?

WE ARE TRUSTED BY

ROVIO

ANGRY BIRDS



OUTFIT7

CUT the ROPE EXPERIMENTS

zeptolab

ALPHA GROUP

SUPER WINGS



Peppa Pig



PJ MASKS

eOne

COMING SOON

We support the development of the gaming community in Russia

We have over 15 years of experience in the field of intellectual property protection, with notable clients from entertainment and gaming sectors including Rovio Entertainment (Angry Birds), ZeptoLab (Cut the Rope), Outfit (Talking Tom and Friends), Alpha Group Co. (Super Wings), Entertainment One UK Limited (PJ Masks, Peppa Pig) and many others

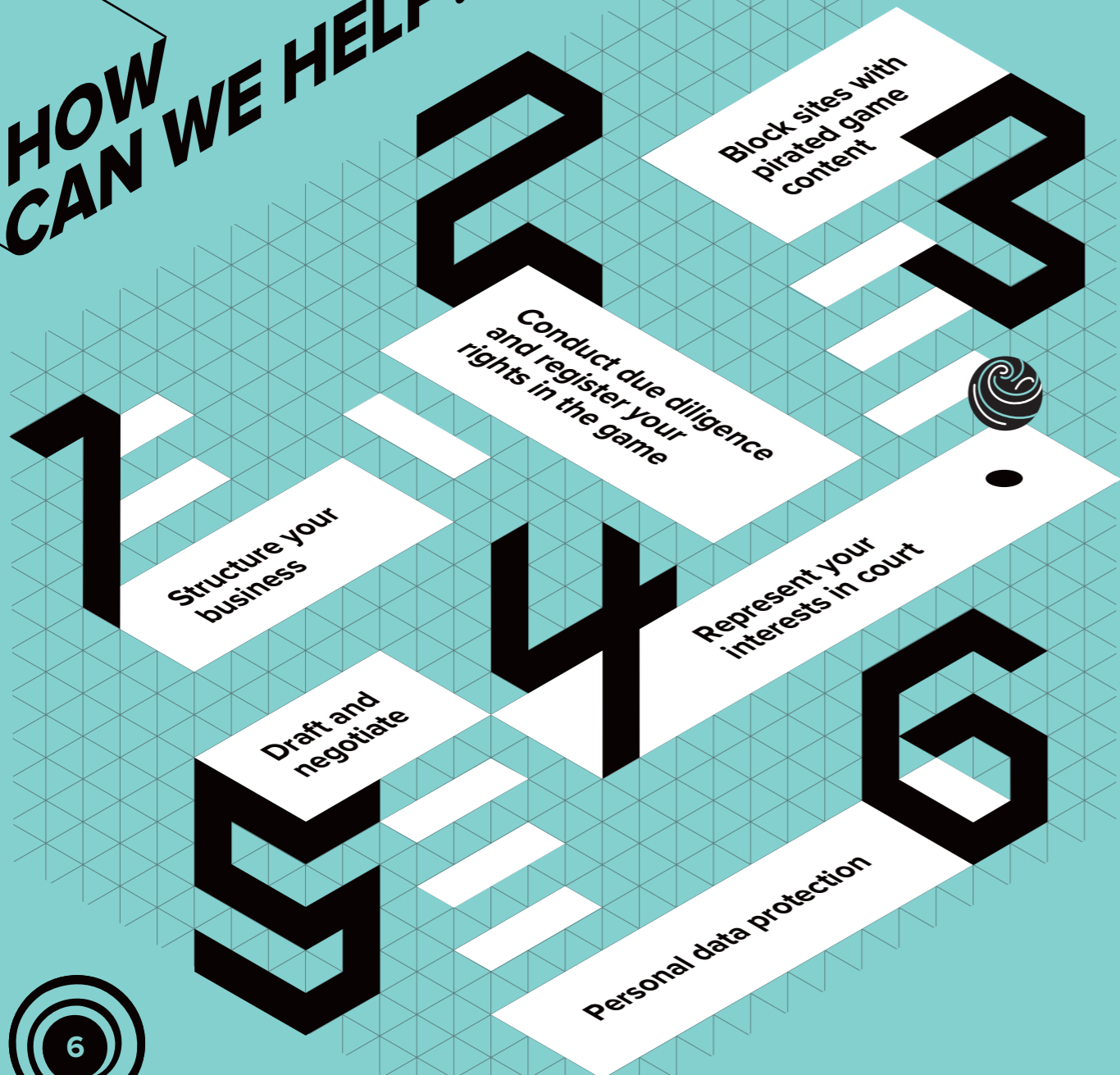
We offer a full range of legal services for the entire spectrum of media projects, including gaming, TV, film and music

We enjoy gaming ourselves! **Semenov&Pevzner** also actively supports the development of the gaming community in Russia

Semenov&Pevzner is a law firm built by a friendly team of intellectual property professionals. We are always ready to help and offer creative, reliable and working solutions for the gaming industry.



HOW CAN WE HELP?



The legal structure of your company and a robust contractual framework to formalise your relationship with developers are vital for the security of the business and for the protection of the end product. Taking care of these basics from the outset helps prevent unpleasant surprises in the future, such as the loss of an investor, a hostile takeover or additional tax assessment.



- Our team will be happy to assist with:**
- choosing the optimal legal structure and location for your business, as well as setting up the new company
 - identifying applicable tax issues and advising on the friendliest jurisdiction for your project
 - assessing the status of intellectual property rights in your product and overseeing their registration, as well as perfecting relationships with developers and other contractors

HOW CAN WE HELP?

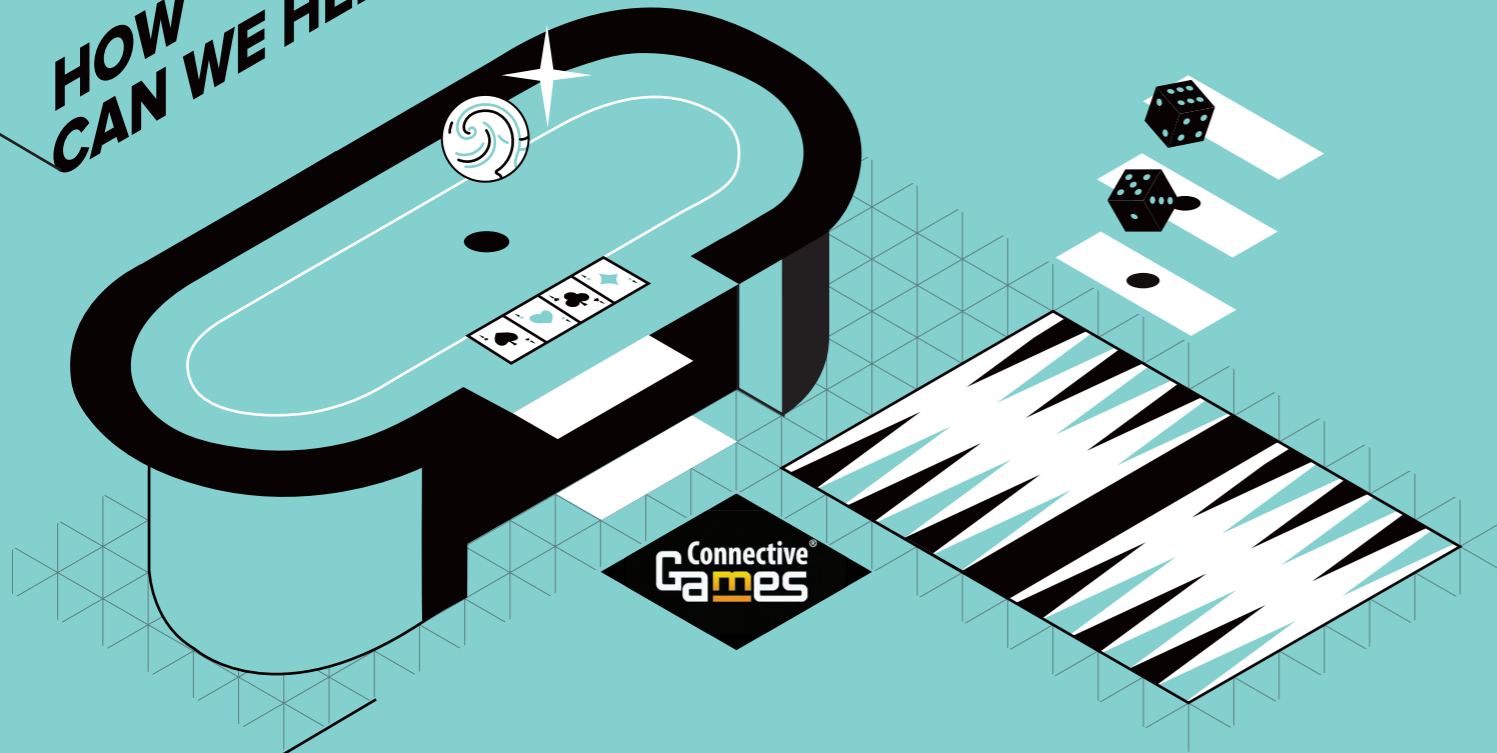


If your plan is to publish a game, find an investor or enter the international market, you will want to present your project in the best possible light - which means, among other things, that you can prove your own the product. The commercialisation of the game may prove difficult if the registration of your rights is overlooked from the outset.

Our team will be glad to:

- run a detailed check and systematisation of your data and other information assets, including source code, graphics, design, logo and script, as well as advertising materials for games and studios. We can also conduct a due diligence of your contracts and offer recommendations for their improvement
- assist with the registration of transfer of rights in the product from developers to your company in Russia or abroad
- assist with the registration, both in Russia and beyond, of the rights in the game and various intellectual property objects used as part of it, including patents, trademarks, computer programmes and databases
- provide expert legal advice to aid your international expansion and help transfer the ownership of the product to your company, including by way of capital contribution

HOW CAN WE HELP?



Case study: Due diligence of **Connective Games** rights portfolio

Connective Games approached us with a request to run a due diligence of their rights in a number of online games, including Altair Online Poker, Altair Online Casino, Altair Online Backgammon and Altair Online Rummy. Our team conducted in-depth checks for each of the intellectual property rights at play - and prepared practical recommendations to help reduce any potential legal risk exposure.

Case study: Due diligence for an international acquisition of a game developer with assets in Russia, Ukraine and the US

We conducted a comprehensive legal due diligence of a target company that our client was planning to acquire. Our team analysed corporate records, intellectual property rights portfolio, including incoming licences, user agreements, EULA agreements, non-disclosure agreements and agreements for services, as well as the terms of employment relating to the vesting of intellectual property rights. Our due diligence report described potential legal risks and suggested recommendations relating to the structuring of the transaction.



HOW CAN WE HELP?



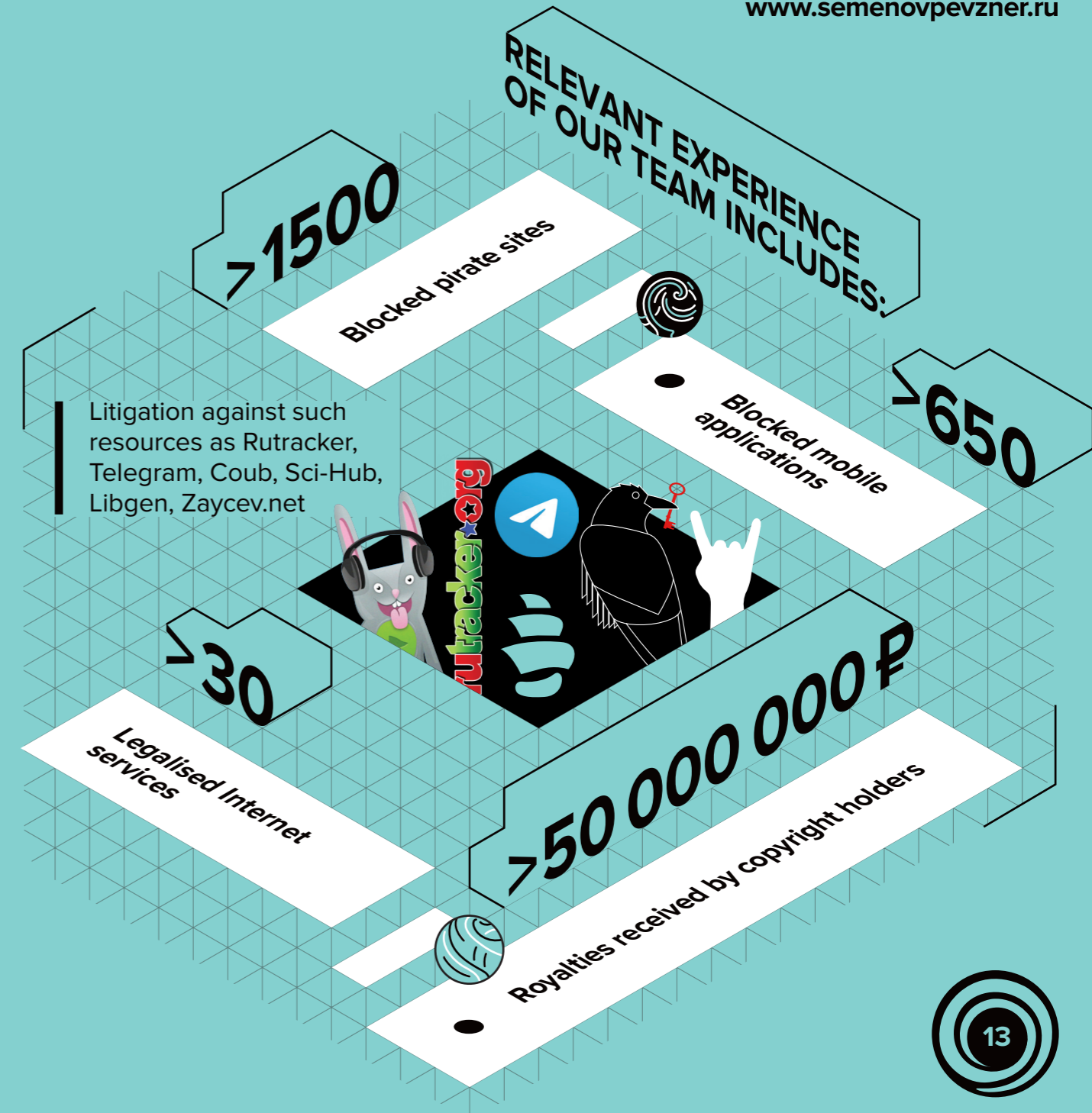
BLOCK SITES WITH PIRATED GAME CONTENT (IN RUSSIA)

We help companies find and block pirated game content on torrent trackers, UDG, cheat and hack sites, in social media groups, public platforms and specialised accounts.

We work in two directions:

pre-trial removal of content: together with our friends at BrandSecurity, we use a technical solution to scan and detect pirated content online. The system automatically detects the illegal use of intellectual property, sends formal letters to offenders demanding the removal of the content, and monitors the offenders' compliance with the demand

permanent block applications: we regularly protect the interests of our clients in courts through applications for permanent block of unauthorised websites



HOW CAN WE HELP?

Gaming business is a multi-layered system of relationships between developers, publishers, distributors, marketers and gamers, and that system revolves around the game proper, a complex intellectual property object. Just as with any complex subject matter, misunderstandings happen. Our team will be happy to help your business in any dispute and, if necessary, represent your interests in court.

We have successfully represented developers and other right holders in litigation around copyright, neighbouring rights, patent rights, and brand identity rights protection.

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REPRESENT YOUR INTERESTS
IN COURT (IN RUSSIA AND ABROAD)

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Case study: High-profile dispute between **Asmodee Group** and **Cosmodrome**

In late 2017 we assisted **Cosmodrome**, the makers of a popular board game called «Imaginarium», in a court battle with **Asmodee Group**, the French manufacturer behind the legendary board game «Dixit». **Asmodee Group** filed a lawsuit alleging unfair competition on **Cosmodrome's** part and pleading with the court to stop the production and sale of Imaginarium in Russia and abroad. Our team successfully fought off **Asmodee Group's** claims, seeing the lawsuit completely rejected by the court. **Cosmodrome** retained the right to manufacture and sell Imaginarium without any restrictions.

Case study: We represented interests of the developer in a dispute with the largest foreign software company

A software developer has filed a lawsuit in a Russian court against his former employer, an international software company, demanding to ban the use of a computer program he wrote and recovery of monetary compensation. The dispute was in relation to the program, used by the defendant in the SaaS model and placed by the company on its foreign server.



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HOW CAN WE HELP?

Documenting your rights in the game (commissioning agreement, licence or assignment). The creative process is exciting. You can get carried away by enthusiasm and forget about formalities, hoping that your spoken mutual understanding is just enough. Alas, when time comes to present your project to a new investor it may well turn out that the rights in the game have never been properly acquired.

Our team will help ensure the proper documentation of your rights, negotiating and drafting everything from employment contracts and job descriptions to external contracts with third-party contractors - and advising as to the correct use of open source licences.

Non-Disclosure Agreement

IN RUSSIA AND ABROAD

Non-Disclosure Agreement (NDA). You will need an NDA when negotiating with an investor, entering into an agreement with your publisher, or hiring a third-party developer. You may also need it to ensure ongoing compliance of your departing employees. It is not rare, after all, for a former employee to use business know-how for the benefits of former employer's competitors.

HOW CAN WE HELP?

Contracts with publishers

Contracts with publishers. Most major publishers insist on their own contract templates, which are not always balanced or favourable for game developers. We will help you understand the implications of the terms your publisher suggests - and negotiate bespoke provisions that are most beneficial for you and your business.

Terms of Use. Last but not least, we will be happy to assist with the drafting of a comprehensive user agreement, taking into account the specifics and needs of your project.

Our team benefits from years and years of experience and an extensive knowledge of contract law

In addition to the contracts outlined above, we can also help with:

- contracts for the production and placement of advertising (including compliance audit of advertising materials)
 - contracts for the development of sites and mobile applications
 - licence agreements for the acquisition of rights to use music in your game
 - licence agreements for the use of brands and characters of third-party right holders in your game (co-branding)
 - investment contracts
 - contracts for the design, manufacturing and distribution of merchandise
 - contracts for e-sports events
 - offers and deeds of accession
- and many more**

FEATURE GAME



HOW CAN WE HELP?



Multiplayer computer games are becoming more popular each day, which makes the issue of players' privacy even more pressing. Unfortunately, companies are not always able to ensure the safety of gamers' names, account keys, addresses, email addresses and bank accounts, which inevitably leads to reputational risks and financial losses.

We can help by:

advising studios and developers on the lawful collection and processing of personal data pursuant to Russia's Federal Law No. 152-FZ and in compliance with the GDPR (European Data Protection Regulation)

analysing the content of video games to ensure compliance with age control and child protection requirements

assessing of marketing and advertising campaigns and other materials to ensure compliance with advertising laws

reviewing your internal documentation to ensure compliance with the law

assisting with your processing of official Roskomnadzor information requests, and helping prepare for any inspection initiated by the regulator



Case study: Advice for an international company on the cross-border transmission of data received from GPS devices

Assisting the client who intended to transfer personal data into the European Union, our team analysed Russia's current regulation surrounding the transfer, storage and usage of data collected via telematics devices with GPS trackers

OUR TEAM



We have more than 20 lawyers in our team but decided not to turn it into a school album. Below we list only key specialists in the gaming industry.



EXPERIENCED GAMER

ROMAN LUKYANOV

**Managing Partner,
Semenov & Pevzner Experienced gamer**
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Roman has more than 15 years of advising companies in the entertainment and gaming sectors. His clients include Rovio Entertainment (Angry Birds), ZeptoLab (Cut the Rope), OutfitTalking Tom and Friends), Alpha Group Co. (Super Wings), Entertainment One UK Limited (PJ Masks, Peppa Pig) and many others.

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EKATERINA SMIRNOVA

**Managing Partner,
St. Petersburg Office**
esmirnova@semenovpevzner.ru

Ekaterina obtained an LLM in Intellectual Property from the University of Melbourne in Australia. Her professional experience includes more than 10 years. Ekaterina specialises in legal regulation of intellectual property and information technology.



ALENA KUZMINA

Senior Media Content Counsel
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Alena graduated from the Higher School of Economics. Prior to joining our team, she was head of legal at IT and anti-piracy company Web Kontrol. Her experience includes advising leading Hollywood studios, including Disney Enterprises Inc. and Warner Bros.

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LET'S STAY
IN TOUCH

GAME INDUSTRY
NEWS DIGEST

Want to keep up to date with the latest industry news? Subscribe to our newsletter (just email ebelousova@semenovpevzner.ru to get on the list)

DIGEST

ebelousova@semenovpevzner.ru

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AND FOR SURE WE WILL MEET AT
KEY EVENTS MORE THAN ONCE

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