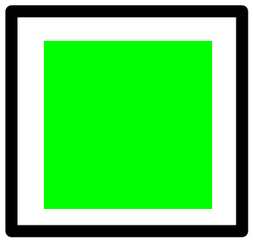
GDC

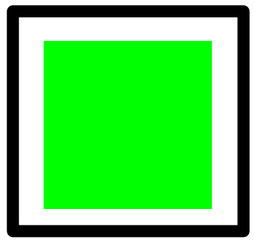
Who Owns Reality?

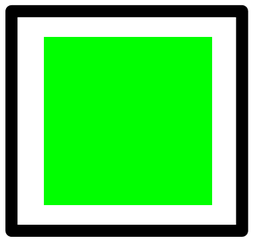
Will Bucher
Fenwick & West

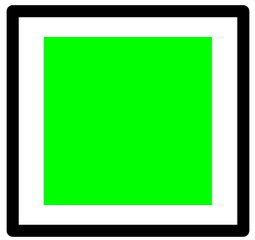
Reality vs. Fantasy

Nature

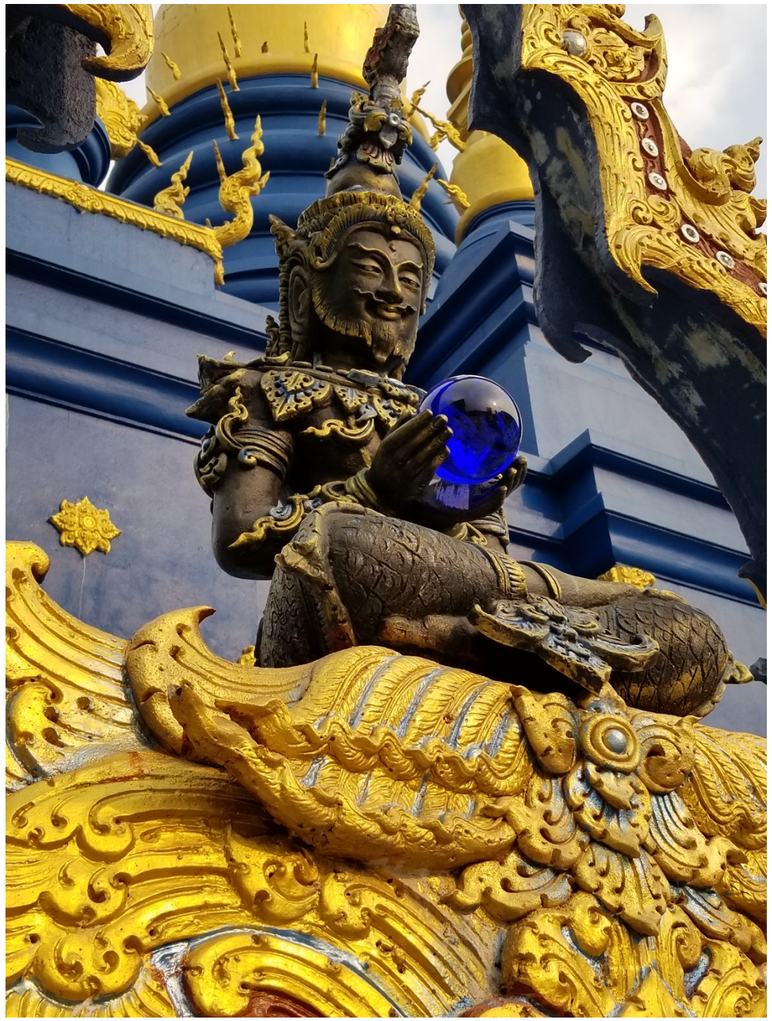




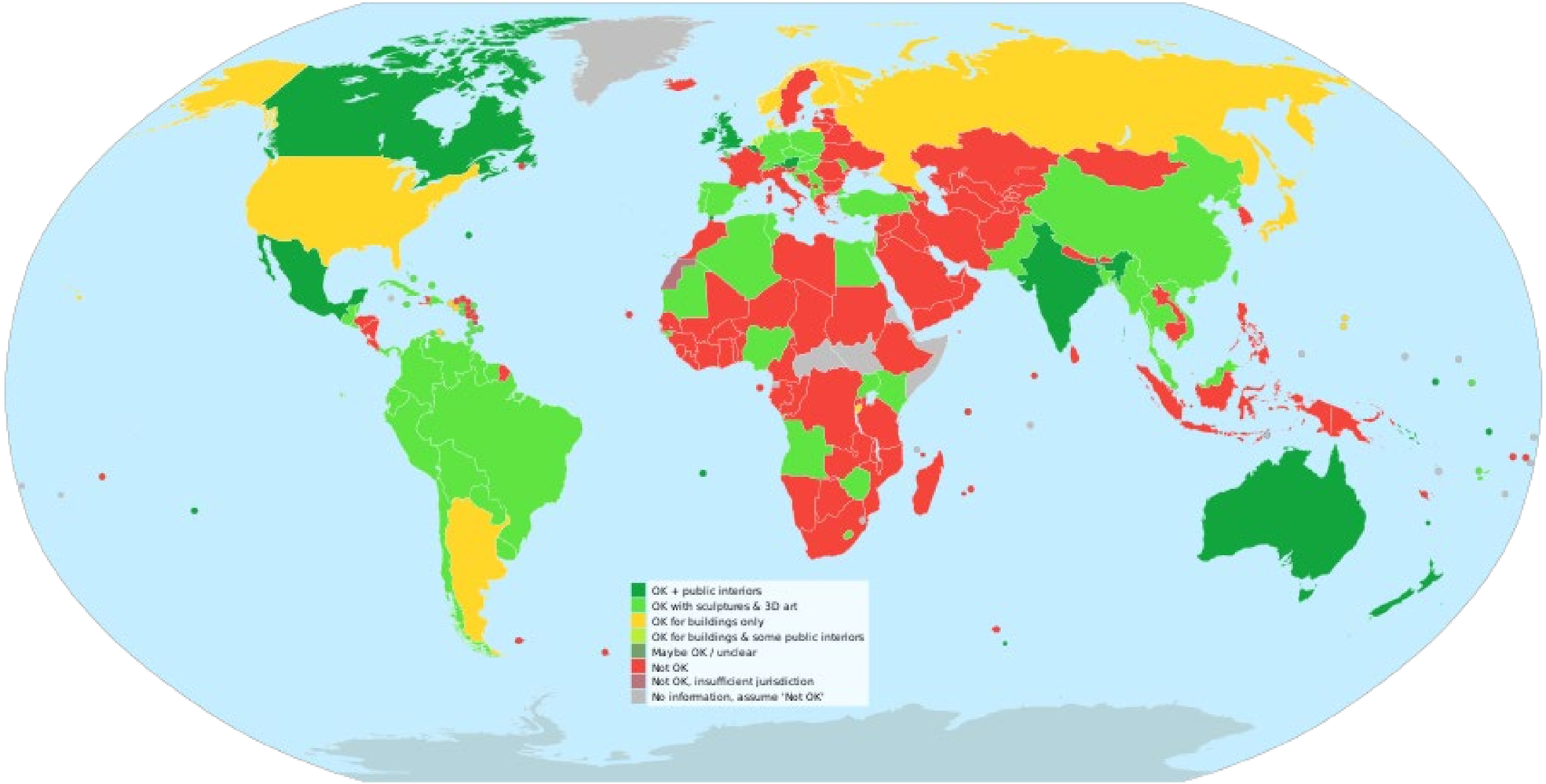




Buildings



Freedom of Panorama



Old Buildings

Buildings Summary

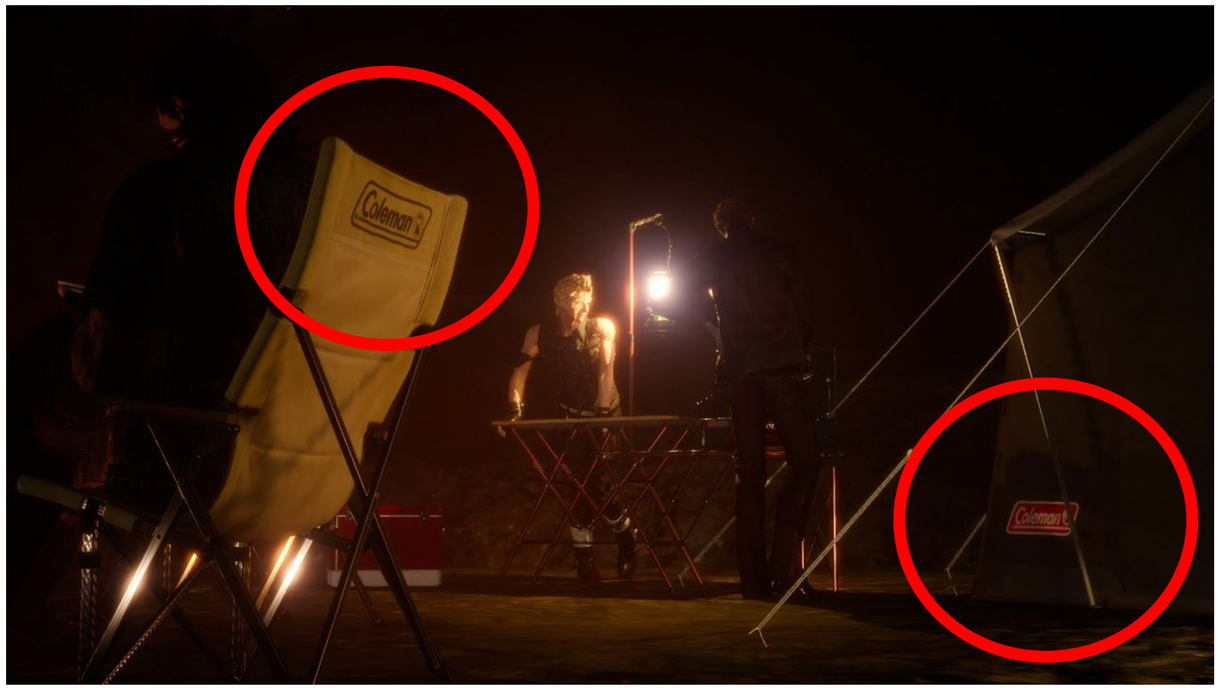
- Rules for buildings, their public interiors, and the sculptures accompanying them vary by country
- In the USA, buildings are OK, but public interiors and sculptures are not
- “Freedom of Panorama” is the relevant legal principal, and Wikipedia is a quick but imprecise way to determine if you can use a building in that country
- Buildings whose architect died more than 70 years ago are also permitted, but be careful when dealing with more recent renovations or additions
- Be careful with what is a building—and don’t use the Hollywood sign

Brands and Logos

Pick a Path: Realism or Fiction

Final Fantasy XV

Final Fantasy XV



Brands and Logos Summary

- Owner has a right to prevent false association or sponsorship but not to exclude use
- Don’t highlight unlicensed brands or logos in advertising or marketing for the game
- Safest to copy the real world heavily or not at all, as occasional use of real-world brands and logos creates the impression of sponsorship
- Safer to copy U.S. brands than EU brands

Weapons & Vehicles

Changing Logos

Weapons & Vehicles Summary

- Perfectly acceptable to use weapon and vehicle designs from the real world
- Treat brands on weapons and vehicles the same as on other items
- Safer to copy U.S. brands than EU brands. Italian brands (e.g., Ferrari) particularly risky.

FENWICK

People

Using People in Games

Safer Uses

- As inspiration
- Accurate re-creation of history
- Wildly fantastic story

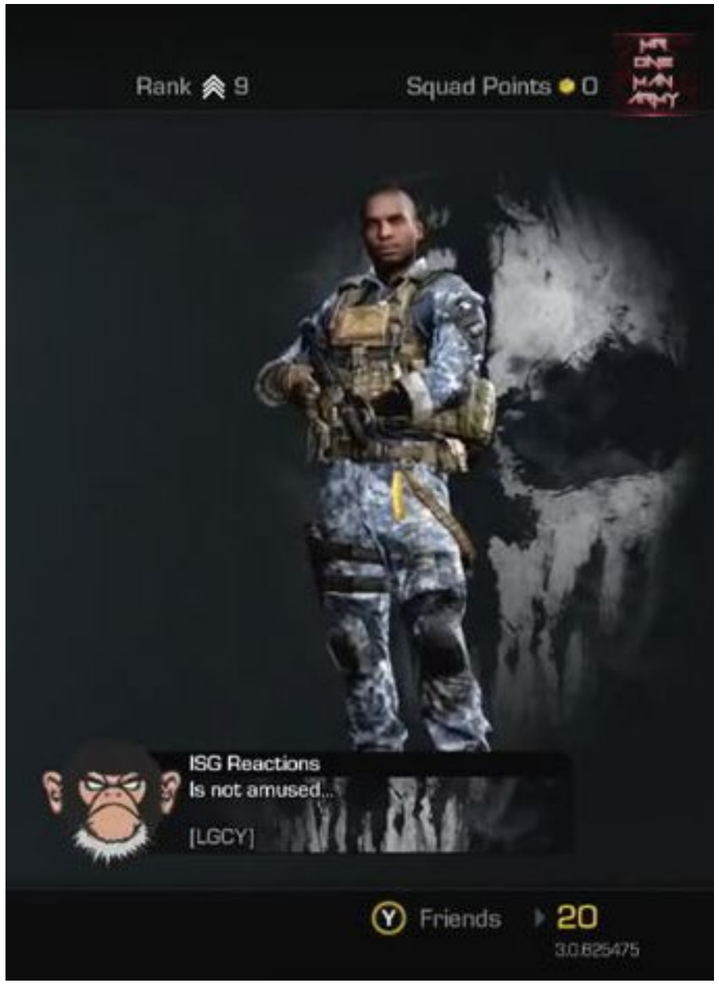
Risky Use

- Falsely implying a connection to a person, particularly to sell something
- Athletic activities
- Sex or nudity

Practice Tips for People in Games

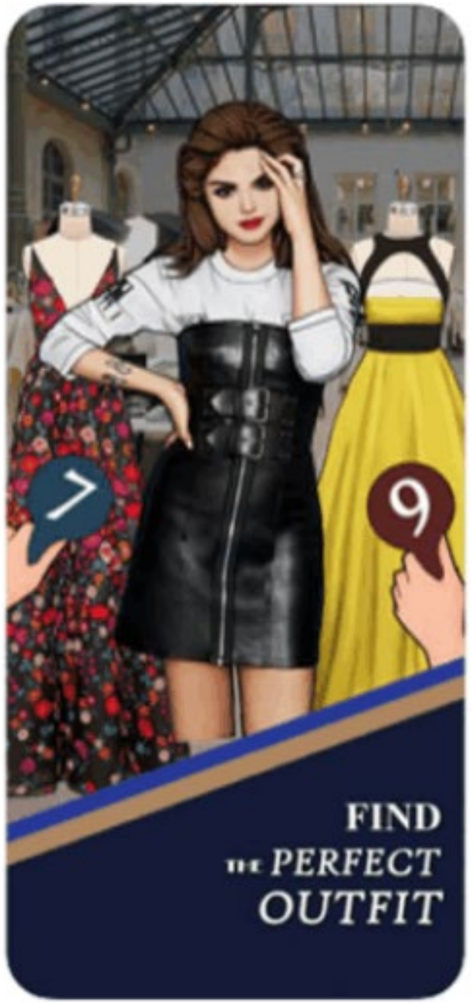
- Find 5 to 10 other people who also inspire you, document them, and create a character drawing on all the inspirations
- Follow similar rules for brands and logos
- If you’re going to make a deal, make a deal or don’t use them

Clothing


Rank 9
Squad Points 0
ISG Reactions
Is not amused...
[LGCY]
Friends
20

WASH AWAY
YOUR ENEMIES
EST. 1912

Clothing

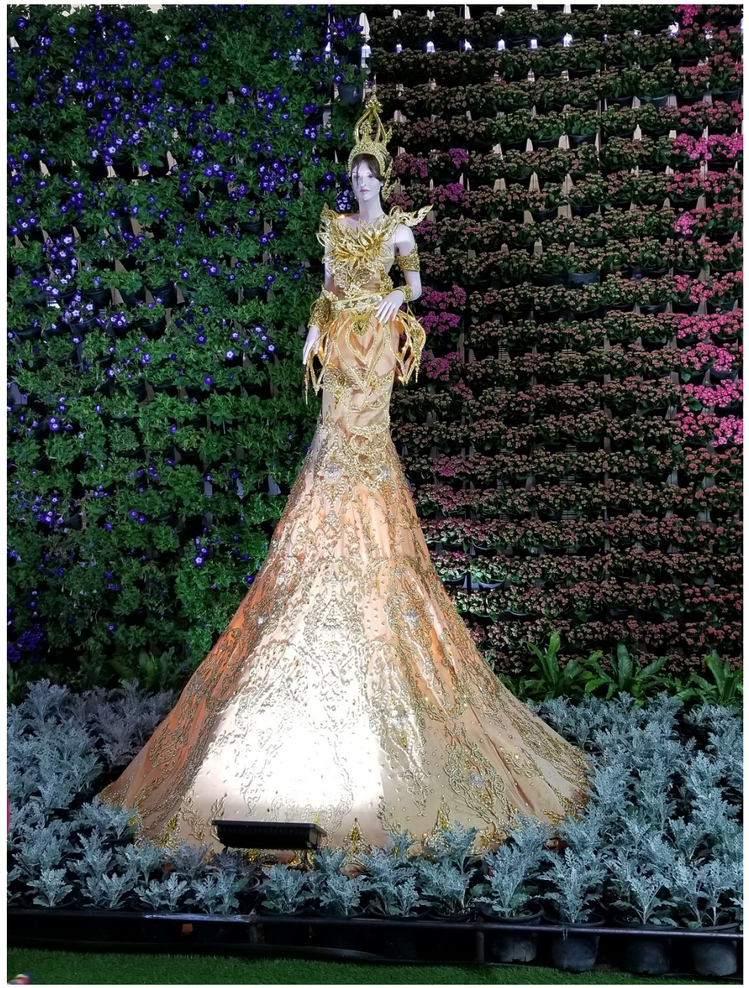

7
9
FIND
THE PERFECT
OUTFIT

FLARE
NOVEMBER 2015
FALL-TO-WINTER WONDER PIECES
"I FEEL CONFIDENT, I FEEL EMPOWERED, I FEEL IN CONTROL"
Selena Gomez
FIX YOUR SKIN, FOR REAL
BE YOUR UNFILTERED, UPSPEAKING SELF AT WORK— AND STILL GET AHEAD
COATS FOR EVERY AREA CODE WITH WINNERS

Clothing Summary

- You can use clothing as the basis for your 3D models, but you can only use clothing as the basis for textures to extent that 2D art could be used lawfully pursuant to copyright law.
- Treat brands on clothing the same as on other items
- Be careful about copying clothing while also copying a person

Example



Broad Themes

- Be careful when using assets copied from the real world in advertising or marketing
- People, and the buildings and objects they created, who died 70 or more years ago are safe to use
- Advantages to being historically accurate or wildly fantastic, but best to avoid fantasy with sprinklings of reality

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