

Entertainment Software Association Concerns Alleviated

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Key Facts

- Legislation was filed that would extend the right of publicity, which is the right of an individual to control the commercial use of his or her name, image, likeness, or other unequivocal aspects of his or her's identity, post mortem
- A version of the bill that passed the Senate excluded video games from the expressive works exemption
- Our team was quickly able to respond to the concerns of the ESA by impeding the bill's progress in the House

The Situation

Legislation was filed that would extend the right of publicity, which is the right of an individual to control the commercial use of his or her name, image, likeness, or other unequivocal aspects of his or her identity, post mortem. A version of the bill that passed the Senate excluded video games from the expressive works exemption. This exclusion would have been detrimental to the video game producers who comprise the membership of the ESA and would have set a harmful precedent.

The Approach

ML Strategies was quickly able to respond to the concerns of the ESA by impeding the bill's progress in the House to allow for more time to educate legislators on the impact of excluding video games from the expressive works exemption.

The Outcome

The bill did not proceed.