

Co-Production in Gameing - legal framework

Franco German Game Co-Production Meeting
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Straßbourg

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I. INTRODUCTION

*A closer look
to
different structures of producing
Or
The sense of co-producing*

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INTRODUCTION: *Closer look to different structures of producing*

One Company – one Game: **all from one source**

Pro: full control, simple contractual structure,

Contra: financing of all costs,
full economic risk

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INTRODUCTION: *Closer look to different structures of producing*

One company – one Game: **but: outsourcing of certain jobs**

Pro: reducing of team and current costs,

Contra: dependance on subcontractors,
subcontractors may have less interest in
success of the game

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INTRODUCTION: *Closer look to different structures of producing*

Co-Production – producing with different partners

Pro: share of finances and economic risks,
increase in expertise and quality motivation for
success.

Contra: structuring of workflows and co-production agreement
are essential.

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SHOWCASE: LUTHER - The journey

Just in time for the 500th anniversary of the Wittenberg theses attack, **Target Games** has published "Luther - Die Reise", a games app for the reformation year.

The game is a production of **Target Games** in **co-production** with **IJsfontein Interactive Media**, the graphic studio **Unger & Fiedler**, the composer **Markus Vögeler** and the developers **Zeppelin Studio**.

The player becomes Luther's companion on his escape from Worms.

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Luther - Die Reise | Mobilegame Trailer iOS & Android

<https://www.youtube.com/watch?v=OqOvCQwD4BU>

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II. Key contractual points:

Some essential questions for drafting a co-production agreement:

- 1. Who is participating?**
- 2. What is produced?**
- 3. What are the responsibilities?**
- 4. What is the budget?**
- 5. Who brings which investment?**
- 6. What are the milestones and the deadlines?**
- 7. How shall the rights be split?**
- 8. How shall the revenues be split?**

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II. Key contractual points

Who is participating?

1. Parties the contract

Target Games

IJsfontein Interactive Media

Unger & Fiedler

Markus Vögeler

Zeppelin Studio

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II. Key contractual points

What is produced?

2. Object of Agreement

Games App for year of reformation

- Details, for example design, course of play, characters etc. should be laid down in a **specification** attached to the Agreement.
- Fixing head of creative key personnel (game design, sound design, etc).

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II. Key contractual points

What are the responsibilities?

3. Coproduction services and control

IJsfontein Interactive Media: concept

Unger & Fiedler: graphics

Markus Vögeler: music

Zeppelin Studio: development

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II. Key contractual points

What are the responsibilities?

3. Coproduction services and control

- Each parties is soley responsible for her services (organisation,control, closure of contracts, ect.)
- Decision making process concerning material questions, such as Creative artists, key technical personnel, changes of budget).
- Right of final approval (executive producer)

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II. Key contractual points

What is the budget?

4. Calculation and Budget

Calculation including Overages (i.e. 5% of budget),

Production costs

Exceedings: each partie carries her own exceedings

Bank account for the co-production

Reporting of costs and banking situation to executive producer.

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II. Key contractual points

Who brings which investment?

5. Financing

Contributions of partners,

Contributions of funding agencies,

Financing structure and cash flow (annex to the agreement),

Failure of Financing: end of agreement.

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II. Key contractual points

What are the timelines?

6. Production Plan

Milestones,

Production schedule (annex to the agreement).

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II. Key contractual points

How shall the rights be split?

7. Ownership of rights

- Rights are owned jointly by the coproducing partners.
- Each partners acquires full rights of his services for the co-production and gives a guarantee rights. (chain of title)
- Fixing copyright share of each partner according to value of his contribution.

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II. Key contractual points

How shall revenues be split

8. Territories and revenues

Partners may own the exploitation rights for certain territories

Or: all in one hand.

Revenue split according to share of copy right and subject to

Recoupment plan: repayment obligations to be recouped at first place.

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II. Key contractual points

Further points of the co-production agreement:

- Insurances
- publicity
- Credits
- Choice of governing law

How to Co-Produce?

A co-production is not just a concept, it is a meeting of minds coming together to find a shared solution.

Blog by Elena Lobova; Co-Production in Games Industry;

https://www.gamasutra.com/blogs/ElenaLobova/20160419/270792/CoProduction_in_Game_Industry.php

Thank you very much for your attention and good luck!

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