

PERMISSIONS

Obtaining permissions can be a morally and legally ambiguous problem.

A creator might appreciate you including their game and even signal boost your event on social media, or they might feel like you are benefiting from their work without compensation. Either way, asking permission is a really good idea.

So how do you obtain a creator's permission? How should you contact them? What happens if you can't contact the author? What happens when you want to exhibit a big title? Who is responsible for getting the permissions? These are all questions we must consider when tackling this part of the curation process.

Asking Permission

The best way to avoid any potential legal or ethical conundrums is to ask permission from the artist before exhibiting their work. Anyone on your team may initiate this process, but using someone near the top of the hierarchy (like a chief curator, rather than an intern) will produce better results.

Once you have decided you would like to include a game, reach out to the copyright holder (creator, publisher, and/or studio) to ask for their permission. Doing this early on in the process will give them the maximum amount of time possible to respond. You can do this via email, social media, or their website, but having your correspondence through email makes it feel professional and is extremely helpful for your records. Your initial message should include the following: an introduction of yourself and your organization (if applicable), the exhibition's purpose/theme, how/why the game will be displayed, and logistical details about the exhibition (timeline and location). Always make sure to express your appreciation of their game!

Usually, obtaining a signed document of confirmation from the creator is unnecessary as the written permission through the email is typically enough.

If you do not hear back (which will often be the case for larger projects like AAA games), or if you cannot figure out how to contact the creator at all, it is up to you whether you want to still exhibit the game, **as legally you are allowed to**, but it is in a moral gray area.

Copyright Law

The exhibition of video games, like other artistic media, is usually covered under Fair Use in the US and Fair Dealing in Canada (your region might vary). This means that a copyrighted work can be displayed for educational purposes, which museum and gallery exhibitions fall under. So, under these circumstances, you will not fall into legal trouble for displaying a video game itself.

That being said, the game in question must be acquired through legal means (i.e. not pirated) and displayed on actual consoles (i.e. not emulated), except in cases where this is truly impossible.

You are NOT allowed to make these games available and playable online under almost any

circumstances, but you are permitted to use images or videos of any games in promotional materials. This is covered under the same regulations that allow Twitch streamers or YouTube creators to use gameplay footage and images, but be aware that you will likely run into the same issues these creators often do, so it is wise to avoid things like cutscenes or certain copyrighted songs the games may use.

Attribution

From a legal as well as a moral standpoint, you must give credit where credit is due. As a curator it is your job to include the name, year, platform, publisher (if applicable), and studio/creator name(s) for every game you exhibit. If you are highlighting a specific aspect of the game (e.g. its soundtrack), name the specific creator(s). If you are in communication with the creator, ask them specifically how they want to be credited.

If you are using an in-game screenshot or gameplay footage, credit the person who captured it. If you use an image from/of a game in promotional materials, mention the title of the game.

Authors for this section:

Leland Heller

Editors for this section:

John Wanamaker

Jim Munroe

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