

Gaming, Media and Sports

As digital technologies continue to evolve and content distribution channels become increasingly diversified, the intellectual property landscape and business structures of the gaming, media, and sports industries are undergoing rapid transformation. New legal issues are emerging across a wide range of areas, including content creation and distribution, publishing and licensing, broadcasting and digital media rights, and athlete and agent agreements, while complex disputes involving domestic and international businesses, platforms, and other stakeholders are also increasing. Against this backdrop, it is essential to understand the characteristics of each industry, the rights associated with content, and relevant transaction structures, and to proactively address legal risks across all aspects of the business.

Drawing on its deep understanding of the characteristics and business structures of each industry, Shin & Kim's Intellectual Property Practice Group advises on and represents clients in a broad range of matters across the gaming, media, and sports industries.

In the gaming industry, the IP Group advises on a wide range of matters, including copyright infringement, trade secret misappropriation, and plagiarism disputes; domestic and cross-border game development, investment, publishing, and licensing agreements; game service models and in-game item sales models; game rating and gambling regulations; and terms of service. In the media industry, the IP Group advises on and represents clients in copyright and content transmission disputes involving broadcasting and digital content, as well as broadcasting rights and digital media rights agreements and disputes relating to domestic and international sports content.

In the sports industry, the IP Group advises on contracts and represents clients in disputes relating to broadcasting and media rights for international sporting events, such as the FIFA World Cup and the Olympic Games, as well as professional sports; the operation of leagues, clubs, and sports associations and their contractual relationships; athlete, coach, agent, and management agreements; and disputes concerning disciplinary actions, eligibility, and player registration. The IP Group has also developed extensive experience with the regulatory framework and commercial practices of the sports industry through its participation in the development and review of standard form agreements and related regulations for professional sports.

Shin & Kim's Intellectual Property Practice Group takes a proactive approach by assessing rights issues and regulatory risks from the earliest stages of business planning and contract formation. Reflecting the characteristics of each business—including game development and publishing, content distribution and broadcasting rights transactions, and the organization of sporting events and operation of professional leagues—the IP Group structures transactions and

assesses contractual risks. Based on this approach, the IP Group delivers strategic and practical legal solutions that effectively protect clients' rights while supporting the achievement of their business objectives.

Key Services

Shin & Kim provides services in the following areas in relation to gaming, media and sports:

- Preliminary injunction proceedings and merits litigation involving copyright infringement relating to games, trade secret infringement, and unfair competition
- Disputes involving plagiarism of game content and cross-border game copyright disputes
- Game publishing and licensing agreements, and related disputes
- Copyright infringement and transmission disputes involving broadcasting and media content
- Exclusive broadcasting rights, broadcasting rights, and digital broadcasting rights for sporting events, and related disputes
- Broadcasting rights agreements relating to professional sports, such as the FIFA World Cup, the Olympic Games
- Operation of, and contractual matters relating to, professional sports leagues, clubs, and associations
- Athlete, coach, agent, management, and exclusive management agreements, and related disputes
- Disputes relating to sports disciplinary actions, eligibility, player registration, and internal disputes within sports organizations
- Standardization of agreements, regulations, and industry-specific contracts for professional sports
- Domestic and cross-border game development, investment, publishing, stock option, PC game room service, sponsorship, and in-game item sales agreements, including game rating and gambling regulations and review under the Act on the Regulation of Terms and Conditions

Experience

Gaming

- Dispute related to injunction against copyright infringement relating to the MMORPG *The Legend of Mir*
- Cross-border plagiarism disputes involving the mobile games *Let's ChaChaCha*, *Everybody's Marble*, and *Tsum Tsum*
- Disputes relating to game publishing agreements involving *CrossFire* and *Sudden Attack*
- Copyright infringement litigation brought by a U.S. game developer against Korean broadcasters concerning *StarCraft*

Media/Sports

- Litigation seeking corrective reporting in connection with a television current affairs program
- Disputes relating to exclusive sports broadcasting rights, including the 2010 Vancouver Winter Olympics and the

2010 FIFA World Cup

- Litigation and advisory services relating to the tender for broadcasting rights of a Korean professional golf association
- Litigation for damages between a terrestrial broadcaster and a sports marketing agency concerning exclusive broadcasting rights for the FIFA World Cup and the Olympic Games
- Advice on broadcasting rights agreements relating to Korean professional baseball, Major League Baseball, and the Bundesliga
- Development of standard form agreements for the professional sports industry, including baseball, soccer, basketball, and volleyball
- Review of player and coach agreements in connection with the acquisition of a table tennis team
- Advice on contractual matters relating to a badminton team
- Litigation seeking to invalidate disciplinary action against a member of the Korean national luge team
- Disputes concerning exclusive management agreements involving professional golfers and mixed martial arts athletes
- Advice relating to Hines Ward (Super Bowl XL MVP)
- Advice relating to Toby Dawson, a member of the U.S. national ski team

Key Contacts

Woo-Gyun Kim

Partner

+82-2-316-4083
wgkim@shinkim.com

Jin-Gu Moon

Partner

+82-2-316-1653
jgmoon@shinkim.com

Sea Hee Bang

Partner

+82-2-316-1773
shbang@shinkim.com

Sang-Hyeok Im

Partner

+82-2-316-4055
shim@shinkim.com

Ja-Rim Choi

Partner

+82-2-316-1729
jrchoi@shinkim.com

Jiwon Hwang

Partner

+82-2-316-1799
jwhwang@shinkim.com