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EU Video Games Law

A Handbook

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EU Video Games Law

A Handbook

by

Christian-Henner Hentsch
Anselm Rodenhausen
Dara MacGreevy

2026

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Published by
Nomos Verlagsgesellschaft mbH & Co. KG, Waldseestraße 3-5, 76530 Baden-Baden, Germany,
email: service@nomos.de

Co-published by
Verlag C.H.Beck GmbH & Co. KG, Wilhelmstraße 9, 80801 München, Germany,
email: bestellung@beck.de

and

Hart Publishing, Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, United Kingdom,
online at: www.hartpub.co.uk

Published in North America by Hart Publishing,
An Imprint of Bloomsbury Publishing 1385 Broadway, New York, NY 10018, USA
email: mail@hartpub.co.uk

ISBN 978 3 7560 0130 9 (NOMOS Print)
ISBN 978 3 7489 4737 0 (NOMOS ePDF)
ISBN 978 3 406 83323 6 (C.H.BECK)
ISBN 978 1 048 00304 8 (HART)

First Edition 2026
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Foreword

For years, the games industry has been the most dynamically growing media industry. Games are now enjoyed by all age groups worldwide, and the social, cultural, and economic significance of computer and video games is increasing accordingly. This is accompanied by growing interest in the innovative business models, investment opportunities, and legal peculiarities of this international and originally digital industry. Regulation is also increasing in line with the importance of the industry, particularly in the areas of youth protection, data protection, and, above all, consumer protection. With the aim of completing the digital single market, the EU has already issued numerous directives and regulations that have largely harmonized the legal framework for games across Europe. To date, there is no scientific work that presents all European directives and regulations and there is eeven no handbook which provides compact and practical assistance for those working in games companies. This handbook is intended to fill this gap, following the example of the German handbook "Games und Recht" from 2023, while at the same time making it clear that games are already comprehensively regulated at EU level.

The handbook is a project of the diverse European games industry, which is represented in this work by the three editors via the European Federation Video Games Europe in collaboration with the Cologne Research Center for Media Law at the University of Applied Sciences in Cologne. Numerous leading managers and in-house lawyers from renowned European and international publishers and developers have contributed to the handbook, as have the most prominent games lawyers with European and international mandates and years of experience in this specific area of law, as well as association specialists and academics from relevant games studies in Europe. This means that not only legal and regulatory issues, but also many practical and economic aspects can be included in this handbook.

In terms of content, the handbook is divided into 41 chapters covering the exploitation cycle of a video game, starting with founding a games company, game development, then publishing and distribution, and finally the special frameworks for platforms and marketing. At the beginning of each main chapter, the economic fundamentals and prerequisites are explained and classified in a first subchapter. The following chapters comprehensively cover all legal areas of the respective exploitation stage. The handbook is written in a practical and solution-oriented manner so that it is suitable for use in the everyday work of companies and law firms. It is aimed at managing directors, in-house lawyers, youth protection officers, data protection officers, and other employees in the games industry, as well as anyone with a general interest in the fields of investment, law, science, and, above all, politics and regulation.

The work takes into account the law in force until February 2026. The upcoming new regulations on consumer protection and guidelines on youth protection are partly reflected, even if they are not yet applicable in practice. The many new EU legal acts on platform regulation and liability on the internet and in data protection, as well as the consultation on a Digital Fairness Act, have also been addressed and discussed in part. In addition, there are numerous other regulatory issues that may be addressed in the future. This shows how dynamic not only the games industry is, but also the legal framework for it. The handbook can therefore only provide a snapshot, but it has been deliberately written in a practical legal style so that it also offers solutions for the new regulations and will therefore remain sufficiently up to date in the coming years. In any case, a new edition will not be published until the end of the current legislative period at EU level.

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We would like to thank the three publishers C.H.Beck, Nomos, and Hart and their prudent and always helpful staff, especially Dr. Marco Ganzhorn and Dr. Josef Herbasch (both from Nomos). We are very pleased that this publishing cooperation has made this EU project possible and has thus created a permanent scientific standard work for the international games industry. We are delighted with the outcome of this project and are, of course, always grateful for criticism and suggestions for the next edition.

In March 2026 *The Editors*

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CHAPTER 1
INTRODUCTION TO VIDEO GAMES

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§ 1
The Importance of the Video Games Industry to Europe's economy

I've had the pleasure of working in the video game industry for over 15 years and never has it been a more **vibrant, dynamic and growth sector** than right now, especially in Europe. Whether it's playing a mobile game on the morning commute, competing online with friends, or playing cooperatively with your family in your living room, video games have become an integral part of our daily lives and cultural experience. 1

Video games are a **significant contributor to Europe's economy**, generating substantial revenue and employment opportunities. In 2024, the industry generated 26.7 billion EUR across five key markets in Europe,[1] marking a steady 4 % growth from the previous year. This growth is powered by the skills and creativity of the 114,400 people[2] employed in the sector across Europe, stretching across the continent, with developers known for their rich storytelling, immersive world creation and technological innovation. 2

It's worth highlighting that the video game sector has many **unique characteristics and dynamics** compared to other entertainment sectors, bringing together the best in technology with incredible artistic creativity and talent. Leveraging advancements in digital technology and at the forefront of transferable technology like AR and VR, the European video games industry is important in driving innovation, skills and economic value that also act as enablers and growth drivers for many other European sectors such as education. 3

The industry is not only a major economic player but also **a cultural force**, with Europe being home to some of the most successful game studios globally, such as those behind *Minecraft*, *Assassin's Creed*, and *The Witcher*. These worlds, stories and characters combine to create immersive entertainment experiences that are enjoyed by millions of consumers across the globe. 4

The sector's continued growth, resilience and innovation make it a **vital part of Europe's economy**, driving technological advancements and cultural influence worldwide, and reinforcing its position as a major player on the world stage of video games. 5

This handbook will be a must read for video game companies that create, publish and/or distribute games in Europe. It will help to navigate the **raft of legislation that applies to video games companies**, ranging from intellectual property laws that underpin the creative work, its subsequent licencing, distribution and innovation, to consumer protection, competition law, data protection and much more. 6

[1] GameTrack data provided by IPSOS Mori published in Video Games Europe Key Facts Report 2024.
[2] EGDF & VGE 2022 European Video Games Industry Insight Report.

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§ 2
The European Video Game Market, Industry and Players

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The industry value chain ... 4
B. What is the market – methodology? ... 14
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1 At the turn of the millennia when creative industries such as music and film were struggling with the 'digital transition' it used to be said that the video games industry was better positioned because it was 'born digital'. As the noughties came to a close, the industry started to fully **embrace its 'digital origin'**. In particular, digital distribution in the form of full game downloads started to take on an ever more important role. Together with digital distribution came other business evolutions, such as episodic games (which evolved into ongoing content updates rather than as TV-like 'episodes'), live service games, digital payments, freemium games and in-game purchases or micro transactions as well as advertising funded games.

2 This short chapter aims to give a condensed introduction to the European video game industry, **exploring the market as it currently stands** and the players that drive the market. Where possible, longer-term trends are presented rather than just a snapshot in time, with the aim of giving the reader some background to help put the rest of this handbook in context.

3 Unfortunately, there is **no standard industrial classification** for the video game industry which means government statistics are not available directly in a meaningful form. As a result, we generally rely on commercial data sources.

A. What is the European industry?

The industry value chain

4 Before looking at the numbers behind Europe's video games industry, it is worth briefly clarifying **the industry value chain**.

5 **Developers**: developers are the creative and technical talent who create the games. A developer may be owned by a publisher or be independent. Developers can range in size from a single person (who may subcontract elements) to several thousand staff.

6 **Publishers**: publishers finance, market and distribute games. Publishers may commission or publish games from internal studios or third-party developers. It is rare to have a pure developer or pure publisher; most are hybrids, doing a mix of both.

7 **Distributors**: distributors historically acted as a sales and logistics intermediary between publishers and retailers. Now that physical sales represent only 10 % of total revenue, the importance of distributors has diminished and is being replaced by digital storefronts and platform holders who perform the function of distributor/retailer in the digital space.

8 **Retailers**: traditionally, these were brick-and-mortar shops selling packaged games. Now, they includes digital storefronts, some of which are also platform holders.

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Platform Holders: platform holders include companies that produce the hardware on which games are played but also the software ecosystem in which games exist. 9

Service Providers: the list of service providers to the industry is extensive and includes game technology-focused companies that produce games engines, middleware, cloud infrastructure and online services or specialise in elements of game production such as art, animation, modelling, audio production, localisation, translation and Q&A. There are also ecosystem support companies that focus on payment processing, advertising networks, analytics platforms or customer support. 10

Whilst it can be argued that the European video games industry lacks a high number of big-name platforms or publishers, it is very well represented in the mid-size publishers and development sector. The 2022 EDEF/Video Games Europe study counted **5,300 companies developing games in the EU**.[1] In terms of headcount, 114,400 people are directly employed in Europe (90,000 in the EU). 11

The top 5 video game development countries by headcount are UK, Poland, France, Germany, and Sweden. 12

Across Europe there is **no discernable preferred platform** for development, though some countries favour certain platforms such as mobile in Finland or VR in Belgium. Many developers create their game for multiple platforms which spreads development risk and reduces the average development cost per platform. 13

B. What is the market – methodology?

GameTrack[2] was the primary source used for market size and video game player behaviours. It is operated by Ipsos on behalf of Video Games Europe. It includes all devices that might be used for playing video games – from PCs and laptops, games consoles and portable games devices through smartphones and tablets as well as currently niche devices such as smart TVs. Similarly, this includes all games formats – from packaged (new, pre-owned/rental) to apps (paid and free) to online games (including downloads, subscriptions to multiplayer games, browser games, games on social network sites and on-demand/streaming subscriptions). 14

Central to GameTrack are the key metrics of **Reach** (who play games and how they play), **Game time** (how long they play for each week), **Volume** (the number of games being acquired (both paid and free)) and **Value** (the amount of money being spent on games). 15

Although GameTrack covers only the largest five European markets in UK, Germany, France, Spain and Italy, these represent around 78 % of the estimated total European market. Therefore, these five markets can be seen as a reasonable proxy for Europe as a whole. 16

To supplement GameTrack, data from **GSD (Games Sales Data)**[3] was sourced. GSD is another project of Video Games Europe operated by Sparkers S.A. which captures paid for, full games, sales data for both European retailers and digital platforms covering PC, PlayStation, Xbox and Nintendo platforms (so not smart devices). The GSD data referred to here focuses on the following 16 European countries: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Poland, 17

---

[1] European Game Developers Federation (EGDF). 2022 European Video Games Industry. Available at: https://www.egdf.eu/2022-european-video-games-industry-insight-report/.

[2] GameTrack. Available at: https://www.videogameseurope.eu/data-key-facts/gametrack-info/.

[3] Games Sales Data (GSD). Available at: https://www.videogameseurope.eu/data-key-facts/games-sales-data/.

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Portugal, Spain, Sweden, Switzerland, and the United Kingdom for which both retail and digital sales data exits.

C. What is the market?

18 In terms of the way games are sold, whilst app games for smart devices are only sold digitally, games for consoles and PCs are **sold in two main formats**: physical (or packaged) and digital. There are several key differences between packaged and digital games. Packaged games can, in practice, be resold on the second-hand market, whereas digital games typically cannot. Additionally, packaged games do not require (as much) storage space on the console or PC but do need physical storage space, while digital games are stored digitally, consuming limited hardware capacity, especially on consoles. Furthermore, digital games are downloaded to one device, restricting play to that specific device, whereas packaged games can be easily transported and used on different devices. An emerging third way for consumers to enjoy games is via on demand/streaming/subscription services. This has not yet met its initial promise but may yet gain traction as internet speeds continue to improve and connection latency drops.

19 Digitalisation has significantly impacted the games industry in several ways. Firstly, the **shift from physical to digital distribution** for both PCs and consoles has led to cost efficiencies in production and distribution, as digital copies eliminate the need for packaging, stock management, and distributors. Secondly, developers now have the **ability to self-publish** their games, allowing independent developers to access consumers directly through various platforms. Consequently, publishers can sell their games directly to consumers via their own retail platforms for PCs, bypassing third-party retailers.

20 As of 2024 the market for video games in the five markets covered by GameTrack was worth some 20.2 billion EUR. Since 2014 this represents a compound annual growth rate of over 9.5 %.

21

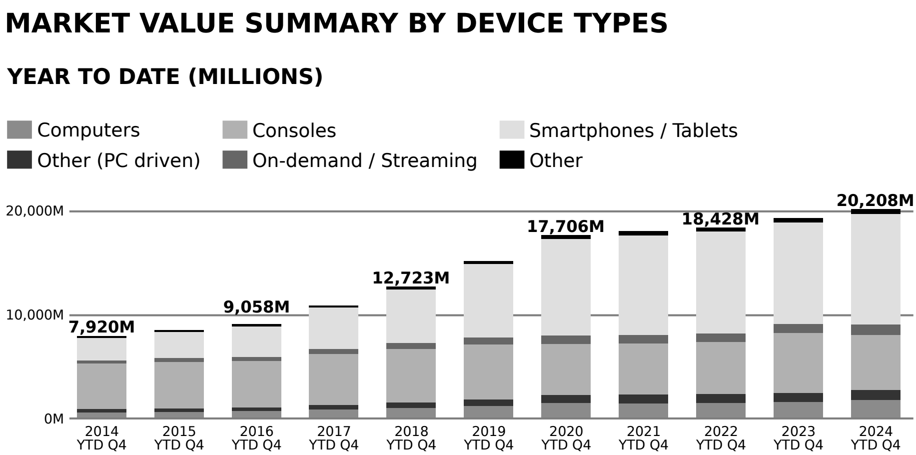

Figure 2.1

22 One can see within the chart that the majority of the growth since 2014 has come from apps on smart devices with secondary growth coming from consoles.

23 As far as game sales are concerned, the digitisation of games sold on the PC, PlayStation and Xbox formats have been steadily increasing with PC leading the way.

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Share of digital and packaged unit sales by platform (16 European countries), 2019–2023, GSD. **24**

25

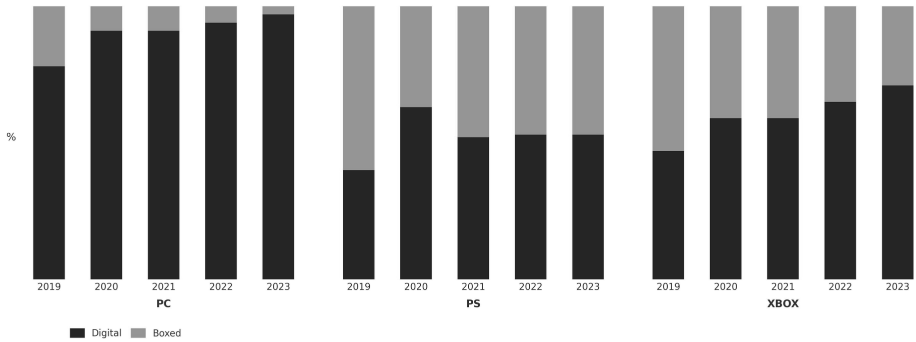

Figure 2.2

Looking more broadly at total software revenue (per GameTrack), one can see in the next chart that 90 % of the total software revenue is now digital with packaged games steadily dropping in relevance to represent only 10 % in 2024. App revenue represents 43 % of the total, with online (covering full game downloads, in-game purchases and digital subscriptions) accounting for 47 %. **26**

27

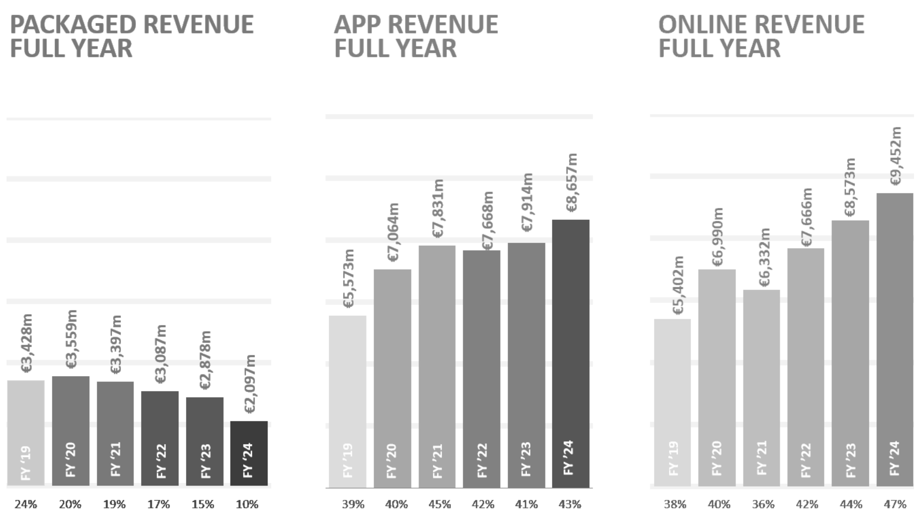

Figure 2.3

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D. Who are the players?

28 Thanks to GameTrack we have a very detailed picture of game players.

29 Starting with the **Reach of Gaming**[4] we see that the percentage of the 6–64 population that play games (even occasionally) is slowly but steadily increasing to reach 54 % in 2024.

30

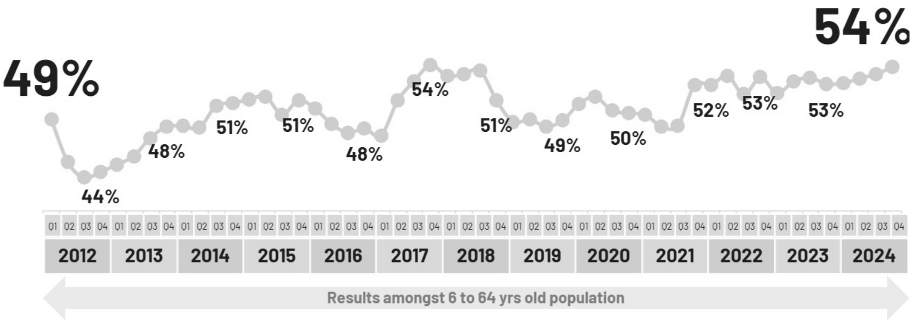

Figure 2.4

I. Age demographics

31 Although the majority of children play video games, the majority of game players are not children. 85 % of 11–14 year olds play which totals 11.8 million players whereas the 33 % of 45–64 year-olds totals 29.7 million players. In total 75 % of players are over the age of 18. This is important when discussing child protection issues around the use of video games (see Chapter 01 Europe's Video Game Players[5]). It is also important to remember that the visual language of video games often differs from 'classic' media, so one cannot assume that just because a game uses bright colours and a cartoon style that its target or main audience is children. If it is a puzzle or hidden object game, the most common player may be a female over the age of 45.

32

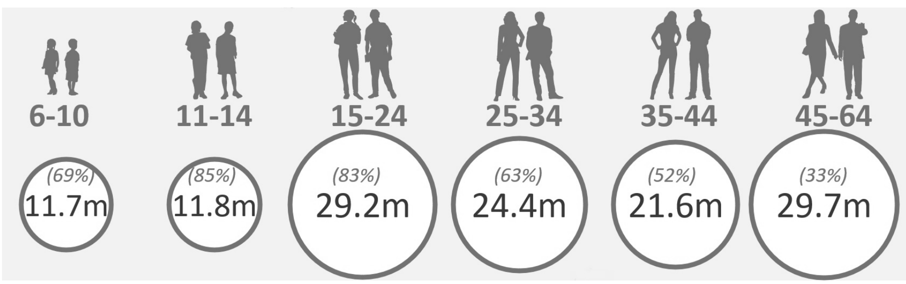

Figure 2.5 Age Breakdown of Players[6] across the GameTrack countries.

[4] Video Games Europe. All About Video Games – European Key Facts 2024. Available at: https://www.videogameseurope.eu/publication/2024-video-games-european-key-facts/.
[5] Ibid.
[6] Ibid.

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II. Male/female split and average player age[7]

In aggregate, **male players slightly outnumber female players** (55 % vs. 45 %) but the detail shows this split varies by device type with smart devices being the closest to an equal split at 52 % male to 48 % female and PCs being the most male-dominated device with 63 % male vs. 36 % female. **33**

34

Device Type	Male vs. Female	Mean Age
Smart Devices	52 % vs. 48 %	29.1
Console	58 % vs. 41 %	26.3
PC	63 % vs. 36 %	29.9
Total	55 % vs. 45 %	31.3

Table 2.1

Digging deeper into the demographics shows that it is the **45–64 age group that drives the female population higher** – 66 % of smart devices players are female in that age group. **35**

III. Time spent playing[8]

The average time spent on games has, for the last 10 years, **remained fairly constant at around 9 hours per week**, a spike that occurred during the Covid lockdowns returned to the baseline once we regained our freedom. **36**

37

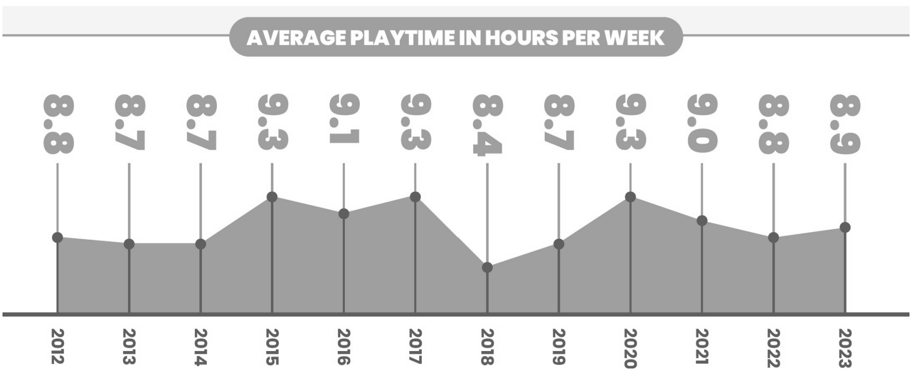

Figure 2.6

To put these 9 hours into context, the Thinkbox TV Viewing Report 2024[9] reports that the average time spent watching TV (of all kinds) is 23 hours per week and the average time spent on social media according to GlobalWebIndex GWI Report is just over 16.75 hours per week.[10] **38**

[7] Video Games Europe, (no. 4).
[8] Ibid.
[9] ThinkBox. TV Viewing Report. Available at: https://www.thinkbox.tv/research/nickable-charts/viewing-and-audiences/tv-viewing-report.
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§ 3
The Cultural Impact of Video Games

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A. Introduction

1 Video games, which once met with scepticism and were regarded as a frivolous or even harmful pastime, have grown into a widely **accepted and respected part of the cultural family**. They are now played and enjoyed by people of all ages, genders and backgrounds. Like film, music or literature, video games span a wide range of forms, from the serious and educational to the silly and escapist, and they inspire both praise and criticism.

2 Engagement with video games is as **diverse** as the medium itself. Some players are passionate enthusiasts constantly seeking innovation and novelty, while others are casual players or prefer to watch professionals or streamers rather than playing themselves. And as with any other art form – be it abstract painting, avant-garde theatre or jazz – not everyone connects with the same works. Art, including video games, is always a matter of personal taste.

3 Video games deserve to be recognised as **more than just commercial entertainment**. Their digital nature gives them a head start in a rapidly evolving technological world, and their international production and appeal make them a truly global medium. Furthermore, video games increasingly interact with other art forms. Their music is performed in concert halls, their stories are adapted into blockbuster movies and their technology is used in cinema, theatre and media art. These cultural connections further affirm video games' rightful place in the broader artistic landscape.

B. Cultural impact

4 Video games are still a comparatively **young medium**, with origins dating back to the 1950s. In that era, young people interested in technology were able to experiment with the first computers at US universities. Video games only became accessible to a larger target group in the 1970s, thanks in large part to the release of the first video game console for home use, the 'Magnavox Odyssey', along with one of the most iconic video

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game titles of all time: '*Pong*'. This marked the birth of video games as a mass medium. In the years that followed, more and more new platforms on which to play video games were added. Alongside video game consoles and computers, the smartphone developed into one of the most important gaming platforms. Today, almost every third person[1] on the planet plays computer and video games. The industry's annual sales revenue has long since surpassed 150 billion USD, overtaking all other areas of the cultural and creative industries. The success story of video games is unique and, given the constant innovations in the sector, far from over.

However, computer and video games have not just undergone remarkable technical and economic development, but have also been **culturally influential** for many years. Characters like *Super Mario* and *Lara Croft* are familiar even to people who have never played video games themselves. Football stars celebrate their most important goals with dances from '*Fortnite*'[2] and Hollywood stars name their children after video game characters such as *Zelda*.[3] Major video game brands such as 'Assassin's Creed' and 'The Witcher' are just as much at home on the big screen or in the concert hall as they are on a PC or a game console. Various subcultures have also grown up around video games. Esports already reach millions of people worldwide. The best players in digital competition enjoy a level of fame among younger generations previously only attained by international sports icons. Not only are European teams such as Fnatic, Team Vitality and G2 Esports worth several hundred million euros,[4] they are also on a par with the world's largest sports organisations in terms of popularity. **5**

These examples show how **dynamically** the video game industry has developed in recent years. A medium that was initially only available to a small target group – namely technically interested students at individual US universities – has become the most influential cultural and mass medium of our time within just a few decades. How influential? A look at economic developments over the past few years provides a good overview. **6**

C. The power of video games

'*FarmVille*' beats 'James Bond' – that could serve to summarise the takeovers in the international entertainment industry in the early 2020s. While IT giant Amazon paid around 8.45 billion USD[5] for the film studio Metro-Goldwyn-Mayer – including the rights to 'James Bond', one of the biggest brands in the film world – this would have been far too little to acquire Zynga, the maker of the social and mobile game '*FarmVille*'. The studio was bought shortly afterwards by video game publisher Take-Two Interactive for around 12 billion USD.[6] When this takeover was announced, it generated excitement **7**

[1] Wijman, 'The World's 2.7 Billion Gamers Will Spend $159.3 Billion on Games in 2020; The Market Will Surpass $200 Billion by 2023', 2020, https://newzoo.com/resources/blog/newzoo-games-market-numbers-revenues-and-audience-2020-2023.

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[5] Lang/Spangler, 'Amazon Buys MGM, Studio Behind James Bond, for $8.45 Billion', 2021, https://variety.com/2021/digital/news/amazon-buys-mgm-studio-behind-james-bond-for-8-45-billion-1234980526/.

[6] Takahashi, 'Take-Two buys Zynga for $12.7B enterprise value', 2022, https://venturebeat.com/2022/01/10/take-two-buys-zynga-for-12-7b-enterprise-value/.

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as the largest sum ever paid for a video game company. It was overshadowed, however, by news of a far more lucrative deal just a few days later, when Microsoft, operator of the Xbox platform and already the owner of numerous video game studios, announced its intention to acquire Activision Blizzard – the largest pure-play video game publisher by market capitalisation – for just under 70 billion USD.[7] This followed Microsoft's purchase a year and a half earlier of the video game publisher ZeniMax for around 7.5 billion USD.[8] But what is most noteworthy about these takeovers is that, although they are certainly outstanding in terms of their size, they aren't isolated cases. Rather, they are part of a larger trend that shows the enormous increase in the **economic importance** of the video game industry. A medium that was once pursued by only a select target group has long since become the largest entertainment medium of our time – and has done so in a comparatively short period.

8 While the high takeover price tags may come as a surprise to some, they can be understood in terms of market development. The **global video game market** has been developing very dynamically for several years now, with an anticipated volume of 177.9 billion USD in 2024.[9] By contrast, global sales of music totalled around 29.4 USD billion in 2024[10] and the global cinema market is expected to have generated about 33.9 billion USD[11] in 2023. This comparison alone shows that the video game market has already overtaken certain traditional entertainment industries and is now in a league of its own. And there is still plenty of room for growth in the future: While around 3.3 billion[12] played computer and video games in 2024, the global population stands at almost 7.8 billion.

9 However, it isn't just new players that are fuelling the dynamic growth of the video game market. A key aspect of the economic success story of video games is their role as a **driver of innovation**, as no other cultural and media industry is so quick to try out new technologies and approaches and turn them into products. From free-to-play games to virtual reality, the video game industry has long been a front runner in digital innovation. At the same time, video game players are often particularly open to new technologies that promise a better gaming experience. As a result, the video game industry and video game players have often helped technical innovations achieve a breakthrough on the mass market. In addition to completely new devices such as virtual reality headsets, the video game sector is also driving the demand for ever faster processors, graphics cards and internet connections, and thus technological progress as a whole. And this development is far from over. The biggest visions of the digital economy today include central pillars of the video game industry – artificial intelligence, virtual or augmented reality and the so-called metaverse all draw on innovations in video games – an indication that the relevance of the video game sector will continue to grow significantly in the coming years and decades. This will also increase the economic importance of the video game industry, which will become a key industry of digitalisation. Viewed

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