

Operational Intellectual Property Governance for EU Game Developers: A Reputation-Oriented, Evidence-Based Model for Cross-Border Enforcement

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Abstract. EU game developers increasingly operate in platform-mediated markets where distribution, community management, merchandising, and monetisation are inseparable from governance. In this environment, intellectual property is not only a legal perimeter but also an asset, a consumer trust signal, and an organisational capability that must be demonstrated through repeatable controls and measurable outcomes. The risk context is structural rather than episodic, as counterfeit and pirated trade is estimated at about USD 467 billion in 2021, around 2.3% of global imports, which intensifies cross-border brand abuse pressures. The aim of this study is to design an evidence-based operational model for EU game studios that embeds IP governance into reputation and compliance scoring, links legal requirements to measurable indicators, and enables scalable enforcement through platform routing and standardised evidence packs. The study applies qualitative doctrinal and policy analysis combined with operational design reasoning. It maps enforcement baselines to monitoring, takedown, litigation readiness, and confidentiality preservation, then builds an indicator architecture from asset and rights inventories to prevention, detection, and response metrics. Scoring combines an ordinal maturity rubric for governance indicators with normalised quantitative metrics to control for scale effects and to preserve cross-jurisdiction comparability. The model translates abstract reputation drivers into auditable IP signals and shows that IP becomes reputationally meaningful when measured as stable, trackable performance. It delivers a core indicator dictionary that reduces subjectivity by specifying definitions and evidence expectations, strengthening enforcement readiness and due diligence credibility. The framework also provides a time-sequenced incident response playbook that aligns evidence preservation, platform routing, and communication actions to support trust recovery after IP crises. Future studies should validate the scoring system against real incident outcomes, test calibration choices across jurisdictions, and assess whether improved evidence readiness measurably reduces recurrence and accelerates takedown cycle times.

Keywords: intellectual property governance; EU game developers; platform-mediated markets; reputation risk; compliance capability; evidence packs; cross-border enforcement; indicator dictionary; maturity rubric; metric normalisation; takedown cycle time; incident response playbook.

JEL Classification: K11, K12, K24, L82, L86, M15, O33, O34

Formulas: 0; **fig.:** 0; **table:** 6; **bibl.:** 16

Introduction. EU game developers increasingly operate inside platform mediated markets where distribution, community creation, merchandising, and monetisation are inseparable from governance. In this environment, intellectual property (IP) cannot be treated as a narrow legal perimeter because infringement risk translates quickly into trust loss, customer harm narratives, payment fraud, and reputational volatility. The file's central premise is that IP works simultaneously as an asset, a consumer trust signal, and an organisational capability that must be evidenced through repeatable controls and measurable outcomes.

This shift matters because EU harmonisation reduces some legal fragmentation, yet operational enforcement still depends on speed, evidence readiness, and coordination with intermediaries.

A further driver is scale: counterfeit and pirated trade is estimated at about USD 467 billion in 2021, around 2.3% of global imports, which frames brand abuse as a persistent cross border pressure rather than an episodic anomaly. Online copyright infringement also remains structurally present in the EU, strengthening the case for continuous monitoring and platform routing instead of ad hoc litigation.

This article develops an operational model that integrates IP into reputation and compliance scoring and connects EU legal baselines with implementable evidence packs, metrics, and response playbooks.

Literature review. Internationally, TRIPS positions enforcement as an obligation to provide effective action, expeditious remedies, and deterrence, which supports cross jurisdiction capability comparisons even when procedures differ. (World Trade Organization, 1994, Within the EU, Directive 2004/48/EC provides a minimum civil enforcement toolkit and is frequently treated as the baseline for measuring practical enforceability across Member States. (European Parliament and Council, 2004). For confidential know how, Directive (EU) 2016/943 is crucial because it couples remedies with requirements to preserve secrecy during proceedings, meaning that operational confidentiality controls and evidence discipline directly affect enforceability. (European Parliament and Council, 2016) Trademark governance is similarly operationalised through registration and enforcement readiness under the EU trademark framework, which is relevant for game brands, esports naming, and merchandising extensions. (European Union, 2017).

Digital distribution adds intermediary governance layers. The Digital Services Act strengthens notice and action expectations and creates procedural obligations that make platform routing and documentation quality strategically important for rights holders. (European Union, 2022). For user generated content, the DSM Directive (2019/790) and related Commission guidance on Article 17 increase the importance of transparency, complaint handling, and redress design, because over enforcement can itself become a legitimacy crisis. (European Union, 2019).

From a management perspective, ISO guidance supports embedding IP inside innovation processes and aligning strategy with operational controls, which fits game studios that combine creative outputs with software pipelines. (ISO, 2020). Reputation oriented framing is also consistent with the broader idea that measurable governance outputs should be documented with explicit assumptions, quality data sourcing, and auditable reporting discipline.

Crisis communication theory adds a complementary lens: trust loss depends on perceived responsibility and response fit, so response playbooks and transparency mechanisms influence whether IP incidents escalate into brand crises. (Coombs, 2007). A related tradition on image repair highlights that corrective action and credible explanation are central to reputational recovery, which aligns with evidence centred governance. (Benoit, 1997).

Finally, platform ecosystems provide concrete operational templates. Minecraft publishes commercial usage guidance that constrains monetisation and brand asset usage to reduce confusion risk. (Minecraft, 2020). Epic defines “External Fan Content” and conditions for permitted fan activity through its terms, which clarifies endorsement limits and governance boundaries. (Epic Games, 2025). Roblox has formalised IP licensing via License Manager, including terms that structure sublicensing and revenue share, illustrating how licensing tooling becomes a scalable governance mechanism. (Roblox, 2025).

Aims. The aim is to design an evidence based, cross border operational model for EU game developers that embeds IP governance into reputation and compliance scoring, links legal requirements to measurable indicators, and enables scalable enforcement through platform routing, standardised evidence packs, and auditable reporting.

Methodology. The study applies qualitative doctrinal and policy analysis combined with operational design reasoning. First, EU and international enforcement baselines are mapped to the practical tasks of monitoring, takedown, litigation readiness, and confidentiality preservation. Second, an indicator architecture is constructed that starts with an asset and rights inventory and expands into prevention, detection, and response metrics, consistent with ISO aligned governance logic.

Third, scoring is operationalised through a hybrid approach that combines an ordinal maturity rubric for governance indicators with normalised quantitative metrics to control for scale effects across markets.

Fourth, comparability is addressed via jurisdiction calibration that preserves indicator definitions while adjusting weights and thresholds to reflect enforcement friction and exposure patterns.

Finally, external statistics and platform policy artefacts are integrated to justify risk prioritisation and to ensure that indicators are verifiable through both internal evidence and public documentation.

Results. The results produce a practical framework that translates legal requirements into operational signals and enforcement capability, while keeping reputational relevance explicit. The first result is a functional mapping that links standard reputation drivers to auditable IP governance signals, clarifying that IP becomes reputationally meaningful when it is measured as stable, trackable performance rather than as a static legal status.

Table 1 shows how a game studio can translate abstract reputation constructs into IP metrics that can be monitored, benchmarked, and defended in due diligence discussions.

Table 1. Mapping reputation drivers to IP relevant governance signals

Reputation driver	IP relevant interpretation	Example measurable signal
Products and services quality	Authenticity and integrity of content and channels	Share of verified official channels; time to remove counterfeit listings
Innovation	Appropriation of creative and technical outputs	Provenance completeness; documented IP strategy inside innovation process
Governance	Lawful, consistent rights management	IP policy existence; escalation and redress mechanisms
Performance	Revenue resilience against piracy and abuse	Managed loss estimates; repeat infringement rate trends
Global effectiveness	Cross border licensing and enforcement readiness	Standardised evidence packs; jurisdiction routing playbooks; cycle time

Source: systematized by the authors

The mapping clarifies that the same IP capability can strengthen multiple reputation drivers, which justifies embedding IP into enterprise scoring rather than treating it as an isolated legal annex.

The second result is an IP indicator dictionary designed for cross border comparability. It specifies indicator blocks, definitions, and typical evidence, reducing subjectivity and enabling auditability across jurisdictions.

This design is important because cross border disputes often fail operationally not due to lack of formal rights, but due to missing assignments, weak provenance documentation, or incomplete licensing coverage that undermines platform notices and litigation claims.

Table 2 compresses the indicator set into a minimal dashboard that can be implemented by SMEs without losing legal relevance.

The indicator dictionary operationalises “evidence expectations,” so that the scoring outcome can be defended as an organisational capability assessment rather than a subjective reputation claim.

The third result is a scoring design that resolves the measurement problem created by mixed indicator types. Governance indicators are scored using an ordinal maturity rubric to reduce evaluator variability, while quantitative indicators are normalised to remove scale distortions that otherwise penalise large markets simply for having more exposure volume.

This matters in games because high reach titles attract more infringement attempts, but reputational assessment should focus on response capacity and deterrence, not raw incident counts.

Table 2. Core IP indicator dictionary for cross border scoring

Indicator block	Indicator	Definition	Typical evidence
Rights clarity	Provenance completeness	Share of core assets with documented origin, ownership, version history	Creation logs; contracts; registries
Rights clarity	Chain of title risk	Frequency and severity of unclear ownership or missing assignments	Audit findings; legal review
Licensing	License coverage	Share of revenue uses covered by explicit licenses	License register; partner contracts
Licensing	Quality control clauses	Presence of audit, QC, termination clauses	Templates; executed agreements
Protection controls	Trade secret control maturity	Access segmentation, NDAs, incident readiness for know how	Policies; access logs; training
Enforcement readiness	Evidence pack readiness	Standardised package for notices and court action	Checklists; templates; preserves
Enforcement readiness	Cycle time to action	Median time from detection to takedown or filing	Ticketing data; platform logs
Legitimacy	Policy transparency score	Clarity of user rules and redress availability	Published policies; complaint outcomes

Source: systematized by the authors

Table 3 standardises how evaluators translate observed practices into comparable maturity scores.

Table 3. Maturity rubric for governance based IP indicators

Score	Maturity level	Operational meaning
0	Absent	No defined process; evidence unavailable
1	Ad hoc	Reactive actions; inconsistent documentation
2	Defined	Policies exist; uneven implementation
3	Managed	Roles assigned; processes measured; evidence retained
4	Optimised	Continuous improvement; benchmarking; selective automation

Source: systematized by the authors

Using a shared rubric improves cross border benchmarking because the same operational criteria can be applied regardless of jurisdiction.

Table 4 provides normalisation rules that make incident and response metrics comparable across firms and markets.

Table 4. Normalization rules for quantitative IP metrics (summary)

Metric type	Example metric	Normalization rule	Rationale
Incident counts	Counterfeit takedowns per month	Per 10,000 transactions or per 1 million users	Controls for scale effects
Time metrics	Time to takedown	Median and 90th percentile	Captures tail risk
Revenue exposure	Suspected loss from piracy	% of digital revenue	Enables comparability
Repeat abuse	Repeat impersonation domains	Recurrence rate per quarter	Measures deterrence

Source: systematized by the authors

Separating exposure volume from response capacity aligns measurement with reputational meaning, because stakeholders evaluate capability and reliability rather than absolute incident frequency.

The fourth result concerns continuous monitoring and platform dependent enforcement routing. The file treats monitoring as an early warning system that prevents IP harm from becoming a public legitimacy crisis and highlights that the most damaging incidents are those linked to consumer harm, phishing, and “fake official” channels.

This is consistent with intermediary environments where takedown success depends on fast, well documented notices and repeat infringer tracking. As an illustration of persistent pressure, OECD and EUIPO estimate large scale counterfeit trade in global imports, supporting the claim that brand integrity controls must be continuous rather than episodic (OECD & EUIPO, 2025).

The fifth result is that public ecosystem policies and licensing tooling can be converted into measurable indicators and used as verifiable artefacts to strengthen external credibility.

This is practically significant because game studios often rely on community creativity and UGC, so legitimacy depends on rule clarity, limited monetisation permissions, and workable redress, not only on enforcement intensity. Minecraft’s commercial usage guidance and Epic’s fan content framing offer rule based models that reduce confusion and endorsement risk. (Minecraft, 2020; Epic Games, 2025). Roblox’s License Manager demonstrates a governance pathway where licensing is operationalised through platform terms, verification, and revenue share mechanics, which reduces unauthorised use by providing legal alternatives at scale (Roblox, 2025; Roblox, 2025).

The sixth result is a due diligence and evidence readiness layer aligned with EU legal tools. Evidence readiness is presented as a decisive capability because the same infringement event produces different outcomes depending on the quality of the evidence pack, the chain of title, and the ability to preserve confidentiality in trade secret disputes.

This aligns with the EU enforcement baseline in Directive 2004/48/EC and trade secret confidentiality protections in Directive (EU) 2016/943. (European Parliament and Council, 2004; European Parliament and Council, 2016).

Table 5 provides a minimum due diligence checklist that connects legal readiness with operational documentation, suitable for partners, investors, and cross border licensing.

Due diligence becomes measurable when each item has an evidence expectation, allowing assessment to move from narrative assurance to auditable capability.

The seventh result is an incident response sequence designed for trust recovery. The file treats IP incidents as crises when consumer harm, fairness narratives, or over enforcement triggers public backlash, so response must combine containment with transparent explanation and redress.

Table 5. Minimum due diligence checklist for operational IP governance

Domain	What must be true	Why it matters operationally
Chain of title	Assignments and contributor agreements are complete	Prevents takedown failure and litigation vulnerability
Provenance	Version history and creation logs exist for core assets	Strengthens authenticity and evidence reproduction
Licensing	License register covers revenue uses and territories	Reduces breach risk and platform policy violations
Trade secrets	Access segmentation, NDAs, training, incident readiness	Supports “reasonable steps” and confidentiality preservation
Enforcement readiness	Evidence packs, templates, routing playbooks exist	Improves cycle time and deterrence credibility
Policy transparency	UGC rules and redress are documented and applied	Reduces backlash and legitimacy crises

Source: systematized by the authors

This connects directly to SCCT’s emphasis on response strategy fit and to image repair’s focus on corrective action. (Coombs, 2007; Benoit, 1997).

Table 6 offers a time sequenced playbook that aligns evidence preservation, platform routing, and communication actions.

Table 6. Incident response timeline for IP crises and trust recovery

Time window	Primary goal	Core actions	Evidence output
0 to 24 hours	Contain harm	Preserve evidence; stop fraudulent channels; initiate platform notices	Evidence bundle; initial incident log
24 to 72 hours	Stabilise narrative	Publish clear guidance; enable redress; prevent overreach	Public FAQ; complaint tracking
3 to 14 days	Deterrence and recovery	Target repeat actors; escalate to legal routes where needed	Repeat infringer dossier; routing decisions
14 to 90 days	Structural improvement	Update controls; benchmark cycle time; validate scoring changes	Post incident report; KPI trend updates

Source: systematized by the authors

Trust recovery is faster when response is pre structured and evidence centred, because both platforms and stakeholders reward clarity, speed, and proportionality.

Discussion. The framework implies that EU game studios should treat IP governance as a capability system with measurable maturity, not as a document repository. This approach is especially valuable for SMEs, because it prioritises a minimal viable set of indicators and evidence packs that raise enforcement readiness without requiring large legal budgets. It also reduces reputational volatility by preventing two common failure modes: slow response caused by missing documentation, and community backlash caused by unclear UGC rules and absent redress. Platform policy translation is a strategic advantage because it turns public artefacts into verifiable governance outputs, strengthening external credibility during disputes.

At the same time, the model has limitations: scoring can incentivise “documentation theatre” unless outcome validation links higher scores to faster takedown, lower recurrence, and fewer consumer harm incidents.

Jurisdiction calibration also requires careful governance to avoid arbitrary weight changes, so transparency about objectives, assumptions, and data sources is essential for defensibility.

A further implication concerns intermediary dependency: DSA era processes increase the operational importance of structured notices, complaint handling, and repeat offender tracking, making cycle time and evidence quality central performance variables. (European Union, 2022). In parallel, cross border domain abuse often requires administrative mechanisms such as UDRP where trademark based disputes can be resolved through established procedures, which should be included in routing playbooks. (ICANN, 2020). Finally, the persistence of counterfeit trade and online infringement strengthens the argument that monitoring and prevention should be continuous and risk based, rather than episodic and reactive. (OECD & EUIPO, 2025).

Conclusions. EU game developers benefit from an operational IP governance approach that integrates legal enforceability, platform routing, and reputational resilience into one measurable capability system. The core contribution is a practical architecture: an indicator dictionary with explicit evidence expectations, a maturity rubric that standardises evaluation, and normalisation rules that preserve comparability across jurisdictions and firm sizes. The results also show that public policies and licensing tools can be converted into measurable governance outputs that improve external credibility and reduce community friction. Finally, the framework positions enforcement readiness as a time critical competence supported by evidence packs and calibrated routing, consistent with TRIPS enforcement expectations and EU civil enforcement baselines.

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References:

1. Benoit, W. L. (1997). Image repair discourse and crisis communication. *Public Relations Review*, 23(2), 177–186. <https://www.sciencedirect.com/science/article/pii/S0363811197900230>

2. Coombs, W. T. (2007). Protecting organization reputations during a crisis: The development and application of situational crisis communication theory. *Corporate Reputation Review*, 10(3), 163–176. <https://link.springer.com/article/10.1057/palgrave.crr.1550049>
3. Epic Games. (2025). Epic Games Terms of Service. <https://legal.epicgames.com/en-US/epicgames/tos>
4. European Parliament and Council. (2004). Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. <https://eur-lex.europa.eu/>
5. European Parliament and Council. (2016). Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. <https://eur-lex.europa.eu/>
6. European Union. (2017). Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trademark. <https://eur-lex.europa.eu/>
7. European Union. (2019). Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market. <https://eur-lex.europa.eu/>
8. European Union. (2022). Regulation (EU) 2022/2065 on a Single Market for Digital Services (Digital Services Act). <https://eur-lex.europa.eu/>
9. Internet Corporation for Assigned Names and Numbers. (2020). Uniform Domain-Name Dispute-Resolution Policy (UDRP). <https://www.icann.org/en/contracted-parties/consensus-policies/uniform-domain-name-dispute-resolution-policy/uniform-domain-name-dispute-resolution-policy-01-01-2020-en>
10. International Organization for Standardization. (2020). ISO 56005:2020 Innovation management: Tools and methods for intellectual property management: Guidance. <https://www.iso.org/standard/75932.html>
11. Mihus, O. (2025). Operational intellectual property management for EU game developers: from harmonization to scalable enforcement. In V. Marchenko (Ed.), *Intellectual property: protection in modern conditions*. 208 p. (pp. 68-88). Scientific Center of Innovative Research. <https://doi.org/10.36690/IPP-68-88>
12. Minecraft. (2020, April 17). Commercial usage guidelines updated. <https://www.minecraft.net/en-us/article/commercial-usage-guidelines-updated>
13. Organisation for Economic Co-operation and Development, & European Union Intellectual Property Office. (2025). Global trade in fakes: Assessing the global economic impact of counterfeiting and piracy. <https://www.euipo.europa.eu/en/publications>
14. Roblox. (2025). Use iconic IP on Roblox: Documentation. <https://create.roblox.com/docs/ip-licensing>
15. Roblox. (2025). License Manager Terms. <https://en.help.roblox.com/hc/en-us/articles/42542704086548-License-Manager-Terms>
16. World Trade Organization. (1994). Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS): Part III, Enforcement of intellectual property rights. https://www.wto.org/english/docs_e/legal_e/27-trips_05_e.htm