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Pixelated Ink: The Legal Clash Over Tattoo Copyright in Video Games

Uzair Junaid

Lecturer, University Gillani Law College, Bahauddin Zakariya University, Multan.

Email: uzairjunaid@bzu.edu.pk

Abstract

This study interrogates the intersection of tattoo artistry and video-game realism by clarifying how copyright doctrine allocates control over tattoo designs when those works reappear on digitally rendered bodies. Using a doctrinal methodology, it synthesises statutory requirements for originality and fixation with comparative analysis of leading U.S. and U.K./international norms, and closely reads judicial reasoning in the principal litigation involving professional athletes' tattoos in sports games. The analysis applies infringement tests, de minimis thresholds, implied-licence principles, and fair-use/fair-dealing factors to the distinctive context in which a copyrighted image is permanently embedded in a person, yet repeatedly reproduced in mass-market entertainment. Results indicate that tattoos generally satisfy copyright's protectability criteria, but enforcement turns less on subsistence than on authorisation pathways and defences. Courts tend to treat consent to tattooing in high-visibility settings as supporting an implied licence that can extend to realistic depictions by downstream media, while simultaneously recognising that alterations, scaling, and selective display raise adaptation and integrity concerns. Fair use offers uncertain shelter for commercial games, but outcomes improve when tattoos function as subordinate, identity-confirming details and when market substitution for the original design is implausible. The study's contribution lies in articulating a structured, rights-balancing framework that reconciles artists' economic and moral interests with individuals' bodily autonomy and developers' accuracy goals, and in identifying contract and registration practices capable of reducing recurring disputes in digital media markets. It also proposes default licensing presumptions and model clauses for athlete commissions that specify clear scope, attribution, modification limits, and royalty triggers.

Keywords: Tattoo Copyright Law, Video Game Intellectual Property, Fair Use in Digital Media, Tattoo Ownership Rights, Copyright Infringement in Video Games.

1. Introduction

Recently, a ruling in *Hayden v. 2K Games, Inc.* (2022) issued by a federal judge in Ohio addressed the matter concerning a series of video games, specifically examining whether an athlete's depiction of a tattoo in the NBA 2K video game, executed without obtaining the requisite authorisation from the tattoo artist responsible for its creation, could constitute a violation of Intellectual Property law. In this instance, Senior Judge Christopher A. Boyko concurred that, regarding the representation of tattoos, it is imperative to obtain permission from the tattoo artist responsible for the creation of such artistic expressions. Furthermore, it is established that tattoos are subject to copyright protection, thereby falling within the framework of copyright law. Nonetheless, the presiding judge in this matter articulated that it is incumbent upon the jury to determine whether the incorporation of tattoos in video games falls within the parameters of "fair use." This designation implies an assessment of the acceptability of utilising the tattoo in an unauthorised manner, specifically without obtaining consent from the original artist (Doolittle, 2024).

In contemporary society, tattoo artists who cater to athletes have become increasingly cognisant of their rights. Tattoo artists exhibit a heightened level of scrutiny regarding the application of their artistic creations, particularly in relation to the representation of their tattoos in advertisements,

media, or video games (Sullivan, 2014). The inquiry that emerges pertains to the ownership of tattoos. Who holds the ultimate ownership of the tattoo? It is a common perception among individuals that the ownership of a tattoo lies primarily with the person who has chosen to have it inked on their body. This belief stems from the fact that it is the individual who has not only made the decision to acquire the tattoo but has also financially invested in the process, thereby integrating it as a permanent aspect of their physical identity. Nevertheless, this notion is currently under scrutiny. The tattoo artists are currently raising questions, asserting that, similar to other forms of art, they retain ownership of the copyright for their creations in the medium of tattooing. Consequently, from that viewpoint, if a tattoo is featured in any video games, the artists contend that they ought to receive royalties for the utilisation of their tattoo designs (Rudyk & Davie, 2014). The creators of the video game Madden aimed to depict the tattoos of the players, a decision that prompted numerous legal enquiries within society. The newly convened legal experts reached a consensus regarding the necessity of affording protection to tattoos under the provisions of copyright law. The legal experts concurrently contended that athletes possess a fundamental right to govern the representation of their bodies, which encompasses the depiction of their tattooed ink (Parker, 2019). Nevertheless, the inquiry into the extent to which tattoos may receive protection under copyright legislation is not solely a significant issue within the context of video games; rather, it also impacts various other domains, including film, advertising, and additional forms of media in which tattoos may be featured (Marciszewski, 2021). The portrayal of professional athletes and the tattoos adorning their bodies is prominently featured across a multitude of platforms, including magazines and various broadcasting channels, which also showcase the physiques of these athletes. Video game developers must exercise caution and remain vigilant regarding the legal implications of displaying such tattoos, ensuring that they obtain prior permission where necessary. Nevertheless, regarding these matters, no court has fully resolved the rules to date (Oliveras Maldonado, 2021).

The practice of tattooing has secured a significant position within the realm of Intellectual Property law. Tattoos can be regarded not only as a form of artistic expression, but, in numerous countries, they are also afforded exclusive protection under copyright law. This illustrates that tattoo artists possess a legal entitlement, which grants them the authority to oversee and regulate their designs that may be shared or replicated. For video games that feature athletes or celebrities, this is a great way to include their real tattoos in the video game's representation of the athlete or celebrity, which will add realism and fidelity to the character design. This strict attention to detail ensures that these create accurate descriptions of these individuals as they appear in real life. This practice often leads to results by way of inquiries as to why video game creators must obtain authorisation and permission from tattoo artists before using tattoo art in the games.

Tattoo Copyright discourse discusses how the beguiling of artistic rights and bodily autonomy shows a crafty totality. The fact that tattoo artists ordinarily have copyrights over tattoo designs and people have their bodies means there is legal tension. A copyright issue arises when a video game features tattoos that the artist didn't agree to and appears in forms. It is incidental, while others claim that reproducing celebrity routines that contain such use without authorisation represents a copyright infringement. Furthermore, the issue of 'fair use' adds to the confusion since it entails limited use of a copyrighted work under specific circumstances. A transformed use of a tattoo design, where it is changed or repurposed, may be considered a transformative use, although there is some variation in the legal interpretation. The debate continues to underscore that while there needs to be better legal frameworks to protect both artistic expression and personal freedom, in reality, it is a fine line to walk.

This paper focuses on the appropriateness of intellectual property rights in two creative sectors: tattoo design and video game development. Copyright law protects artistic expression in the form of tattoos or video games. Contemporary society has been found to have accepted tattoos and video games in a cross-section of cultures and the digital world. But there's some ambiguity over who owns creative rights, the safety of creators and artists for this work, and how to use it. The issues of relevance to

this are tackled by this paper by analysing the application of copyright law in addressing and controlling these challenges, and whether it sufficiently quells the challenges posed by these issues. Furthermore, it underlines the need to grasp the struggles of creators, the role of the legal architecture in the relevant case law, and the opportunities to make the rights of the creators of tattoo artists and video game developers better protected.

2. Methodology

The study adopts a doctrinal and qualitative legal research methodology to examine the intersection of copyright law, tattoo artistry, and digital media representation in video games. This approach enables a structured interpretation of legal rules, judicial reasoning, and scholarly discourse relevant to the protection and reproduction of tattoo designs in the digital environment. The methodology relies primarily on the analysis of statutory provisions, judicial precedents, and academic commentary to explore the legal complexities surrounding tattoo copyright and its application within the context of video game development. Doctrinal analysis forms the central methodological foundation of the research. Through this method, legal texts and authoritative judicial decisions are carefully interpreted to identify the principles governing copyright protection for artistic works. Particular attention is given to statutory frameworks that define originality, fixation, reproduction, and adaptation in copyright law. These principles provide the analytical lens through which tattoo designs are examined as creative expressions embedded on the human body. The study also evaluates how these legal standards operate when such designs are replicated digitally in interactive media, where artistic works are reproduced for commercial and entertainment purposes.

Case law analysis constitutes another significant component of the methodology. Judicial decisions addressing the reproduction of tattoo designs in digital platforms are closely examined to understand the courts' reasoning regarding ownership, implied licensing, and copyright infringement. The study analyses the legal arguments advanced by both tattoo artists and video game developers, as well as the judicial interpretation of concepts such as *de minimis* use, incidental inclusion, and fair use. By examining these decisions, the research identifies patterns in judicial reasoning and evaluates how courts attempt to balance artistic rights with technological innovation and commercial interests. Comparative legal analysis is also incorporated in order to assess how different legal systems address similar copyright issues. International copyright principles reflected in multilateral agreements and national legislation are examined to understand variations in legal protection and enforcement. This comparative perspective highlights the similarities and divergences between legal approaches to artistic ownership, moral rights, and economic rights in digital media. Such analysis contributes to a deeper understanding of how global copyright norms interact with emerging technological realities.

In addition to statutory and case law analysis, the methodology engages with scholarly literature, policy reports, and academic discussions relating to intellectual property rights in the creative industries. Legal scholarship provides interpretive insights into unresolved doctrinal questions, particularly regarding the classification of tattoos as fixed artistic works and the implications of reproducing such works in digital environments. The integration of academic perspectives strengthens the analytical framework by situating judicial developments within broader theoretical debates about creativity, ownership, and cultural production. The qualitative nature of this research allows for a critical interpretation of the tensions between bodily autonomy and artistic ownership. Rather than relying on empirical data or quantitative measurement, the study emphasizes analytical reasoning and normative evaluation of existing legal structures. This method facilitates a comprehensive understanding of how copyright principles interact with evolving digital technologies and creative practices. Through the combined use of doctrinal analysis, case law examination, comparative evaluation, and scholarly interpretation, the methodology provides a coherent framework for assessing the legal status of tattoo designs and their representation in video games. This structured approach enables the research to clarify complex legal questions while identifying broader implications for intellectual property governance in the digital age.

3. Copyright Protection and the Rights of Tattoo Artists Under Copyright Law

The copyright law is all about protecting the creativity of authors or creators with those that are considered to be original and fixed in a tangible medium of expression. This implies that the work is to be found in one of several different mediums be it in a book, painting, or through technological means such as video games. The current scenario at hand pertains to the degree to which tattoos inscribed on the skin can receive copyright protection, which remains somewhat unclear. However, experts agree that, unlike many other studies, tattoos do meet the criteria stipulated by copyright legislation (Noonan, 2017). Thus, one might see it as a reason why there isn't much written about the possibility of tattoos issuing copyright protection. A considerable number of experts and scholars concur with the notion that tattoos may be safeguarded by copyright legislation, as the artistic ingenuity inherent in the creation of a tattoo aligns with the essential criteria established by copyright laws. Specifically, tattoos are deemed "original," fulfil the criteria of a "creative work," and are "fixed on a medium" through their application to the skin (Chronis, 2018). The central inquiry pertains to whether tattoos on human skin can be considered a "physical form" in which creative works are affixed to a medium, thereby raising questions about their copyrightability. The significance of this matter is underscored by the understanding that one of the critical elements contributing to copyright is the medium of fixation. Any work that is subject to copyright must either be recorded or affixed to a tangible surface (Tevetoglu, 2023). The human skin serves as a tangible medium upon which artistic expressions, such as tattoos, are manifested or established. Consequently, the discourse surrounding the protection afforded to tattoos and the question of their copyrightability does not resolve the fundamental issue of whether tattoos are safeguarded under copyright legislation (Minahan, 2014).

The incorporation of tattoos on the characters within the video game Madden NFL 15 raises significant copyright concerns, as evidenced by the case of *David v. Electronic Arts Inc.* (2015). The act of replicating an authentic tattoo and rendering it within a video game in a digital format raises significant concerns regarding the rights of the tattoo artist. In this instance, the player in the video game, by reproducing the tattoo and its intricate design, infringes upon the artist's rights of control over the reproduction of their creative work. There is an obvious conflict between the economic interests of tattoo artists and the sale of any number of copies of video games depicting real tattoo designs. Additionally, it raises the legal rights of control of the patterns for the artist's artistic work, either being jointly owned or disseminated in the public domain (Faulkner III, 2019). This includes the right to determine which iterations, variations, or adaptations of their work shall serve as the tattoo itself.

4. Key Case Laws and Their Legal Implications

In the matter of *Hayden v. 2K Games, Inc.* (2022), James Hayden, a tattoo artist, initiated legal proceedings against the video game company 2K Games Inc. in the year 2017. The lawsuit was predicated on allegations of infringement concerning the tattoo designs, which were utilised on the avatars of basketball players within the company's widely recognised and acclaimed video game. A jury decided in favour of 2K Games, concluding that the company possessed an "implied license" regarding the tattoo design featured on the avatars of their basketball players. In early February 2024, a ruling was issued by Judge Christopher A. Boyko, who dismissed four of the tattoos from the lawsuit. The dismissal was based on Hayden's failure to adequately describe and acknowledge that some of the tattoos were derived from pre-existing designs at the time he registered his copyrights (Goodrich & Rosati, 2024). The decision rendered by the jury in April 2024 resolved the legal matter concerning the remaining two tattoo designs involving 2K Games. This outcome significantly influenced other video game companies regarding the implementation of highly realistic graphics in their products. This includes meticulous detailing that mirrors real-world elements, such as the depiction of tattoos on the avatars of basketball players. This scenario can be interpreted as a favourable outcome for the tattoo industry, particularly for tattoo artists. A different ruling from the court could have instilled apprehension among the public regarding the decision to have tattoos

permanently inked on their bodies, as they might have been concerned about potential copyright-related complications in the future (Lidgett, 2024).

In another the Alexander case, Judge Yandle held that in the event of a tattooed athlete, Randy Orton, there is a greater amount of evidence needed to figure out whether a tattooed athlete has the right to give authorisation to others, such as game developers, to use the design of the tattoo without obtaining the permission and consent of the tattoo artist (*Alexander v. Take-Two Interactive Software, Inc.*, 2019). This particular action has prompted a multitude of enquiries regarding the extent to which the tattoo artist's authorisation and permission, characterised as an "implied license," can be interpreted as encompassing the right for Randy Orton to transfer such authorisation or permission to third parties in the form of "sub-licensing."

In the case of *Solid Oak Sketches, LLC v. 2K Games, Inc.* (2020), Judge Laura Taylor Swain has adopted a distinctive perspective, determining that the NBA players' implied consent to depict or showcase their tattoo designs has conferred upon the video game developer, Take-Two, the authority to incorporate these tattoos into their video games. Although Judge Swain did not explicitly employ the term "Sublicense" in her ruling, her decision suggests that such a form of sublicensing may occur in contexts involving athletes, specifically NBA players, artists, and video game companies. Nevertheless, Judge Swain did not provide a comprehensive explanation regarding how the implications of such sublicensing arise from the permission rather than through formal written agreements. This omission has resulted in several significant questions remaining unresolved concerning the legal mechanisms by which these rights may be or are transferred (Noonan, 2017). The court has emphasised that tattoo artists possess a clear understanding that they are providing their services to professional basketball players, individuals who are highly visible and subject to public scrutiny through various broadcasting platforms. Consequently, the court's ruling does not extend to the general public or even to well-known individuals, particularly in instances where the tattoo artist lacks knowledge regarding the individual's level of fame. This situation contributes to the establishment of an inequitable system in which prominent individuals exert greater control over the utilisation of their tattoos solely due to their status as well-known figures. The primary distinction that holds significance in this context is their name and the accompanying fame (King, 2018).

5. Legal Implications of Tattoo Copyright Infringement in Digital Media

The reproduction of tattoos in digital media, such as in video games, is also relevant in raising legal questions associated with the reproduction of tattoos in copyright infringement, economic rights & moral rights of tattoo artists. Use of digital formats of tattoo designs and a critical analysis of the applicability of the use of existing copyright provisions, such as Article 2 of the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention) and Copyrights, Designs and Patents Act 1988 (CDPA). As digital platforms and technological advances have grown, so too has copyright enforcement complexity and, importantly, the copyright law itself.

5.1 Unauthorised Reproduction and Distribution in Video Games

Section 16 of the CDPA states that copyright infringement consists of reproducing, distributing, or exhibiting the work at issue without the owner's consent. Video game producers can violate the rights of tattoo artists, including reproduction and adaptation (Article 9 Berne Convention), by producing a video game which reproduces the tattoo's design without the artist's consent. In *Solid Oak Sketches, LLC v. 2K Games, Inc.* (2020), the issue before the court was whether the infringement caused by video games featuring tattooed characters was a sufficient violation to overcome the results or whether the use of tattoos was transformative or incidental. This serves as a good example of how, in the digital media setting, de minimis is very challenging to show significant resemblance to, as well as proving market damage on account of it. Furthermore, Section 17 of CDPA, which gives the copyright owner the right to regulate adaptations, including the copyright owner's rights, has many problems regarding the unlawful depiction of tattoos in the digital domain. Video game tattoos can be reduced in size and/or modified to fit within the graphic image of a digital character, serving to

effect derivative work within the exclusive rights or privileges of the copyright owner. Several judicial bodies have failed to define the line between representation and derivative adaptation in digital contexts (Hobbs & Coghill, 2021).

5.2 Economic Rights and Commercial Exploitation

The economic rights of tattoo artists, as copyright holders, allow them to control the commercial exploitation of their work licencing, for instance, and royalties. Thus, the unauthorised reproduction of tattoo designs in video games deprives artists of potential revenue streams. Therefore, it constitutes a direct infringement of their economic rights under Article 11bis of the Berne Convention. This is an especially important problem because video games are commercially driven and generate billions in revenue from the portrayal of athletes and celebrities in their most realistic lighting. In *Hayden v. 2K Games Inc.* (2022), the artist tattooed by the defendant sought damages for unauthorised use and alleged that the defendant's use of his tattoo designs as part of a commercial product amounted to financial loss in unjust enrichment. Despite the recognition of economic rights in digital media, these rights are enforced in complex jurisdictional environments, and there are no formal agreements that regulate tattoo usage rights. The lack of written contracts specifying the scope of permitted use and the absence of restrictions leads to disputes with commercial usage being established based on implied licence arguments (Smith, 2022). The legal uncertainty surrounding the so-called verbal or implied permissions to tattoo recipients is highlighted by Section 90(3) of the CDPA, which requires copyright assignments to be in writing.

5.3 Moral Rights and Artistic Integrity

Digital reproductions compromise the moral right of tattoo artists, especially the right to integrity under Section 80 of the CDPA, because tattoo designs, too, can be altered, distorted or removed without the artist's consent. Like the Berne Convention, Article 6bis recognises an author's right to object to derogatory treatment that could damage their reputation. Because video games alter tattoo designs to adapt to graphical restrictions or stylistic preferences, there are concerns that artistic expression is being wrongly altered. Regarding *Alexander v. Take-Two Interactive Software, Inc.* (2019), the court also mentioned that modifications done to the tattoo designs in video games may otherwise misrepresent the artist's original idea and can be a violation of moral rights. Moral rights are not as consistently upheld, however, in some jurisdictions, in particular, common law jurisdictions, in which economic rights take precedence somewhat over moral considerations. It highlights the fundamental contradiction between commercial interests and artistic integrity and thus calls for more defined parameters of permissible modifications in digital media.

5.4 Defences to Copyright Infringement

However, several legal defences that video game developers face when facing copyright infringement are available, including fair dealing under Section 29 of the CDPA and the doctrine of incidental inclusion under Section 31. Fair dealing allows limited use of copyrighted material for purposes such as criticism, review, or news reporting, provided it does not prejudice the legitimate interests of the copyright holder (Parkin, 2019). However, the commercial nature of video games often precludes reliance on fair dealing, as courts have ruled that profit-driven use does not fall within the statutory exemptions. The incidental inclusion defence, which permits the use of copyrighted works if they are not the main focus of a work, has been invoked in cases involving tattoos depicted in video games (Jacques, 2015). Courts have examined whether tattoos serve a purely aesthetic function or contribute to the overall artistic and commercial value of the game. In *Whitmill v. Warner Bros. Entertainment Inc.* (2011), the court found that tattoos, being integral to the accurate portrayal of real-life athletes, could not be considered incidental, thereby rejecting the defence.

5.5 Jurisdictional Challenges in Enforcement

The global nature of digital media complicates the enforcement of copyright protection for tattoos, as different jurisdictions have varying standards for infringement and defences. The European Union's Copyright Directive (Directive 2001/29/EC) harmonises copyright laws across member states, yet

national interpretations of incidental use and fair dealing remain inconsistent. In contrast, the United States follows the fair use doctrine, which provides broader exemptions compared to the UK's fair dealing approach in Section 107 of the US Copyright Act of 1976. Tattoo artists seeking to enforce their rights face practical challenges in identifying and pursuing infringers across multiple jurisdictions. The lack of harmonised enforcement mechanisms results in inconsistent rulings and varying levels of protection. The World Intellectual Property Organisation (WIPO) has recommended stronger cross-border cooperation to address these issues, yet practical implementation remains limited (Majekolagbe, 2024).

6. The Concept of Fair Use as A Defense

While the courts have made advancements in the fair use defence, it is evident that this defence does not provide substantial protection for video game companies, broadcasters, or players who replicate and exhibit copyrighted tattoos (Smith, 2022). This phenomenon primarily arises from the courts' emphasis on determining whether the utilisation of tattoos is intended for profit-making or commercial purposes or if it serves non-profit objectives. In these instances, it is evident that video game companies, players, and associated industries were primarily engaged in profit generation through the utilisation of these tattoos, all while lacking the necessary authorisation or prior consent from the tattoo artists who possess the copyright rights to such tattoo designs. The video game companies are unable to represent that they utilised such tattoo designs for a purpose that alters the original work, specifically by infusing it with a new definition or value (Wills, 2021). While certain scholars and experts propose that the fair use doctrine may address the complexities surrounding copyright issues related to tattoos depicted in video games, it is important to note that this approach proves ineffective in cases such as the Madden NFL scenario. In this instance, professional athletes and video game companies profited significantly from the use of these tattoo designs without obtaining the necessary authorisation or prior consent from the tattoo artists (Tryce, 2020).

7. Recommendations

The legal complexities surrounding tattoo copyright and its depiction in digital media demonstrate the need for clearer regulatory frameworks and practical mechanisms capable of balancing artistic ownership, personal autonomy, and technological creativity. Addressing these challenges requires coordinated legal, contractual, and industry-based solutions that recognize the unique characteristics of tattoo art as both personal expression and protected creative work. A primary recommendation concerns the establishment of clearer contractual practices between tattoo artists and clients at the time of the tattoo's creation. Written agreements specifying the scope of permitted uses of the design would significantly reduce legal uncertainty. Such agreements may clarify whether the individual receiving the tattoo possesses the right to allow the depiction of the tattoo in photographs, films, advertising campaigns, or digital representations such as video games. By explicitly defining the boundaries of permission, these agreements would prevent disputes that arise from reliance on implied licensing assumptions. Clear contractual documentation also ensures that both parties possess a shared understanding of the rights associated with the artistic work.

Another important recommendation relates to the development of standardized licensing models within the entertainment and gaming industries. Video game developers increasingly pursue realistic portrayals of athletes, musicians, and other public figures, and tattoos form an integral component of such representations. Industry-wide licensing practices could provide structured pathways for obtaining permissions from tattoo artists when their designs appear prominently in digital content. Establishing standardized licensing structures would help protect the economic interests of artists while allowing creative industries to maintain authenticity in character design. Such frameworks would also promote transparency regarding the financial recognition of artistic contributions. Greater recognition of moral rights within digital contexts also requires careful consideration. Digital adaptations of tattoos may involve resizing, modification, or stylistic alterations to fit graphical environments. Clear guidelines governing acceptable modifications would help safeguard the artistic integrity of tattoo designs while still allowing necessary technical adjustments. Legal recognition of

the artist's right to object to distortions that significantly alter the original artistic expression would strengthen protection without preventing legitimate digital representation.

Judicial clarification of legal doctrines relevant to tattoo depiction would further enhance legal certainty. Courts often rely on concepts such as incidental inclusion, *de minimis* use, and fair use when assessing whether digital reproduction constitutes infringement. More consistent interpretation of these doctrines would reduce uncertainty for both artists and developers. Clearer legal standards regarding when a tattoo functions merely as an incidental element of a character's appearance, rather than as a central artistic feature, would contribute to more predictable legal outcomes. Educational initiatives within the creative industries also represent a valuable step toward reducing conflicts. Tattoo artists, athletes, entertainment professionals, and digital media developers frequently operate without a full understanding of intellectual property implications. Professional awareness programs addressing copyright ownership, licensing practices, and contractual safeguards would encourage more responsible management of artistic rights.

Finally, international cooperation remains important due to the global nature of digital media distribution. Video games are produced, distributed, and consumed across multiple jurisdictions with differing copyright frameworks. Greater harmonization of legal principles governing artistic reproduction in digital environments would help ensure consistent protection and enforcement of rights across borders. Collectively, these recommendations contribute to a more balanced legal environment in which artistic creativity, personal identity, and technological innovation coexist within a coherent and equitable intellectual property framework.

8. Conclusion

While most experts and scholars agree that tattoo designs need to receive copyright, they do not dismiss the potential for the extension of copyright to tattoo designs to have the negative side effect of empowering tattoo artists to have the most significant control and rights over the regulation of designs. Such control could potentially intrude on individual freedoms and personal choice, dictating how people express themselves in the community and what to do with their bodies. This concern, however, calls into question the notion of personal autonomy or independence. The existing legal framework concerning the copyrightability of tattoos necessitates a novel and innovative approach to address its complexities. A multitude of research scholars and experts have endeavoured to address this issue; however, the recommendations proffered by these individuals frequently pertain to legal defences that lack practicality and are unlikely to be effective in real-world scenarios, particularly those involving video games. The practice of tattooing distinguishes itself significantly from other forms of artistic expression and creative endeavours, as it involves the application of art directly onto the human skin, thereby intertwining with the individual's personal autonomy and bodily integrity. The legal examination conducted to determine whether the artist responsible for the creation of the tattoo has granted authorisation or permission to third parties, such as video game companies, for the utilisation of the tattoo design is sufficient. This situation perpetuates an inequitable practice, or more accurately, an inequitable system, in which well-known figures and individuals possess greater authority over the tattoos they bear and the subsequent utilisation of these tattoos within public and societal contexts. Conversely, ordinary individuals are deprived of equivalent access and rights in this regard. In the contemporary context of our existence within the digital era, the concept of autonomy concerning one's body must encompass not only the governance of an individual's physical form but also the authority over the creation and representation of one's digital avatar or online image, particularly within the metaverse environment. This also implies that the public ought to have a say in the representation of their digital avatars, akin to the manner in which individuals express their opinions regarding the portrayal of their physical bodies.

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