

INTELLECTUAL PROPERTY CREATION, PROTECTION & INFRINGEMENT IN METAVERSE: A NOTE ON LEGAL ISSUES SURROUNDING METAVERSE UNDER INTELLECTUAL PROPERTY JURISPRUDENCE

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Abstract: Creation and Exclusive Monopoly form the very basis of the intangible rights vested in the owner/author of an Intellectual Property. In contrast to this, Metaverse- a social space which provides a virtual platform for people to connect and socialise with each other- is based on the principle of commonality of resources and community use of all intangible materialistic luxuries. Metaverse, too, is capable of owning and providing its users with creations that may have an intellectual property asset right associated with it. It is here that the creation, use, and exclusive monopolisation of an Intellectual Property in the Metaverse brings forth a number of issues pertaining to ownership and the right to monopolise, use and transfer such creation either by the participant-creator within or outside the Metaverse; or the participant-infringer within or outside the Metaverse. Complex issues like these need to be addressed while keeping up with the technological development and pace at which the world has resorted to moving. The declaration of Facebook about the creation of social spaces like Metaverse in the future brings forth a number of legal issues. One of these is the Intellectual Property Rights creation, management, and protection against infringement in the Metaverse and outside of it in the real world. This note discusses the same in light of the present legal regime pertaining to Intellectual Property and the fundamental theories underlying its protection from infringement. The discussion pertains to the need for Metaverse to adapt to and ensure its operation within the

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boundaries of the law that exist in the present times. At present, it is difficult to imagine a sui generis system tailored to address the issues arising out of IPR creation, protection, and infringement in the Metaverse. Hence, the note concludes with the idea that the existing jurisprudential underpinnings for the IPR regime should be extended to protect IP in the Metaverse.

I. INTRODUCTION

Intellectual Property Rights ('IPR') are based on an endowment of intangible property rights over tangible or intangible creations of the intellect, which involve aspects of novelty, originality, or distinctiveness. It is extensively based on the principle of granting monopoly rights for tangible manifestations of creative expression of ideas which can be consumed or leveraged by the public in real-time situations. However, irrespective of the intangibility of property rights granted under any form of IP, the creations must be tangible, visible or at least should seem to be visible for the purpose of granting the rights of ownership, use and transfer to the proprietor/creator of such work. Hence, tangibility and fixation of the intellectual creations are the keys to it being granted a monopoly for it. Tangible fixation of the work is an important criterion for according the rights under this genre of IP rights in various - typically common law - jurisdictions (e.g. in the United States, United Kingdom, Ireland, Canada, and India). On the other hand, Metaverse is a current-age virtual reality space, which is only momentarily felt by those who enter it. Metaverse, a digital staged reality, as a virtual space platform, teleports its users from physical reality to an extended reality, which is largely intangible. It involves aspects from both the Multiverse, virtual and fictional world. It is a digital reality that combines within its purview aspects from social media, online gaming, and augmented and virtual realities that have facilitated the trading of digital goods and services in exchange for Non-fungible tokens ('NFT') and cryptocurrencies. Oxford Dictionary has recently updated its definition of Metaverse as, "A computer-generated environment within which users can interact with one another and their surroundings, a virtual world; (more generally) the notional environment in which users of networked computers interact."¹ The Merriam-Webster Dictionary added the term 'Metaverse' in September of 2022 to mean "A persistent virtual environment that allows access to and interoperability of multiple individual virtual realities."² Metaverse is being considered the future of the digital gaming industry in Web 3.0, and it momentarily augments real-life environments to be superimposed over computer-generated

¹ *Metaverse*, *Oxford English Dictionary*, <<https://languages.oup.com/word-of-the-year/2022>> accessed on 11 March 2023.

² *Metaverse*, *Merriam Webster Dictionary*, <<https://www.merriam-webster.com/dictionary/metaverse>> accessed on 11 March 2023.

simulated environments using digital technology. Tencent, a global technology firm that operates the world's leading video game development, has defined Metaverse as "a hyper-digital reality that integrates the digital world with reality to create a blended experience, thereby offering its users with a real-time immersive experience and to switch seamlessly between the virtual and real world."³

The interface and overlap between virtual digital spaces in the metaverse, on the one hand, and intellectual properties created, promoted, and presented in these virtual spaces, on the other, has made it significant to revisit the jurisprudential underpinnings that justify the grant of an IP, its protection against infringement and, its co-existence in both the real and virtual spaces. The probable future of marketing and brands might be one of those where it might be present only in the Metaverse, thereby seeking to upscale its market value and demand for its consumers. However, this would not only require strategising the legal policy considerations in terms of its license and use but also developing virtual registration systems for brand owners to seek protection along with eliminating unauthorised third-party usurps.⁴ The basis of every such issue is the dilemma of affixing the liability and demarcating the boundaries to the extent of the liability.⁵

The question for determination is whether the virtual reality in Metaverse may redefine IPR and concepts like ownership, licensing, infringement, and monopoly rights appended to it in the real world. Is it possible for a user in the Metaverse to create and/or infringe any IPR while engaging in an experiential interaction with indiscernible digital resources in virtual and augmented reality? If yes, then does the said creator have a right to claim protection for the same in the real world? Further, if the creative work has been recreated by another person in the real world, can the subsequent creator claim priority in respect of its first-ever tangible creation, unlike its intangibility in virtual reality? Since Metaverse is an immersive digital world that allows people to socialise, work, and even enjoy their daily lives in a virtual world which ceases to exist the moment one takes an exit from it, does this mean that exclusivity in IP can also be sought to be protected only momentarily? Hence, the fact that Metaverse is merely a transient world with superficiality in abundance, questions challenging jurisprudential underpinnings behind the grant of intellectual property rights need to be answered. It is thus the objective hereby to analyse and evaluate the implications of the complex issues which await to transform the future of IP in the Meta-(uni)verse. It is imperative

³ Catherine Jewell, "Tencent, Video Games, the Metaverse and Diversity: An Insider's View" (*WIPO Magazine* December 2022) <https://www.wipo.int/export/sites/www/wipo_magazine/en/pdf/2022/wipo_pub_t21_2022_04.pdf> accessed 11 March 2023.

⁴ Kathryn Park, "Trademarks in the Metaverse" (*WIPO Magazine* March 2022) <https://www.wipo.int/wipo_magazine/en/2022/01/article_0006.html> accessed on 10 March 2023.

⁵ Frederick Mostert and Wei Ting Yeoh, 'Meta-Worse, A Lawyer's Mega Paradise' (2022) 17(3) *JILPL* 211-212 <<https://academic.oup.com/jilpl/article/17/3/211/6546305>> accessed on 17 December 2022.

to determine if the law must adapt to the metaverse or the metaverse must adapt to the law. The discussion below leads us to conclude that in the current times, it is only the latter which is possible, and hence, Metaverse must be regulated in accordance with the existing laws for the time being in force.⁶

II. INTELLECTUAL PROPERTY AND METAVERSE: THE ANTITHESIS OF NATURE AND CHARACTERISTICS

IPR are antithetical to their existence in the Metaverse. Any IPR is ideally based on providing exclusive monopoly rights to its right-holder for use, sale, transfer or dissemination to the public. IP is based on the Labour Theory of Reward and Appropriation wherein the creator is bestowed with exclusive monopoly rights over the fruits of his labour, thereby, creating a moral obligation upon others to respect such rights.⁷ This helps to arrive at a balanced approach of catering to the interest of both the creator and the public at large, thereby fostering an environment in which technological development, innovation and creativity can flourish.⁸ Further, another theory justifying IP holder's rights is the Personhood Theory, which stresses upon the intangible intellectual connection of the work with its creator i.e. the author.⁹ The creator is granted protection owing to the attributes of his personality, which he invests in the making and creation of IP. The creator of such work is granted monopoly rights over its usage for a specific duration, post which such creation is bound to fall in the public domain for use by the public. Metaverse, on the other hand, is an augmented meta-physical reality which operates after an external stimulation is reinforced to certain specific immersion models that identify and interact based on the computer programs and network interfaces. In a Metaverse, it might be difficult to claim authorship and ownership rights over a possible creation. Let us take the example of an artwork which can be used in a tokenised form for the purpose of commercial transactions in a metaverse by converting it into a Non-fungible token ('NFT').

Non-fungible tokens are tokenised formats of digital assets that have a programmable digital unit value attached to them.¹⁰ A creative work, including physical goods, which can be converted into a digital format, such as a photo, video or a scan, digital collectables can be used as a non-fungible token. The original

⁶ Andy Ramos, 'The Metaverse, NFTs and IP Rights: To Regulate or not to Regulate?' (*WIPO Magazine*, June 2022) <https://www.wipo.int/wipo_magazine/en/2022/02/article_0002.html> accessed on 10 March 2023.

⁷ John Locke, *Second Treatise of Government*, (Jonathan Bennett, ed., 3rd edn., 2008).

⁸ Trade Related Aspects of Intellectual Property Rights Agreement, art 7.

⁹ William W Fisher, 'Theories of Intellectual Property', in Stephen Munzer (ed.), *New Essays in the Legal and Political Theory of Property*, (Cambridge University Press, New York, 2001, pp 168-199).

¹⁰ Qin Wang, Rujia Li, Qi Wang and Shiping Chen, 'Non-Fungible Token (NFT): Overview, Evaluation, Opportunities and Challenges' (2021) *ArXiv abs/2105.07447* <<https://www.researchgate.net/publication/351656444>> accessed on 11 March 2023.

artistic work is only needed in the first step of the process to create the unique combination of the tokenised metadata and the ownership address. Such NFTs are encoded with the information pertaining to their ownership and may also be uploaded to the blockchain. Each NFT is supported by a unique combination of algorithms and meta-data, which imbibes in it a unique tokenized code, which is then owned by the person who mints such NFT. Minting is a process by which any person is able to deal with such an NFT in a marketplace. It is assigned with a blockchain contract address and a token ID, which in combination form a globally unique identifier.¹¹ An NFT contains a unique ownership digital certificate or identity of the person who has created such artistic work. A transfer of such artistic work in the form of an NFT, transfers the ownership. Though the subsequent user is able to identify the author of such work due to the fact that the associated ownership is locked in the blockchain process,¹² the originality in the tokenized art shall stand compromised at every such sale-purchase transaction.

The original author might receive the designated royalty with every purchase, but the very essence of identifying the personality of the author with his work shall become redundant. There is also an equal possibility of circumventing the information already provided in the blockchain. Such rewriting of the information pertaining to its ownership in the blockchain by the subsequent user who merely possesses such NFT might lead to erroneous ownership claims, thereby completely negating the concepts of authorship and ownership which exist in a copyrightable artistic work.¹³ Hence, in such circumstances, it can be said the copyright may not exist on an NFT, as the former is based on the principled idea of originality in expression which remains vague in the Metaverse. There are not many issues pertaining to copyright infringement in NFT at the moment. Some of these, including the alleged infringement of works from the Rijksmuseum in Amsterdam, which were turned into an NFT, were surprisingly decided outside the courts by the removal of tokens from the auction platforms.¹⁴ Another popular dispute is the one over the song Reasonable Doubt, a rap album under the Roc-a-fella music label. Though this case was settled in 2022,¹⁵ it opened up a wide array of questions for determining the status of clearance required to mint a song as an NFT. Buyers of NFTs should be cautious to ensure that the sellers

¹¹ Florian Idelberger & Péter Mezei, 'Non-Fungible Tokens' Internet Policy Review, 2022, 11(2), <<https://doi.org/10.14763/2022.2.16660>>> accessed on 31 March 2023.

¹² Vimu Ram and Chandrani Singh, 'Non-Fungible Tokens (NFT's): The Future of Digital Collectibles' (2022) <<https://ssrn.com/abstract=4166708>> accessed on 10 March 2023.

¹³ Andrés Guadamuz, 'Non-Fungible Tokens (NFTs) and Copyright' (*WIPO Magazine* December 2021) <https://www.wipo.int/wipo_magazine/en/2021/04/article_0007.html> accessed on 10 March 2023.

¹⁴ Vimu Ram and Chandrani Singh, 'Non-Fungible Tokens (NFT's): The Future of Digital Collectibles' (2022) <<https://ssrn.com/abstract=4166708>> accessed on 10 March 2023.

¹⁵ Roc-A-Fella Records, Inc. v. Damon Dash, No. 1:21-cv-05411 (S.D.N.Y. June 18, 2021) (Settled). On the Settlement See Bill Donahue, 'Jay-Z's Roc-A-Fella Ends Lawsuit Over 'Reasonable Doubt' NFT After Damon Dash Folds' *Billboard*, 13 June 2022 <<https://www.billboard.com/pro/jay-z-damon-dash-end-lawsuit-reasonable-doubt-nft>> accessed on 31 March 2023.

of the NFTs actually have all the rights required to create and market the NFT. Thus, even if we assume that ownership is a traceable element in an NFT, its unauthorised use might simply mean its removal from the chain in the alleged auction platform, which may be directed to take down such minting associated with the digital token of the creative work. There is not much clarity on whether the same will fall within the exclusive bundle of rights of such an author. This is because NFT is merely a numbered value appended to the digital artwork, and hence its unauthorised use cannot be designated as reproduction or adaptation. This brings us to conclude that the essence of exclusivity is absent in a Metaverse as its very purpose is the facilitation of social interaction and community building after using resources that are only virtually and digitally available for its users. Claiming a monopoly status over one's creation is far from reality. This is attributed to several reasons, including the superficial characteristics of Metaverse like the absence of any boundaries, the culture of normative law, intangible creation, transient and re-claiming entitlement over the creation in the real world, and the non-existence of any substantial proof of tangible creations.

III. INTELLECTUAL PROPERTY IN METAVERSE: CREATION, PROTECTION & INFRINGEMENT OF RIGHTS

Escapism in psychology means withdrawal from the real world into an illusory reality. Switching places between the real and the reel world is the key for the new generation to escape the monotonous routines of their daily lives and live an oblivious virtual life based on the idea of meeting and interacting with new people. A new facet of this illusory reality is the virtual and augmented reality gaming spaces, which seem to be providing people with experiences which they may not be able to live otherwise. Consider a man in a wheelchair who is given an opportunity to enjoy a joyride on the spin-wheel. This is only been made possible via virtual and augmented reality gaming spaces. Though temporarily, this man would be able to live through all the chilling life experiences. A recent popular example of virtual and augmented reality is the Metaverse. It may be defined as a completely different world where people are given the opportunity to interact with others and socialise virtually, without them being required to be present with such other person physically. Meta-verse is one such virtual and augmented reality space that takes people on a completely different experience. The transition between two different worlds in the real-time boundaries has been made a reality with Metaverse. However, the opposite identities and characteristics of IP rights and existential boundaries of Metaverse tables across a score of debatable questions which need to be resolved before Metaverse comes to be widely used by everyone. The term Metaverse was coined by Neal Stephenson in the year 1992 novel *Snow Crash*, where it was described as an immersive world.¹⁶

¹⁶ Charles R Macedo, Douglas A Miro and Thomas Hart, 'The Metaverse: From Science Fiction to Commercial Reality—Protecting Intellectual Property in the Virtual Landscape' (2022) 31(1)

IP is based on creations of the mind to be only brought into the public domain once the monopoly rights over its use and monetisation come to an end. It is the exclusive right to monetise that comes at the cost of pledging originality and novelty in the creation itself. Hence, the very first obvious dilemma that the co-existence of IP and Metaverse brings is whether an intellectual creation, in any form, is possible in Metaverse. There is ample clarity over the right to file an infringement against the use of IP in the metaverse without permission from the owner in the real world. For example, in the game 'Animal Crossing', players created clothing for their avatars based on designs of real-life clothing brands. Many of these items of digital clothing potentially infringed on third parties, such as using the Louis Vuitton monogram.¹⁷ In such instances, the legal rules endow upon the popular brand the right to sue for infringement for unauthorised use. Another such instance is the case of McDonald's, which is investing millions in developing a 'virtual restaurant'¹⁸ and placing its brand before the avatars in the Metaverse.¹⁹ The avatars in the Metaverse controlled by humans or computers can control virtual items, such as vehicles, weapons, or furniture, all of which may feature IP-protected works. The builders and users of the metaverse are under an obvious obligation to respect the rightsholder's prerogative of any exclusive exploitation of their intangible rights within the metaverse.²⁰ Consequently, a given right holder will be entitled to prosecute the exploitation of his or her IP rights in the metaverse, for example, when attached to a virtual purse or jacket developed for digital avatars. However, the possibility in the reverse case is still contentious. In case of replication/duplication of work by a participant-infringer from the metaverse in the real world, would the participant-creator of IP in the metaverse have any legitimate claim against the alleged infringer in the real world? In order to answer these questions, it is important to understand that when we talk of IP subject matters, they may either be tangible, like in the case of copyright or patents and intangible, like in the case of trademarks and their goodwill. In the latter case, there is an intangible property right in intangible property marks over which the proprietor attains ownership. In the case of the former, there is a requirement for a tangible creation or at least

NYSBA Bright Ideas 13-20 <[https://arelaw.com/images/file/Macedo%20Miro%20Hart-%20The Metaverse-%20BrightIdeas2022v31n1-%20REPRINT.pdf](https://arelaw.com/images/file/Macedo%20Miro%20Hart-%20The%20Metaverse-%20BrightIdeas2022v31n1-%20REPRINT.pdf)> accessed on 16 December 2022.

¹⁷ Anthony Lloyd, Jessie Buchan, 'An Unreal Issue: Managing IP in the Metaverse' (Media Sports and Entertainment Today, 4 November 2021) <<https://mse.dlapiper.com/post/102ha4f/an-unreal-issue-managing-ip-in-the-metaverse#:~:text=As%20part%20of%20any%20collaboration%2C%20a%20metaverse%20vendor,cannot%20leverage%20those%20rights%20for%20future%20uses.%20>> accessed on 16 December 2022.

¹⁸ Bernard Marr, 'The Metaverse & Digital Transformation At McDonalds' (*The Forbes*, 22 June, 2022) <<https://www.forbes.com/sites/bernardmarr/2022/06/22/the-metaverse-and-digital-transformation-at-mcdonalds/?sh=6a4eef3967b>> accessed on 16 December 2022.

¹⁹ F Gregory Lastowka and Dan Hunter, 'The Laws of the Virtual Worlds' (2004) 92(1) *California Law Review* 1-73 <<https://www.jstor.org/stable/3481444>> accessed on 7 November 2022.

²⁰ Andy Ramos, 'The Metaverse, NFT's and IP Rights: To Regulate or not to Regulate?' (*WIPO Magazine* June 2022) <https://www.wipo.int/wipo_magazine/en/2022/02/article_0002.html> accessed on 10 March 2023.

a tangible medium where the work, which has to be copyrighted or patented, has been created. For the creation of any form of IP, tangibility is not only required for the work that is created but also for the medium over which such work is created. In the Metaverse, such tangible creation is not possible. Even if we assume that a person has created a song in the metaverse while he is in it, the existence of that very song which is created comes under the suspicion of being tangible the moment he takes an exit. Metaverse has a transient and bounded existence as it can only be viewed and experienced by those who, at that time, are part of that specific Metaverse. Metaverse is also popularly known as a ‘Virtual Reality’. This term is an oxymoron. The term *Virtual* is defined in the Oxford Dictionary to mean “almost or very nearly the thing described so that any slight difference is not important.” In the context of technological development, it is defined as something that is made to appear to exist by the use of computer software, for example, on the Internet.” Hence, being virtual implies that something is only abstract in its form, but its existence is only ‘seemed to be felt’. Reality, on the other hand, is “a thing that is actually experienced or seen, in contrast to what people might imagine” and can be perceived physically and experienced emotionally or mentally. It is what we live in. However, somehow, things happening in the virtual world also, for some time, may be felt and perceived, though ethereally, by people who are in it momentarily. Therefore, it can be said that virtual reality is “what we ought to be in” rather than the real world in which we are already living. Hence, Metaverse is largely characterised as transient, short-lived, intangible, and capable of seeming to be in existence rather than being in existence. The intangible existence of the Metaverse builds a faltering situation for the tangible existence of the IP created by a participant-creator in the Metaverse.

Given these circumstances, it might be imperative to extend regulations pertaining to cross-licensing agreements and inter-operability rights to the participant-users of Metaverse, thereby protecting the IP of the participant-creator in the real world as well. The interoperability between different metaverses may be related to their nature and objective. Hence, all metaverse, which is merely a social gathering, might function on the basis of a central regulatory authority, thereby ensuring participants’ interoperability and teleporting across such meta-spaces. Once the interoperability is centralised, rules pertaining to cross-licensing may be imported into such meta-spaces, thereby ensuring amicable use and collaboration of technical creations within these similar metaverse spaces. Such modding or violations may further be enforced by suspending or terminating the accounts of the participant-users. This is currently practised in the online gaming industry too. Nonetheless, such enforcement strategies might differ, owing to differences in the meta-genre and nature of the alleged infringing activity.²¹

²¹ WIPO Advisory Committee on Enforcement Report, ‘Copyright Infringement in the Video Game Industry’ (2022) 15th Session, Geneva <https://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_15/wipo_ace_15_4-executive_summary1.pdf> accessed on 10 March 2023.

Further, it is important to understand whether there is an infringement of IP in the real world in cases where the work has been replicated from Metaverse. The metaverse is in itself a virtual reality- it ceases to exist the moment a person takes an exit from it, and hence, his relation and connection from the Metaverse itself breaks, and therefore, he is unaware of the changes and developments that may be taking place in it, while is outside the Metaverse. Moreover, the existing legal provisions provide for the fulfilment of certain prerequisites for the protection of IP. One of these is the mandate for registration to be able to sue for infringement. Metaverse doesn't have any specific laws. Hence, registration of work in the real world may not be conclusive evidence of its protection and grant of IP in the Metaverse. In addition to this, IP is bounded by the Territoriality Principle. This principle grants protection only within the territory of the country where it has been created and sought to be registered. Hence, in this circumstance, there may arise a number of jurisdictional issues in the case of seeking a remedy for the infringement of the rights of the creator of IP in Metaverse as against the alleged infringer in the real world. Further, IP rights are subject to the principle of the First Sale Doctrine, which purports that once the right holder is able to recoup the rewards of his IP post the first sale, barring the further sale and distribution, reproduction of the work without permissions shall amount to infringement.²² As a natural corollary to this principle, a participant-creator shall have no remedy to seek protection against the reproduction of his creation in the real world by an unauthorised person who may also be the alleged participant-infringer in the Metaverse. For these reasons, regulating the Metaverse creations pertaining to IPR must be sought to be brought within the purview of the existing laws, and as such, this infringement in the Metaverse must be equated with infringement in the real world.

Another aspect that needs deliberation is whether the participant-creator who has created an intellectual creation in the Metaverse is eligible to seek protection for the same in the real world. Additionally, if the said work has been recreated without permission by a third person in the real world, can the subsequent party claim priority and authorship/ownership of the work? What happens if the participant-creator from the Metaverse sues for infringement, the alleged recreator-infringer of the work in the real world under the existing legal regime? The answer to the first question may, to a certain extent, be in the affirmative, as the participant-creator may be said to be giving a tangible existential expression to his work while seeking to protect the same in the real world. However, in the second instance, it may be difficult for the participant-creator to prove the fact of infringement against the alleged recreator-infringer for the said work in the real world, as the latter may challenge him on the grounds of a fixed or permanent existence of the said expression of work over a tangible medium.

²² Garima Arya and Tania Sebastian, 'Exhaustion of Rights and Parallel Imports with Special Reference to IP Laws in India' (2014) 2(i) JNLUD <<https://drive.google.com/file/d/1f-NYmEWtSN73e8FxohelJ1cq8zTgoO7/view>> accessed on 10 March 2023.

A crucial difficulty with accepting creations of works in the Metaverse and granting them an IP right is the non-existence of any state or normative laws in the Metaverse itself. An IP is a monopoly right which is granted by the state for a certain period of time; however, even if the participant-creator ideates a remarkable creative work in the metaverse, the lack of any significant authority bestowed with the right to grant a monopoly to participant-creator, the authenticity of such work may become questionable. Hence, the probability of any right to sue for an infringement is also equally brought to a closure.

The concepts of secondary infringement, however, may make their way through the IP created and disputed in the Metaverse. In such cases, the Metaverse platforms may not be granted the safe harbour clause to make an exit from the liability for allowing or having knowledge of the use of such IP-protected work in the Metaverse. The fact that it is merely a walled garden controlled by a single entity which is managing and has information/knowledge about who enters makes them vulnerable to owning up the liability in case there is any infringement.

IV. CONCLUSION

As quoted by Albert Einstein, “Creativity is Intelligence having fun.” Reiterating the same idea in the Metaverse might be a safer step towards reconciling the opposing characters of IP and Metaverse. It is at the moment better that Metaverse adapts to the existing laws of the land and accustoms itself to the conceptual boundaries set by law. The IPR issues mentioned above are a few of the countless legal complexities that need attention even before such virtual reality spaces are built. The kind of Metaverse we are going to build for ourselves shall depend on kind of the legal shields that the consumers and users of this Metaverse are equipped with. Contracts governing participation in these spaces implying nominal or no-liability for the creator of the Metaverse may prove adversarial for the participant-creator and participant-infringer, both in the Metaverse and beyond it in the real world. Another crucial difficulty with accepting creations of works in the Metaverse and granting them copyright is the non-existence of any state or normative laws in the Metaverse itself.²³ Any IP is a bundle of exclusive rights which are granted by the state for a certain period of time; however, even if the participant-creator ideates a remarkable creative work in the Metaverse, the lack of any significant authority bestowed with the right to grant a monopoly to participant-creator, the authenticity of such work may become questionable. Hence, the probability of any right to sue for an infringement is also equally brought to a closure. In all probability, it must be assumed that all laws that create, *per se*, any intellectual property in the Metaverse is an impossible

²³ Marianna Ryan, ‘Intellectual Property Considerations and Challenges in the Metaverse, European Intellectual Property Review, 2023, 45(2), p. 80.

proposition and hence must be put to rest. Protection of IP, which is already existing, can be secured by licensing and cross-licensing in the Metaverse. Issues of infringement in the Metaverse are to be dealt with based on theories of IP infringement, which rely on any form of unauthorised or unassigned use. Further, Copyright might provide a possible solution to the claims of infringement within the Metaverse. Every such meta-space might provide its users with an agreement to use, modify and redistribute freely across similar functioning meta-spaces with the precondition that any unauthorised commercial exploitation that inherently prejudices the rightsholders' prerogative shall be brought under the suspicion of violation and infringement. As a consequence, such users shall be terminated and suspended from entering any such similar Metaverse spaces. All users must enjoy their existence in the Metaverse in ways similar to any other online game and save their creative instincts for use, protection and promotion only within the well-knitted boundaries of the law in the real world.