

Metaverse

Structuring the advancement of the Metaverse

The metaverse is generally considered to represent the next platform shift in computing and gaming. Instead of users participating in point-to-point connection commonly present in social networking and other media and communication applications, the metaverse will support virtual, 3D worlds in which individuals can *exist*.

The influential technologist Matthew Ball has defined the metaverse as follows:

"A massively scaled and interoperable network of real-time rendered 3D virtual worlds that can be experienced synchronously and persistently by an effectively unlimited number of users with an individual sense of presence, and with continuity of data, such as identity, history, entitlements, objects, communications, and payments."^[1]

It is no secret that many of the largest technology companies have begun planning for and investing in current and future states of the metaverse. The SEC reported over 1,100 instances of regulatory filings containing the word *metaverse* in the first six months of 2022, with metaverse-related investments by corporations, venture capitalists, and private equity firms topping \$120 billion in this same time period.^{[2][3]} This is probably for good reason, as the investment bank Citi recently released a reporting estimating that the metaverse represents a total addressable market between \$8 trillion and \$13 trillion by 2030.^[4]

Initial iterations of the metaverse, including popular games such as Roblox and Fortnite, have already arrived, however more mainstream adoption is likely at least a few years away.^[5] What is clear is that the metaverse offers tremendous business opportunities in various fields including but not limited to:

- Teaching – a portal for students to learn without an adverse effect on quality
- Fitness – virtual experiences that support motivated IRL (in real life) body movement
- Work – realistic environments that substitute for in-person meetings
- Healthcare – remote patient operations using augmented reality technologies
- Entertainment – immersive concerts and other events
- Urban planning and management – simulating human activity to more effectively plan and develop infrastructure projects

Companies should consider how to position their businesses for the continued development and ultimate arrival of the metaverse. Trademark applications directed to the metaverse and related technologies, including NFTs, blockchains, and cryptocurrencies, have soared in the last two years.^[6]

There are also immense opportunities for innovations in hardware components that support the metaverse environment and in the software processes excusing within it, especially to address the technical challenges of bringing the metaverse to the masses, including current limitations in networking and hardware capabilities. For example, Meta Platforms (formerly Facebook) has filed a series of patent applications directed to headset and sensor technologies to simulate more realistic interactions within the metaverse.^[7]

Additionally, the metaverse is often associated with related technologies such as [cryptocurrencies, blockchains, and NFTs](#), as well as nascent movements such as Web3, the “creator economy,” and the general idea of decentralized ownership. Companies may want to innovate on mechanics for allowing users to seamlessly port avatars and virtual goods among different virtual worlds in an interoperable manner, for example. Further, NFT project creators should strategize how to structure copyrights for their NFT holders, for example by granting full commercial rights like Bored Ape Yacht Club (BAYC)^[1] or employing CC0 (“Creative Commons Zero”) like Proof Holdings^[2].

Marshall Gerstein’s team of professionals have significant experience in technologies that underpin the metaverse, including innovations in computer hardware and software, virtual and augmented reality, and blockchain features. Our backgrounds and expertise enable us to advise on considerations for protecting and structuring all relevant forms of IP including patents, trademarks, and copyrights.

Interested in learning more about the Metaverse? We have included a few sources below, that we referenced on this page. There are some other great resources as well. Feel free to [send us an email](#) for more information.

For patent matters related to the Metaverse, contact [Matthew Carey](#).

For trademark matters related to the Metaverse, contact [Tiffany Gehrke](#).

^[1] [“The Metaverse,”](#) Matthew Ball, 2022.

^[2] [“The Metaverse Will Reshape Our Lives. Let’s Make Sure It’s for the Better,”](#) *Time Magazine*, July 18, 2022.

^[3] [“Value Creation in the Metaverse,”](#) McKinsey & Company, June 2022.

^[4] [“Metaverse and Money: Decrypting the Future,”](#) Citit GPS: Global Perspectives & Solutions, March 2022.

^[5] [“A lot of this will be mainstream in the next five to 10 years.”](#) – Mark Zuckerberg

^[6] [“Trademark applications for crypto, NFTs and Metaverse surge in 2022: Report,”](#) *Cointelegraph*, September 6, 2022.

^[7] [“Facebook Patents Reveal How it Intends to Cash in on Metaverse,”](#) *Financial Times*, January 18, 2022.

^[8] [Bored Ape Yacht Club Terms & Conditions](#)

^[9] [PROOF of Document FAQs](#)

Insights

October 9, 2024

USPTO Will Terminate the AFCP 2.0 Program

Marshall Gerstein Alert

November 13, 2023

"Federal Circuit Imperils Term-Adjusted Patents"

ALM's IP Strategist

October 20, 2023

"The Metaverse, Web3, and NFTs & IP Considerations - Not as Spooky as You Think!" (Co-Panelist)

The Richard Linn Inn American Inn of Court

June 21, 2023

"IP Aspects of Augmented Reality and Virtual Reality Technologies"

AIPLA INNOVATE Magazine Volume 14

February 9, 2023

Hermès v. Rothschild: "MetaBirkin" NFT Dispute, Brand Owners Prevail

Marshall Gerstein Insights

December 9, 2022

"Protecting Your Intellectual Property in the Metaverse" (featured quotes)

Legal Dive

November 17, 2022

"As Metaverse Evolves, So Do IP Protection Issues"

Law360

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"The Basics of NFTs for Artists"

Webinar through Lawyers for the Creative Arts

October 27, 2022

"NFT for IP Monetization"

Webinar

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MetaBirkins NFT Trademark Infringement Lawsuit

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July 25, 2022

"Innovative Patent and Trademark Solutions for the Metaverse and NFTs"

Nasdaq Trade Talks

March 23, 2022

"What Counsel Should Know to Protect Clients in the Virtual World"

The Legal Intelligencer