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Legal Dimensions and Challenges of Copyright (Author Right) Enforcement in the Metaverse, with an Emphasis on the American Jurisprudence and Iranian Law

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Article Info	Abstract
Article Type: Research Article	The metaverse, as a digital, interactive, and persistent ecosystem predicated upon the convergence of technologies such as blockchain, virtual reality, artificial intelligence, and digital assets, has opened new horizons for the creation, distribution, and exploitation of intellectual works. At the same time, however, it has confronted the foundational doctrines of copyright (author's right) with unprecedented challenges. Adopting an analytical-comparative approach, with particular emphasis on U.S. case law and the Iranian legal system, this article seeks to address the fundamental question of whether traditional copyright frameworks suffice to regulate legal relations within the metaverse, or whether the development of a sui generis regime is imperative. The findings reveal that, despite its novel and technologically advanced nature, the metaverse does not represent a radical rupture from classical copyright principles, but rather a terrain for the dynamic reinterpretation and adaptation of those principles to digital realities. Concepts such as originality, fixation, reproduction, and public performance remain the cornerstones of copyright protection in this space; nevertheless, their application in a decentralized, borderless, and interactive environment entails considerable evidentiary and enforcement difficulties. Key challenges include the determination of ownership in user-generated content, the identification of infringers among anonymous users, the delineation of transformative use within the fair use doctrine, and the relationship between non-fungible tokens (NFTs) and the exclusive rights of authors. An examination of U.S. jurisprudence—including cases such as <i>Heptagon v. Core Group</i>, <i>Miramax v. Tarantino</i>, and <i>Roc-A-Fella v. Dash</i>—demonstrates that courts have generally remained faithful to established copyright principles and have refrained from unduly expanding the notion of digital ownership into the realm of moral rights. The emphasis on the separability of artistic expression from utilitarian function, the rejection of the automatic transfer of copyright upon NFT minting, and the distinction between ownership of a digital asset and ownership of the underlying exclusive rights constitute the most significant takeaways from these rulings. Within the Iranian legal system, despite the absence of explicit legislation addressing the metaverse,
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	existing statutes—particularly the Act for the Protection of the Rights of Authors, Composers, and Artists (1969) and the Act for the Protection of Computer Software Creators (2000)—are, subject to a broad and dynamic interpretation, capable of accommodating many instances of digital and metaversal works. However, the lack of an express fair use doctrine renders the scope of permissible derivative and transformative uses considerably narrower than in common law jurisdictions. Thus, what distinguishes the metaverse from a legal standpoint is not merely the emergence of novel forms of infringement, but rather the transformation of the very context in which rights are realized and enforced—a context wherein traditional monitoring, authentication, and enforcement mechanisms face compounded difficulties. Consequently, an effective strategy for addressing this phenomenon does not lie in passivity or in awaiting new legislation, but rather in the adoption of a proactive, multi-layered approach grounded in the dynamic interpretation of existing rules, the utilization of technological tools such as smart contracts and digital watermarking for transparent registration and traceability of works, and the development of specialized judicial practices in the field of digital assets. Within the Iranian legal framework, notwithstanding legislative gaps, current laws—when interpreted broadly and supplemented by general legal principles such as the rule of no harm and the rules of civil liability—hold potential for adaptation to many metaverse-related challenges. Nevertheless, the realization of effective and sustainable protection in this new environment requires coordinated action by legislative, judicial, and technological institutions toward the formulation of clear legal standards and up-to-date enforcement mechanisms—an endeavor that would both safeguard authors’ rights and prevent the stifling of creativity and innovation within this dynamic ecosystem. Ultimately, the article argues that an effective response to the legal challenges of the metaverse demands an integrated strategy operating simultaneously on three levels: first, the development of judicial interpretations attuned to technological realities; second, the deployment of technological tools for registration, tracking, and automated enforcement of rights; and third, progress toward legislative harmonization at both national and international levels. Such an approach can protect the rights of creators and prevent the dissipation of intellectual capital, while simultaneously fostering dynamism, creativity, and innovation in the future digital economy, thereby transforming the metaverse from a lawless frontier into a domain for the intelligent application of legal norms.
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