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## **Sport and International Intellectual Property Rights**

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### ***ABSTRACT***

The intersection of intellectual property and sport has become increasingly complex and significant in today's globalized world. With the rise of multinational corporations, cross-border digital media platforms, and globalized events, the protection and exploitation of IP rights in the sport industry has become a critical issue. This article provides a comprehensive overview of the current trends and challenges in the area of international IP and sport, with a focus on the challenges faced by stakeholders in the industry. The article examines and assesses the impact of international IP laws and treaties on the sport industry.

**Keywords:** Sport, Intellectual property, Rights, challenges, intersection, treaties, organizations.

## **INTRODUCTION**

The majority of the well-known sports, including football, basketball, tennis and, athletics, have developed into significant international competitions. In the modern era intellectual property rights (hereafter IPR and IP for Intellectual Property) have become a major source of revenue for the sports industry.

Sports industry has faced new challenges related to the protection of IPR, including the increased globalization<sup>1</sup> of the industry, the rapid pace of technological innovation, and the challenges of enforcing IPR in the international context. Despite these challenges, the importance of IPR in the sports industry remains unchanged, and they continue to play a critical role in the success<sup>2</sup> and growth of the industry<sup>3</sup>.

The protection of IPR in sport is becoming increasingly important as the commercial value of sports continues to grow. Understanding the intersection of IP law and sport is crucial in order to ensure that athletes, teams, and organizations are properly compensated for their rights.

By utilizing the IPR that are available through active marketing, broadcasting, and promoting many other marketable choices, leagues have been able to realize significant financial rewards and benefits. Major sporting events like the Olympics, FIFA World Cup, etc... can therefore be viewed as centers for IP, brand valuation, and commercialization.

Recently, there have been some new challenges related to the protection of IPR in the sports industry, such as how the industry is growing more quickly than ever before, and the difficulty of enforcing IPR in an international context. Despite these challenges, IPR play an important role in the success of the sports industry, and will continue to do so in the future.

In that sense, according to the World Intellectual Property Organization<sup>4</sup> (hereafter WIPO): The global sports ecosystem is a “unique landscape that brings together multiple players with overlapping interests”. IPR—including patents, trademarks, designs and copyright— underpin the commercial relationships that maintain and support the ecosystem<sup>5</sup>.

### **Objective of study**

This article will examine the intersection of IP law and sport, exploring the challenges and opportunities presented by this relationship. By analyzing the international legal

framework that governs IP in sport, this article aims to shed light on the key issues and provide insights into the future of international IP protection in the sports industry.

### **Importance of study**

This area of study is important because it exploring the challenges and opportunities presented by the intersection of international IPR and the sports industry, this area of study provides valuable insights into the future of the sports industry and the role that IP will play in shaping its growth and success.

### **Problematic**

The sports industry is rapidly evolving and so is the legal framework that governs it. While the principles of IP law apply to the sports world, the unique aspects of sport create challenges in the protection and enforcement of IPR. For example, there are questions surrounding the protection of team logos, the use of athlete's likenesses, and the ownership of broadcast rights. As a result, there is a need for a comprehensive understanding of the interplay between international IP law and the world of sport.

### **Structure**

The article is structured as follows: after this introduction, the next section (**second**) will provide an overview of the international legal framework that governs IPR in sport. This section will examine the relevant international and national laws and treaties, and will analyze the challenges and opportunities presented by these legal provisions.

**The third section** of the article will examine the intersection of international IPR and the sports industry.

**The fourth section** is centralized Analysis of the challenges and opportunities presented by the legal framework.

**The fourth section** will look to the future, by proposing the best practices for managing IP in the sports industry.

Finally, **the conclusion** will summarize the main points of the article, reflect on the importance of understanding the interplay between IP law and sport, and offer final thoughts on the future of this field.

## **2. International legal framework governing IPR**

The history of IPR in sport dates back to the late 19th century<sup>6</sup> when the first trademark and copyright laws were introduced in many countries. In the early days of sport, IPR were not considered a major concern. However, as the sports industry grew and became more commercialized, the protection of IPR became increasingly important.

### **2.1. IPR**

#### **2.1.1 Definition**

“Intellectual property law is that area of law which concerns legal rights associated with creative effort or commercial reputation and goodwill. The subject matter of intellectual property is very wide and includes literary and artistic works, films, computer programs, inventions, designs and marks used by traders for their goods or services. The law deters others from copying or taking unfair advantage of the work or reputation of another and provides remedies should this happen. There are several different forms of rights or areas of law giving rise to rights that together make up intellectual property.”<sup>7</sup>

According to The World Trade Organization (hereafter WTO) IPR are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time<sup>8</sup>.

IPR such as copyrights, trademarks and designs are important sources of value for the sports world. Sporting goods may be subject to patents, designs, copyrights and trademarks. Because the technology used in swimwear is so original, patents have been applied for, logos printed on swimwear can be registered as trademarks, designers can obtain copyrights, and physical designs can be used as industrial designs you can register<sup>9</sup>. These registrations can be used to protect the unique design value and marketing opportunities associated with sporting goods<sup>10</sup>.

In addition to that, IPR are used as marketing tools towards the branding of sporting games, sponsorship, teams, celebrity status, broadcasting and media deals etc. Various football clubs around the world such as Manchester United, Real Madrid, Barcelona and Liverpool are a perfect example of IP brand capitalization.

## **2.2 International legal framework**

IP law<sup>11</sup> is a complex field that governs the creation, protection, and use of intangible assets such as trademarks, patents, copyrights, and trade secrets. IP law plays a crucial role in the sports industry, where IP rights are frequently at the center of disputes and negotiations.

International Intellectual Property (hereafter IP) law is governed by various treaties and conventions, the most important of which is the Paris Convention for the Protection of Industrial Property (Paris Convention) and the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention). The Paris Convention provides protection to industrial property, including patents, trademarks, and designs, while the Berne Convention provides protection to literary and artistic works, including musical works, photographs, and film.

IPR in the sports industry are governed by a combination of international and national<sup>12</sup> IP laws and other specific regulations related to sports. Relevant laws and treaties related to IP in sport include:

**Trademark laws** were developed to protect the unique identities of businesses and organizations, including sports teams and organizations. The first trademark law was introduced in the United States in 1870<sup>13</sup>, and similar laws were soon adopted in other countries. The trademark laws provided sports teams and organizations with legal protection for their logos, names, and other unique identifiers.

**Copyright laws** were introduced to protect the original works of authors and creators, including the writers of books, music, and other forms of artistic expression. In the sports industry, copyright laws were used to protect the rights of broadcasters and other content providers to air live events and to distribute sports content.

**The development of trademark and copyright laws** had a significant impact on the sports industry, allowing teams, organizations, and other industry stakeholders to protect their IP and to better control the use of their names, logos, and other assets. This protection helped to increase the revenue generated by the sports industry and to support its growth and expansion<sup>14</sup>.

Today's competitors have the capacity to ensure a wide scope of their brand through trademark law and have the capacity to uphold their trademarks, more than the normal citizen. A brief history of the interaction between competitors and trademarks is fundamental to get it this drift. Indeed more foundational to understanding this range is the current state of trademark law.

This comment begins by portraying development all through the history of sports-related trademarks and what is causing the development, taken after by the laws permitting for this to happen<sup>15</sup>.

These laws and treaties provide a framework for the protection of IPR in the sports industry, but it is important to note that the specifics of each law and treaty can vary from country to country. It is important for those involved in the sports industry to seek the advice of knowledgeable professionals to understand their rights and obligations under these laws and treaties<sup>16</sup>.

### **3. The intersection of international IPR and the sports industry**

In the modern era IPR have become a major source of revenue<sup>17</sup> for the sports industry. Legal theories of copyright, trademark, right of publicity, and even patent have been successfully invoked to permit individual sports teams and the leagues and associations to which they belong to capture more and more revenue from their fans<sup>18</sup>.

International IPR and the sports industry are closely intertwined and play a critical role in the growth<sup>19</sup> and success of the industry. The rapid pace of technological innovation and the increasing global reach of the sports industry have made IP protection a central concern for athletes, teams, organizations, and others involved in the industry. The main issues in this area include the protection of trademarks, copyrights, and patents in the sports industry, the enforcement of IPR in the international context, and the balance between protecting IPR and promoting competition and innovation.

Without IPRs, it would be very difficult to market sports events, sports persons and sports teams, because sports bodies and individuals would have nothing to commercialize or sell. No one is going to pay substantial sums of money for the grant of any rights to be associated with sports events or to sponsor sports personalities and teams without those rights, especially exclusive ones, being recognized by law and, as such, being legally enforceable against others that have not been granted those rights and—even more importantly—have not paid anything at all for the privilege of exploiting them commercially<sup>20</sup>.

The intersection will be demonstrated through the following main point, where the international IP organizations and most popular sport organizations have asserted that:

**3.1 WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC):** The IGC was established by WIPO to develop recommendations and guidelines for the protection of genetic

resources, traditional knowledge, and folklore. This committee also considers the impact of IP on sports and the protection of IP rights in the sports industry<sup>21</sup>.

**3.2 The Fédération internationale de football association** (hereafter FIFA) continuously develops and protects a large variety of brand assets, including logos, words, titles, symbols and other identifiers which it uses, or allows others to use under licence, in connection with its events such as the World Cup tournaments and other activities of the organization<sup>22</sup>.

FIFA's IP is protected in territories around the world by copyright, trademark and/or other forms of IP and laws such as unfair competition, passing off and any other relevant legislation<sup>23</sup>.

Regardless of the Argentina-France finale of the 2022 World Cup, IP has emerged victorious in terms of patents and trademarks. A parting thought for the readers would be to consider the application of copyrights, designs and plant protection which cover grounds of broadcasting, jersey kits, training kits, and football turfs. All the aforementioned forms play a large role in attracting more fans to the game but are also faced with more prevalent issues such as illegal streaming and design infringement which are to be debated on another day<sup>24</sup>.

**3.3 International Olympic Committee** (hereafter IOC) Olympic Charter: The IOC Olympic Charter provides a framework for the protection and use of IP rights associated with the Olympic Games. The Charter outlines the rights and obligations of the IOC, National Olympic Committees, and other parties involved in the Olympic Games<sup>25</sup>.

One of the ways in which the IOC, the host city and other stakeholders, support the athletes in their efforts to achieve exceptional performances is through ensuring that a robust IP strategy is in place to protect the IP assets associated with the Games. IP protection is crucial in ensuring that we can continue to generate revenues, which are then redistributed for the benefit of sports and athletes around the world<sup>26</sup>.

**3.4 World Anti-Doping Agency** (hereafter WADA) Code: The WADA Code outlines the rules and regulations related to the use of performance-enhancing drugs in sports<sup>27</sup> and provides for the protection of IP rights related to anti-doping measures.

WADA was established in 1999 as an international independent agency to lead a collaborative worldwide movement for doping-free sport<sup>28</sup>.

**3.5 International Basketball Federation** (hereafter FIBA) IP Guidelines: The FIBA IP Guidelines provide guidance on the use and protection of IP rights related to



basketball. The guidelines cover issues such as the use of player images, logos, and team names<sup>29</sup>.

#### **4. Analysis of the challenges and opportunities presented by the legal framework**

While the legal framework for IP in sport provides protections for the creators and owners of IP, it also presents challenges and opportunities for the industry. One challenge is the difficulty in enforcing these laws and protecting IPR in the fast-paced and dynamic world of sport. On the other hand, there are also opportunities for innovation and growth in the industry, such as the development of new technologies for broadcasting and sharing sports content.

It is important to have a deep understanding of the legal framework governing IP in sport in order to effectively navigate the challenges and opportunities presented by this intersection of law and sport.

Challenges and opportunities presented by the legal framework for IPR in sport include balancing the interests of various stakeholders, keeping up with technological advancements, enforcing IPR, creating new revenue streams, protecting innovations and creations, and encouraging investment and growth in the sports industry.

In the sports industry, the strategic use of IPR has significant potential, which can lead to economic development in many ways. From generating income from the sale of sports equipment to boosting international trade, IP rights can productively enhance a country's reputation. Staging sports events at both national and international levels can enrich the social and cultural fabric of all countries. However, it is a matter of fact that yes; the business of sports requires a strong legal framework to support IP rights for managing the operational and logistical issues associated with organizing such sports events. Therefore, all countries should integrate IP and sports-related objectives into their nation's development strategies to drive social and economic progress.

The legal framework governing IP in sport presents both challenges and opportunities. Some of the challenges include:

1. **Conflicting IP rights:** In many cases, multiple parties may claim IP rights in the same aspect of a sport. This can lead to disputes over the ownership and use of IP rights.
2. **Balancing IP rights and free speech:** IP rights in sport can conflict with free speech rights, particularly in the context of news reporting and commentary.



3. Protecting IP rights in the digital age: With the rise of digital technology, IP rights in sport are increasingly being threatened by piracy, counterfeiting, and other forms of unauthorized use.

### **5. Best practices for managing IP in the sports industry include:**

1. Obtaining Trademarks and Copyrights: Teams, organizations, and athletes should obtain trademark and copyright protection for their logos, names, and image to prevent unauthorized use and infringement.
2. Licensing Agreements: Licensing agreements are a common way to manage IP in the sports industry. These agreements allow organizations to license the use of their IP to others, such as merchandise manufacturers and broadcasters.
3. Contracts and Legal Mechanisms: Contracts and legal mechanisms, such as cease and desist letters and lawsuits, can be used to enforce IPR and prevent infringement.
4. Monitoring for Infringement: Regular monitoring for infringement, through online searches and market surveillance, can help organizations to quickly identify and address any unauthorized use of their IP.
5. Collaboration with Industry Partners: Collaborating with industry partners, such as licensing agents and law firms, can provide organizations with additional resources and expertise to effectively manage their IP.
6. International Harmonization of IP laws: Working towards the harmonization of IP laws across different countries can help to standardize protection and enforcement in the global sports industry.

To balance these considerations, organizations must take a nuanced approach to IP protection. This can include adopting licensing models that encourage competition and innovation, such as open-source or fair, reasonable, and non-discriminatory licensing, and avoiding anti-competitive practices, such as price-fixing or exclusive dealing arrangements. Additionally, governments can play a role in balancing IP protection and competition through antitrust and competition laws that prevent anti-competitive behavior and promote fair competition.

To strike the right balance, organizations must consider the following:

1. **Promotion of Competition:** IP protection should not restrict competition or limit the ability of others to enter the market. For example, strict trademark protection could prevent new entrants from using similar logos or names, thereby limiting competition.
2. **Encouragement of Innovation:** IP protection should not prevent innovation. For example, overly restrictive patent protection could prevent others from using and building upon existing technology.
3. **Prevention of Anti-competitive Behavior:** IP protection should not be used to engage in anti-competitive behavior, such as tying arrangements or abuse of dominant market position.

Moreover, technology has had a significant impact on the protection of IPR in the sports industry. The rise of digital platforms and the increasing use of technology for the distribution of sports content has created new challenges for organizations and individuals trying to protect their rights. Some of the key impacts of technology include:

1. **Increased Difficulty in Monitoring Infringement:** The proliferation of digital platforms and the ease with which content can be shared online has made it more difficult to monitor and prevent infringement. This has led to a greater risk of unauthorized use of IP, such as the unauthorized distribution of game footage.
2. **Greater Need for Technologically Advanced Tools:** To effectively manage IP in the digital age, organizations and individuals need to have access to technologically advanced tools, such as content recognition software, to monitor for infringement and protect their rights.
3. **Emergence of New Forms of Infringement:** Technology has created new forms of infringement, such as the unauthorized use of game footage in video game mods that were not previously possible.
4. **Changes to Traditional Business Models:** The rise of digital platforms has disrupted traditional business models, such as broadcast rights, and has created new challenges for organizations to protect their rights and generate revenue.

To address these challenges, organizations must adapt to the changing technological landscape and make use of the latest tools and technologies to protect their IPR. This can include investing in content recognition software, implementing robust digital rights management systems, and pursuing legal action against infringers. Additionally, organizations must stay informed about emerging technologies and developments in the industry to ensure they are effectively protecting their rights in the ever-changing technological landscape.

## **Conclusion**

In conclusion, the sports industry is a complex and rapidly evolving field that poses unique challenges for the protection of IPR. From the inadequately protected rights in the global context to the impact of technology on traditional business models, organizations and individuals must navigate a complex landscape to effectively protect their rights.

However, by understanding the key issues and best practices for managing IP, organizations and individuals can take steps to ensure their rights are protected and they are fairly compensated for their creations. It is also important to balance IP protection with competition and innovation, which requires a nuanced approach that takes into account the potential impact on market dynamics and the overall industry.

Looking forward, it is clear that there is a need for continued research in the area of international IP and sport. This could include studies on the effectiveness of current protection mechanisms, the impact of technology on IPR, and the ways in which organizations can better protect their rights in the global marketplace. Additionally, research could focus on the development of new legal and technological tools to help organizations effectively manage their IPR in the face of an ever-changing technological landscape.

In short, the challenges posed by IPR in the sports industry are complex and ongoing, but with continued research and collaboration between industry stakeholders, organizations and individuals can find effective solutions that balance protection with competition and innovation.

One of the key factors contributing to the inadequate protection of IPR in the sports industry is the lack of harmonization of laws across different countries. Every country has its own set of laws and regulations regarding IPR, and these laws can vary significantly from one jurisdiction to another. This creates an environment in which it is difficult to protect IPR globally, as different countries may have different standards and enforcement mechanisms.

Another factor that contributes to the inadequacy of IPR protection in the sports industry is the ease with which infringement and counterfeiting can occur. With the widespread availability of high-tech printing and manufacturing equipment, it is relatively simple for counterfeiters to produce fake merchandise and sell it at a lower

price than the genuine article. This not only undermines the value of the original product but also dilutes the brand and reputation of the team or athlete.

Moreover, the rapid pace of technological advancement and the growing use of digital media have created new challenges for the protection of IPR in the sports industry. With the rise of online platforms, it has become easier for individuals to access and distribute copyrighted materials, such as music, images, and videos. This has made it more difficult for sports organizations and athletes to protect their IPR and control how their image and brand are used.

In conclusion, the global nature of the sports industry, combined with the varying levels of IPR protection across different countries, has created an environment in which IPR is often inadequately protected. This leads to infringement and counterfeiting, which undermines the value of the original product and dilutes the brand and reputation of the team or athlete. It is essential for sports organizations and governments to work together to develop harmonized laws and regulations to better protect IPR in the sports industry.

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World Trade Organization [https://www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intell_e.htm)  
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<sup>1</sup> Hylton G. J. (2011) The Over-Protection of Intellectual Property Rights in Sport in the United States and Elsewhere, *Journal of Legal Aspects Sport*, Vol. 43, p. 43.

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<sup>2</sup> “Since the 1970s, sport has assumed an ever-increasing role within the globalization of business and public events with sports participants, capital, and labor moving around the world. With global sport events like the Fédération Internationale de Football Association (FIFA) World Cup of soccer [football] or the Olympic Games capturing worldwide audiences, sports events have become highly sought-after commodities. Professional sports in developed economies are viewed as a pathway out of poverty; some examples are soccer [football] players in Africa and Latin America or runners from Africa and the Caribbean”. James J. Et al. (2018) “The sport industry in growing economies: critical issues and challenges” *International Journal of Sports Marketing and Sponsorship*, 19:2, p. 110.

The term [football] is added by the author. Technically, the words football and soccer are both correct. They describe the same sport which was codified by the Football Association in 1863 and the words can be considered synonyms.

<sup>3</sup> “..both sport and the global business surrounding it have not only survived a wide range of challenges, but have become one of the most powerful corporate entertainment industries in history. Yet, some problems have endured, and new challenges and threats to global sport have emerged.”

James J. Et al. Op.cit.p 114.

<sup>4</sup> The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations that works to harmonize the intellectual property laws of countries around the world. Although the roots of the WIPO go back to 1883, WIPO became an agency of the United Nations in 1974, with a mandate to administer intellectual property matters recognized by the member states of the UN. In 1996, WIPO expanded its role and further demonstrated the importance of intellectual property rights in the management of globalized trade by entering into a cooperation agreement with the World Trade Organization (WTO).

V. <http://www.wipo.int/treaties/en/general>.

<sup>5</sup> WIPO also states that due to profit generated from IP protections, sports organizations and businesses can finance events and develop the industry, thus helping to secure the economic value of sports. [https://www.wipo.int/ip-outrreach/en/ipday/2019/ip\\_sports.html](https://www.wipo.int/ip-outrreach/en/ipday/2019/ip_sports.html) accessed on December 19, 2022.

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<sup>6</sup> 1886 Berne Convention – People have been concerned with IP issues since a long time ago. As one of the earliest treaties relating to IP, the 1886 Berne Convention sought to make IP rights recognized in all the countries that took part in the convention.

WIPO “A History of Trademarks: From the Ancient World to the 19th Century” Available at:

[https://www.wipo.int/podcasts/en/madrid/transcripts/international\\_trademark\\_system\\_talk\\_01.html](https://www.wipo.int/podcasts/en/madrid/transcripts/international_trademark_system_talk_01.html) acceded 22 December 2022.

<sup>7</sup> Bainbridge DI. (2010) Intellectual property, Eighth edition, Longman, New York, p.3.

<sup>8</sup> World Trade Organization [https://www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intell_e.htm) acceded on 21 December 2022.

<sup>9</sup> Intellectual Property is divided into two categories: Industrial Property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. A patent may be granted for a new, useful, and non-obvious invention, and gives the patent holder a right to prevent others from practicing the invention without a license from the inventor, for a certain period of time.

WIPO (2008) Intellectual Property Handbook, second edition, Geneva, p.3. [https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo\\_pub\\_489.pdf](https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf) acceded on 22 December 2022.

<sup>10</sup> Historically, a variety of intellectual property rights were referred to as industrial property as a whole. These legal rights include designs, trademarks, and patents. The Paris Convention for the Protection of Industrial Property, which was established in 1883, uses this definition.

V. Bainbridge DI, Op.cit. p.5.

<sup>11</sup> There are three distinct types of property that individuals and companies can own: real property refers to land or real estate; personal property refers to specific items and things that can be identified, such as jewelry, cars, and artwork; and intellectual



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property refers to the fruits or product of human creativity, including literature, advertising slogans, songs, or new inventions. Thus, property that is the result of thought, namely, intellectual activity, is called intellectual property (IP). In some foreign countries, intellectual property (especially patents and trademarks) is referred to as industrial property.

Bouchoux D. E. (2013) *Intellectual Property the Law of Trademarks, Copyrights, Patents, and Trade Secrets* Fourth Edition, Delmar, USA, p. 3; Bainbridge DI. (2010) *Intellectual property*, Eighth edition, Longman, New York, p.3.

<sup>12</sup> National IP laws vary from country to country, but most countries have laws that are based on international IP treaties. In the United States, IP law is governed by the Patent Act, the Trademark Act, and the Copyright Act. In the European Union, IP law is governed by the EU Trademark Regulation, the EU Patent Regulation, and the EU Copyright Directive.

Bouchoux D. E., *Op.cit.* p.5.

<sup>13</sup> In the European Trademark Law, the actual body of law in each geographic area is formed by the actual international law as to trademarks registered there under. Copyright, trademark, right of publicity, and patent laws all allow people to control how money is made from things like sports teams and competitions. This means that teams and leagues can charge more money for tickets, broadcasting rights, and license agreements with companies like Nike and Pepsi. Athletes also make a lot of money from licensing their images and publicity rights.

Hylton G. J., *Op.cit.* p. 43.

<sup>14</sup> Deborah E. Bouchoux. *Op.cit.* p.18.

<sup>15</sup> V. Abby R. G. (2022) "The Intersection of Trademark Law, Athletes, and Money: A "Three-Peat®", 32 *Marquette Sports Law. Review*, Vol. 32:2, p. 584.

<sup>16</sup> *Ibidem*, p. 5.

<sup>17</sup> The international sport labor movement has increased tremendously under the realm of globalization; specifically, professional sport leagues and clubs in emerging economies are actively accepting talented athletes and coaches who can provide competencies with advanced performance skills and credentials that strengthen the teams and improve the overall quality of the games.

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James J. Et al. Op.cit. p.114.

<sup>18</sup> Hylton G. J., Op.cit. p.43.

<sup>19</sup> The global sports industry is expected to grow at a compound annual growth rate of 41.3 percent between 2021 and 2022. Furthermore, the sports market is expected to be worth over 700 billion U.S. dollars by 2026.

Gough C (2022) Sports industry revenue worldwide in 2021, with a forecast for 2022 and 2026, Statista. <https://www.statista.com/statistics/370560/worldwide-sports-market-revenue/> accessed 25 December, 2022.

<sup>20</sup> Blackshaw I. S. (2017) International Sports Law: An Introductory Guide, Springer, p 32.

<sup>21</sup> World Intellectual Property Organization, ‘Intellectual Property and Sports: Tracing the Connections’ [https://www.wipo.int/ip-outreach/en/ipday/2019/ip\\_sports.html](https://www.wipo.int/ip-outreach/en/ipday/2019/ip_sports.html) , accessed 26 December 2022.

World Intellectual Property Organization, ‘World Intellectual Property Day: April 26, 2019’, [https://www.wipo.int/ip-outreach/en/ipday/archive/ipday\\_2022.html](https://www.wipo.int/ip-outreach/en/ipday/archive/ipday_2022.html) accessed 26 December 2022.

<sup>22</sup> In addition to our general enforcement efforts, the FIFA Brand Protection team also manages the ticketing enforcement programme. FIFA strives to offer fair, equal and timely access to tickets to as many football fans as possible and to ensure affordable prices as well as a secure and hospitable environment at FIFA events. Against this background, FIFA’s ticketing enforcement programme is designed to protect and serve the interests of consumers and football fans worldwide.

<https://www.fifa.com/about-fifa/commercial/fifa-marketing/brand-protection> accessed 29 December 2022.

<sup>23</sup> FIFA “Intellectual Property Guidelines June 2022, version 6.0”

[https://digitalhub.fifa.com/m/6c082ee6ab7bc802/original/FIFA-World-Cup-Qatar-2022\\_IP-Guidelines\\_EN.pdf](https://digitalhub.fifa.com/m/6c082ee6ab7bc802/original/FIFA-World-Cup-Qatar-2022_IP-Guidelines_EN.pdf) accessed on 29 December 2022.

<sup>24</sup> Basanagoudar V., Saxena V. (2022) “Intellectual Property in the FIFA World Cup Finals: Technology and Branding Galore” the IP Press.

<https://www.theipress.com/2022/12/18/intellectual-property-in-the-fifa-world-cup-finals-technology-and-branding-galore/> accessed on 2 January 2023.

<sup>25</sup> International Olympic Committee (2020) Olympic Charter: In Force as from 17 July 2020, Lausanne, Switzerland, p29.

Given the large revenue at stake, enforcement of the IOC's IPR is a primary concern. As an international organization, the IOC's intellectual property standards are its own, separate and apart from the nation that happens to host the games in any given year.

Wang S H. (2005) Great Olympics, New China: Intellectual Property Enforcement Steps up to the Mark, Loy. L.A. Int'l & Comp. L. Rev. 291, p. 300.

<sup>26</sup> [https://www.wipo.int/ip-outreach/en/ipday/2019/intellectual\\_property\\_olympic\\_games.html](https://www.wipo.int/ip-outreach/en/ipday/2019/intellectual_property_olympic_games.html) accessed 25 December 2022.

<sup>27</sup> (a) As between you and WADA, all intellectual property rights, title and interest in the Platforms, and all other materials or Content provided by us through the Platforms, and any updates, adaptation, translation, customization or derivative works thereof, will remain the sole property of WADA.

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<https://www.wada-ama.org/en/second-column/terms-conditions> accessed on 25 December 2022.

<sup>28</sup> V. <https://www.wada-ama.org/en/who-we-are>

<sup>29</sup> Basketball is subject to copyrights and/or other intellectual property rights, unless stipulated otherwise. Advertising for certain products to protect basketball values (including ... Respect commercial-in-confidence transactions and intellectual property rights.

“Although intellectual property rights are national, introduced by States for domestic purposes and usually territorial in their ambit, the shape of national rights is much affected by multilateral obligations.”

V. Catherine C. (1999) Principles of Intellectual Property Law, Cavendish Publishing Limited, London, p.9.