
Professional Certificate in Sports Law

Intellectual Property in Sports

Intellectual property (IP) in sports refers to the legal rights that protect intangible assets related to sports, such as logos, trademarks, copyrighted materials, and patents. These rights allow sports organizations, athletes, and other stakeholders to control the use and exploitation of their IP, providing a means to generate revenue and protect their reputation. In this explanation, we will discuss key terms and vocabulary related to IP in sports in the context of a Professional Certificate in Sports Law.

1. Trademarks

Trademarks are distinctive signs, words, phrases, logos, or designs used to identify and distinguish the goods or services of one entity from those of another. In sports, trademarks often include team names, logos, mascots, and slogans. For instance, NFL's Super Bowl and MLB's World Series are protected trademarks.

1. Copyrights

Copyrights protect original literary, dramatic, musical, and artistic works, including photographs, videos, and written materials. In sports, copyrights often apply to television broadcasts, team films, player biographies, and official websites. For example, a sports broadcaster holds the copyright for their game commentary and highlights.

1. Patents

Patents grant exclusive rights to inventors for their new, useful, and non-obvious inventions, typically for 20 years. In sports, patents are often associated with sports equipment, training methods, and technology used in competitions. For instance, Nike holds patents for their performance-enhancing shoe technology.

1. Licensing

Licensing is the process of granting permission to use IP rights in exchange for royalties or other considerations. In sports, licensing enables manufacturers to produce and sell merchandise bearing team logos, or broadcasters to air games and events. For example, a sports apparel company may license the right to manufacture and sell jerseys with a team's logo.

1. Ambush Marketing

Ambush marketing is a practice where companies attempt to associate their brand with a sports event without paying for official sponsorship or licensing rights. This can involve using event names, colors, or symbols in advertising campaigns. For instance, during the 2012 London Olympics, Nike launched an

advertising campaign using the slogan "Find Your Greatness," which featured ordinary athletes competing in various sports, while Adidas was the official sponsor.

1. Athlete Endorsements

Athlete endorsements refer to agreements between athletes and brands, where athletes promote products or services in exchange for compensation. Endorsement deals often require athletes to grant IP rights, such as using their image, name, or likeness in marketing materials. For example, Michael Jordan has an endorsement deal with Nike, which includes the use of his name and likeness in their marketing campaigns.

1. Merchandising

Merchandising involves the production, distribution, and sale of branded products, such as clothing, accessories, or collectibles. In sports, merchandising often includes selling products bearing team logos, player names, or event symbols. For instance, a sports team may sell jerseys, hats, or scarves with the team's logo.

1. Image Rights

Image rights refer to the legal protection of an individual's reputation, privacy, and publicity. In sports, image rights often relate to the commercial use of an athlete's name, likeness, or performance. For example, a sports organization may need to obtain an athlete's permission to use their image in promotional materials or video games.

1. Geographical Indications

Geographical indications (GIs) are signs used to identify products originating from a specific region, which possess unique qualities, reputation, or characteristics attributable to that region. In sports, GIs may apply to products associated with a particular sports event or location. For instance, "Champagne" is a GI for sparkling wine produced in the Champagne region of France.

1. Trade Secrets

Trade secrets are confidential business information that provides a competitive advantage. In sports, trade secrets may include coaching strategies, player training methods, or proprietary technology. For example, a sports team may keep their playbook or training methods confidential to prevent competitors from gaining an advantage.

Challenge:

Consider a hypothetical scenario where a local sports apparel company wants to produce and sell jerseys with the logo of a professional sports team. Describe the IP rights that the sports team might hold, and the steps the apparel company should take to legally produce and sell the jerseys.

The sports team likely holds trademark rights for their logo, which would prevent unauthorized use. To legally produce and sell the jerseys, the apparel company should approach the sports team to negotiate a licensing agreement. This agreement would grant the apparel company the right to use the team's logo, typically in exchange for royalties or other considerations. By obtaining a license, the apparel company can produce and sell the jerseys without infringing on the sports team's IP rights.

In conclusion, understanding IP rights in sports is essential for organizations, athletes, and other stakeholders to protect their assets and reputation, and to generate revenue. Key terms in this field include trademarks, copyrights, patents, licensing, ambush marketing, athlete endorsements, merchandising, image rights, geographical indications, and trade secrets. By familiarizing themselves with these concepts, professionals in sports law can help their clients navigate the complex landscape of IP rights and ensure their compliance with relevant laws and regulations.