



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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INTELLECTUAL PROPERTY LAW IN THE SPORTS INDUSTRY OF INDIA

AUTHORED BY - SURJIT DUTTA & GEETANJALI KUMARI
Department of Legal Studies, Jharkhand Rai University, Ranchi, India

Intellectual property (IP) is property that includes intangible creations such as research, logos, inventions, drawings, paintings, or musical compositions. Basically, intellectual property is an intangible right that can be exercised with respect to tangible work. Intellectual property is treated as movable property and can be assigned and transferred. Intellectual property law provides the owner of such rights to exclusively use his intellectual property at his discretion and also prevents others from using it without the owner's permission. Intellectual Property is related to the intangible assets, i.e., the assets that are not physical in nature. The company from outside owns and is legally protecting the assets without consent. Intellectual Property has become a competitive advantage in protecting the assets that are owned by the company. The essay highlights the various types of intellectual property rights in relation to the sports world and different methods for protection by using intellectual protection like copyright, patent, and trademark. In Intellectual Property, there are protections like Patent, Trademark, and Copyright; however, in recent times, there are other protection rights available, such as personality, performer's rights, broadcasting, etc. As of the date, there are recent case laws related to the infringement of IP. In recent times, various amendments have been made to change penalties for making the protection more stringent. Also, the opportunities have been reduced to reduce the violations. In India, some owners are distressed after the infringement of IP, under the Civil and Criminal Act. The essay will also consider various unforeseen conditions related to intellectual property and sports.

Key Words: Intellectual property, Discretion, Protection, Amendments, Infringement, Unforeseen Condition

Sports and Business Scenario

Business in sports has increased, which is continuous. The sport has gained interest in the audience, also giving a platform to the celebrities for investment. Many celebrities are achieving popularity due to the sport. It is important to protect the interests of the owners and

stakeholders, like the team, audience, celebrities, etc. It is to oversee and ensure that the property of the individual is protected and no one from outside claims the authority. In the sports industry, the talent of the players is scrutinised and utilised for the state or country. In return, the Players are highly paid, and various facilities are given to them. There are different leagues played by the Players, like the Indian Premier League (IPL), where various teams play, which are formed by various individuals and teams in order to ascertain a title in Trademark, Patent and Copyright, etc. In the sports industry, Intellectual Property forms an integral part in every aspect. There are various statutory provisions available to deal with any disputes [1].

IPR Utilisation in The Sports Industry

Though the attributes are inherent, intellectual property rights are bought, sold, or licensed. It is required to aid the ownership such that the inherent attributes can be utilised for business purposes. Therefore, in order to avoid disputes, the IPR is recommended for registration so that the IPR can be properly used in the proper use of ownership. The IP is protected under the confined specific jurisdiction. Its protection is applicable within the territory. This means an IPR must be registered in India even if it is protected by foreign law. In India, IP registration can take several months or years to get it in the business, be it a patent, trademark, or copyright. The registration is delayed due to the backlog. Thus, it is feasible to make a plan before entering the market. The business owners shall conduct the audit that may be used in the market. The decision to launch the IP in the market is based on the worth of the audit. The Trademarks Act of 1999 protects registered marks, such as unique words and symbols, which are assigned to each franchise. The design is registered under the Design Act, 2000, for footwear, apparel, etc. The original literary, dramatic, musical, etc., works are under the Copyright Act of 1957. The visual images, including photographs, and commentaries of sports events are protected under the Copyright Act 1957[2].

Infringement of IP

Whenever there are infringements and misuse of IP, there are various acts for the disputes. Most of the issues identified in the sports industry are related to the infringement of trademarks, misuse of brands, unauthorised use, and use without permission for any license fees and royalty fees. Issues are also related to the copyrighted goods and merchandising, such as sports equipment and artwork performed in the logo, duplication in the audio-video recording, duplicity in the design, etc. Issues related to the patents, such as the use of the innovation and

patented technology, require consent from the owner of the patent. All the above cases lead to disruption of goodwill, wrong trade practice, commercial losses, financial losses, reduce the reputation with the customers, loss of customers, etc. Overall, infringement and unauthorised use of IP ruin the fortune of the sports industry [3].

Relationship of Sports and Trademark

A crucial part of intellectual property rights is protecting distinctive signs, logos, names, and other identifiers. Helps consumers quickly identify product source and quality, crucial for brand recognition, consumer trust, and economic growth. A vital legal mechanism for securing brand identity, ensuring fair competition, and safeguarding consumers from marketplace deception. Enables proprietors to secure exclusive rights to their brands, protect against imitation or infringement, and enforce their rights nationally and internationally.

Trademark is very common in the sports industry. The associated things in the sports industry can be registered under a trademark with logos, brand names, slogans, Unique product shapes, etc. The public rating related to the sports is also under the trademark. The immense value of the trademark is linked with sports events. Trademark law plays a role in the sports industry for protecting the identity and goodwill of brands, fostering fair competition, and ensuring consumer trust. The trademark is legally under the Trademarks Act, 1999. The registration of a trademark grants the proprietor exclusive rights. This legal protection prevents others from misleading consumers or diluting the brand's reputation. These legal rights ensure that businesses can invest in brand development without the fear of imitation or misappropriation. For example, Nike, Adidas, and Reebok are some well-known brands when it comes to the context of shoes.

Trademarks act as source identifiers associated with the product or service. This fosters familiarity, brand recognition, and consumer trust. Trademarks also serve a quality assurance function, ensuring goods or services meet specific standards, encouraging repeat purchases and loyalty. Trademarks are central to brand promotion and marketing strategy, conveying messages and values that influence consumer perception. Trademarks are intangible assets that hold considerable commercial value, enhancing a company's brand equity, and can be monetised through licensing, franchising, or business transactions. Trademarks distinguish one brand's products or services from another, avoiding confusion among consumers in competitive markets. Trademarks grant the owner the exclusive right to use the mark in relation

to their goods or services, providing legal recourse against infringement or unauthorised use. Trademarks encourage innovation and investment, incentivising new market entrants to create distinctive brands. Trademarks enable business models based on licensing and franchising, allowing a company to expand through third-party operators while maintaining control over quality and brand image. Trademarks can also perform a cultural and social function, becoming embedded in public consciousness and becoming symbols of lifestyle, culture, and identity [4,5].

Relationship of Sports and Patent

Patent law is a key component of the broader intellectual property (IP) system, designed to protect and promote innovation. It provides inventors with exclusive legal rights to their inventions for a fixed period, typically 20 years from the date of filing, allowing them to prevent others from making, using, selling, or distributing the patented invention without permission. In return for this exclusive right, inventors are required to disclose the technical details of their invention to the public. This exchange fosters a culture of innovation by rewarding creativity while contributing to the collective advancement of science and technology.

The primary purpose of patent law is to incentivise individuals and organisations to invest in research and development. Without such legal protection, inventors might be discouraged from sharing or even creating new inventions, fearing that others could copy or exploit their ideas without consequence. Patents create a temporary monopoly that can help inventors recoup the often-substantial costs associated with innovation, particularly in fields like pharmaceuticals, biotechnology, and engineering.

Patent systems also play a critical role in economic development. By protecting new technologies, they promote entrepreneurship, attract investment, and encourage the growth of industries that rely on innovation. Furthermore, the requirement for public disclosure means that patented inventions add to the global body of technical knowledge, which can inspire further research and lead to the development of new and improved products or processes.

Over time, patent law has evolved to accommodate the complexities of a globalised and technologically advanced world. International treaties such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Patent Cooperation Treaty (PCT) have helped harmonise patent systems across borders, enabling inventors to seek protection in

multiple countries through streamlined processes.

In conclusion, patent law serves as a vital legal and economic tool that encourages innovation, promotes knowledge sharing, and supports technological progress. Understanding its principles, functions, and global implications is essential for inventors, legal professionals, businesses, and policymakers alike [6,7,8].

Relationship of Sports and Copyright

Copyright is the branch of IP law that protects original literary, dramatic, musical, and artistic works, as well as cinematograph films and sound recordings. In essence, copyright safeguards the expression of ideas – how something is written, composed, or depicted – not the underlying idea or concept itself. The moment an author creates an original work and records it in some form (writing, audio, digital file, etc.), copyright automatically springs into existence under the Copyright Act, 1957. There is no requirement of publication or registration to obtain copyright – creation itself confers rights. However, registration is a formal process available and can serve as prima facie evidence of ownership and date in legal disputes [3].

Relationship of Sports and Broadcasting

Broadcasting is one of the IP technologies that is recognised under the Copyright Act of 1957. Broadcasting IP and rights are mainly used in sporting events where a live screen is shared with the audience. The broadcasting rights has 25 years of term for use. These rights have been provided to owners of broadcasting companies for the telecast of live matches, such as sports like cricket, football, tennis, etc. According to the Indian Copyright Act, 1957, if any third person infringes the rights of the broadcasting company, they are held liable for the punishment as stated in the act. The severity of punishment depends on the cases [3].

Relationship of Sports and Ambush Marketing

Ambush Marketing is a strategy by which a company or organisation uses their marketing communication to associate itself with an event without being an official sponsor, authorised partner, or licensee. It has become a particular concern in the marketing of major sports events, with international sponsorship and branding properties worth many millions of dollars. Ambush Marketing in Sports is the first book to offer a comprehensive analysis of the theoretical and practical implications of ambush marketing.

Drawing on cutting-edge empirical research data, the book outlines an innovative model for understanding ambush marketing. It offers practical advice for all stakeholders, from sponsors and event organisers to media organisations. The essay examines the opportunities and risks of ambush marketing, assesses the legal, ethical, and business dimensions, and offers advice for preventing ambush marketing in various contexts. Fully supported throughout with examples and cases from major international sports events, such as the FIFA World Cup and the Olympic Games [3].

IPR Challenges and legal disputes in the sports industry

There are always controversies and challenges exists in sports and intellectual property. It cannot be eradicated. There are issues such as counterfeit merchandise, broadcasting/signal piracy, ambush marketing, trademark infringement, copyright and data issues, and digital threats & e-sports.

The complex and dynamic nature of the sports industry presents unique challenges in resolving IP Disputes. When they attempt to protect their own IP rights, such as when they challenge the use of similar trademarks by other parties. Disputes over intellectual property in the sports industry can arise in various forms, including trademark infringement, copyright infringement and licensing disputes.

A lack of Effective disputes resolution mechanism can lead to costly and time-consuming legal battles that can damage the reputation and financial stability of sports entities. Additionally, disputes over intellectual property can impact the ability of sports entities to secure sponsorship deals and other commercial opportunities [9].

Protection and Mitigation of legal disputes in the sports industry

IPR registration, securing trademarks, copyrights, and industrial designs for logos, team uniforms, and equipment. Utilising civil and criminal remedies to combat IP infringement, including injunctions to stop immediate harm. Ensuring strict licensing agreements with sponsors, broadcasters, and merchandisers. Actively monitoring and taking down content from unauthorised online streaming sites and social media platforms [9].

Conclusion

Intellectual Property violation in with regard to Trademark, Copyright, Design, Patent, etc., are inevitable as the sports industry is commercialised. Intellectual Property Rights, along with legal protection helps to secure the economic value of sports. Commercial exploitation of the diverse species of intellectual property rights would not only result in an upward drive of the economic progression of the various domestic sports associations/sports events organisers, but would also increase the individual profit margins of individual sportsmen in the country, while attracting international interest and foreign investment.

Acknowledgements

The author is highly thankful to the Department of Legal Studies, Jharkhand Rai University, Rajaulatu, Namkum, Ranchi 834010, India, for providing the necessary facility for compiling this work.

References

- [1] Kirit S. Javali, Sports and Intellectual Property in India: An Emerging Sector, Financier Worldwide (June 6, 2019), <https://www.financierworldwide.com/sports-and-intellectual-property-in-india-an-emerging-sector#.XWLTLegzbIW>
- [2] Ibid
- [3] Paras Sharma, Intellectual Property Rights in Sports, ISSN: 2320-2882, Volume 8, Issue 3, March 2020,
- [4] Ibid
- [5] Reckitt & Colman Products Ltd. vs. Borden Inc., [1990] 1 WLR 491
- [6] U.S. Patent No. 6190291. (issued 20th Feb, 2001)
- [7] US Patent No. 5639243. (issued 17th June, 1997)
- [8] US Patent No. 6176790. (issued 23 January, 2001)
- [9] Diganth Raj Sehgal, Intellectual property rights in sports: the trademark vests in individual player and the governing body, iPleaders (2021), <https://blog.ipleaders.in/intellectual-property-rights-sports-trademark-vestsindividual-player-governing-body> (last visited Mar 4, 2023)