

Intellectual Property in the Sports Industry

The sports industry is a multi-billion dollar global enterprise and intellectual property (IP) plays a central role in sustaining its growth. From protecting athletes image rights to securing the broadcasting of major sporting events, IP laws are essential to the commercial success of sports and the innovation driving it forward. This article provides an overview of how various forms of IP including trademarks, copyright, patents and industrial designs contribute to the sports world.

1. Trademarks and Branding in Sports

Trademarks are an essential part of the sports industry, enabling teams, athletes and organizations to distinguish themselves in a highly competitive market. Trademarks protect logos, names and other branding elements that form the identity of teams and individual athletes. These trademarks frequently produce significant revenue from merchandising, licensing and sponsorship deals.

For instance, a football team's logo or a famous athlete's name can appear on various products, from clothing to sports gear, allowing these entities to benefit financially. According to WIPO, trademark rights are essential for generating income through endorsements and commercial sponsorships. A well-recognized trademark can elevate an athlete or team to global fame, translating into significant monetary gains through commercial use of their brand.¹

2. Copyright and Broadcasting Rights

In the context of sports, copyright primarily protects the content surrounding sports events rather than the events themselves, since they are unscripted and occur in real time. Broadcasting rights are a prime example of how copyright operates in the sports industry. These rights give broadcasters exclusive control over how sports events are aired and streamed globally, leading them to be an important aspect of the sports industry.

Broadcasters pay large sums of money to televise important sports events. This exclusivity is crucial because it enables broadcasters to sell advertising slots during live events and provides fans worldwide access to sporting action. Without copyright protection, unauthorized broadcasts or digital streams may jeopardize revenue sources for event organizers and broadcasters.²

3. Patents and Innovation in Sports Technology

Innovation in sports is closely tied to the development of new technologies, which are often protected by patents or as trade secrets. Patents provide inventors and companies exclusive rights to their innovations, fostering research and development in the sports sector. Sports equipment, wearable technology and performance-enhancing tools are just some of the areas where patents play a significant role.

Companies like Nike have pioneered the use of patents to maintain their competitive edge. From 2014 to 2018, Nike filed the most sports-related international patent applications through WIPO, highlighting its focus on innovation. These patents cover advancements in athletic footwear, smart sports gear embedded with sensors and other cutting-edge technologies.

Wearable tech, for instance, has transformed how athletes train and monitor their performance, reducing the risk of injury and improving results. Additionally, adaptive technologies such as prosthetics for athletes with disabilities show how innovation, supported by patents, is expanding the scope of competitive sports.⁴

4. Industrial Designs in Sports Merchandise

Industrial designs refer to the visual element of a product and in the sports industry, these designs significantly impact the marketability of sports merchandise and equipment. Design rights protect the unique look of sports gear, making it more attractive to consumers and enhancing its commercial value. This aspect of IP allows teams and brands to cultivate a unique visual identity, further boosting merchandising sales.⁵

For example, the design of a team's uniform or a new line of athletic shoes can be protected under industrial design rights, allowing the organization to generate revenue through exclusive sales and licensing deals. In Sint Maarten there is no separate design legislation and designs fall under the Copyright legislation or in the case of shapes can be registered as a shape mark.

5. Alternative Dispute Resolution (ADR) in Sports IP Disputes

With the sports industry's global scale, disputes over IP rights are common, especially concerning media rights, sponsorship agreements and merchandising. Traditional litigation can be time-consuming and costly, which is why WIPO offers Alternative Dispute Resolution (ADR) as a more efficient way to handle such cases.

ADR processes, such as mediation and arbitration, provide neutral, expert-led solutions that are quicker and less expensive than court battles. These methods are particularly useful for resolving international disputes over licensing rights, athlete image use and broadcasting agreements.⁶

6. Major Sporting Events and IP Protection

Major sporting events rely extensively on IP protection to safeguard their commercial interest. To prevent unlawful use, event organizers must ensure that all parts of the event are legally protected, such as broadcasting, merchandise, sponsorship etc. The International Olympic Committee, for example, relies on intellectual property protection to ensure that even the word "Olympics" is not misused.⁷

In addition to protecting the event's commercial rights, IP law also extends to the athletes. Image rights allow athletes to control how their likeness is used commercially, ensuring that they are adequately compensated for endorsements and sponsorships.

Conclusion

Intellectual property rights are fundamental to the functioning and growth of the sports industry. Whether through trademarks, copyrights, patents, or design rights, IP helps safeguard the financial and creative interests of athletes, teams and organizers. By protecting these assets, IP laws ensure that sports can continue to thrive in a globally interconnected marketplace, fuelling innovation and commercial success.



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About the author:

Amanda Ramirez is responsible for overseeing the Bureau's public relations and social media management. She serves as the primary contact for targeted or themed informational campaigns or projects aimed at increasing public awareness of intellectual property (IP).



Amanda Ramirez
Public Relation Officer BIP SXM

Sources:

- [World Intellectual Property Day 2019 "Reach for Gold: IP and Sports" \(wipo.int\), website last viewed on September 12th, 2024](#)
- [Intellectual Property and Sports: Tracing the Connections \(wipo.int\), website last viewed on September 12th, 2024](#)
- [World Intellectual Property Day 2019 "Reach for Gold: IP and Sports" \(wipo.int\), website last viewed on September 12th, 2024](#)
- [Intellectual Property and Sports: Tracing the Connections \(wipo.int\), website last viewed on September 12th, 2024](#)
- [Intellectual Property and Sports: Tracing the Connections \(wipo.int\), website last viewed on September 12th, 2024](#)
- [WIPO Alternative Dispute Resolution \(ADR\) for Sports, website last viewed on September 12th, 2024](#)
- [Intellectual property in major sports events | Ideas Powered for business, website last viewed on September 12th, 2024](#)

Other recommended articles:

- [Understanding Sports Image Rights \(wipo.int\), website last viewed on September 12th, 2024](#)
- [IP and Sports - Background Brief \(wipo.int\), website last viewed on September 12th, 2024](#)
- [Intellectual property and the specificity of sports \(wipo.int\), website last viewed on September 12th, 2024](#)
- [Role Of Intellectual Property Rights In Sports Industry - The Legal Quorum \(wipo.int\), website last viewed on September 12th, 2024](#)

Disclaimer:

The Bureau is not a regulatory body and therefore does not have any law enforcing authorities. By law the Bureau carries out tasks pertaining to the registration of trademarks, provides information to the public regarding intellectual property rights, and thereto related matters. The Bureau's position is neutral. Given the fact that the Bureau has to serve all entrepreneurs, it cannot take the side of one party in a conflict, since this would automatically result in no longer being able to serve all. The Bureau cannot act against any infringement of intellectual property rights or the suspicion thereof. Furthermore, the law does not provide for any instruments for the Bureau to conduct any procedures in relation to infringement or dispute settlement. In the event of any (suspected) infringement, a lawsuit should be filed with the civil court by the owner of the intellectual property rights.



Vol 3 – 2024 Event Calendar

📅 IP Events Calendar	📍 Location	🌐 Website
01/10 31/10 WIPO various workshops & webinars	Virtual	www.wipo.int <i>Note: kindly select the month of October to view all workshops and seminars scheduled.</i>
21/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (Nashville, TN) Location 2: In-person, (Royal Oak, MI)	www.inta.org
22/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (New York, NY) Location 2: In-person, (Minneapolis, MN) Location 3: In-person, (Columbus, OH)	www.inta.org
23/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (Denver, CO) Location 2: In-person, (Chicago, IL) Location 3: In-person, (Hartford, Connecticut) Location 4: In-person, (Philadelphia, PA)	www.inta.org
25/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (San Marcos, California) Location 2: In-person, (Dallas, Texas)	www.inta.org
28/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (Raleigh, North Carolina) Location 2: In-person, (Stamford, Connecticut)	www.inta.org
29/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (New York, NY) Location 2: In-person, (Phoenix, Arizona) Location 3: In-person, (Cleveland, Ohio) Location 4: In-person, (Aventura, Florida) Location 5: In-person, (Palo Alto, California)	www.inta.org
30/10 INTA: Enforcement: AI and Fair Use	Location 1: In-person, (Milwaukee, Wisconsin) Location 2: In-person, (San Francisco, California) Location 3: In-person, (Cincinnati, Ohio)	www.inta.org
01/11 INTA: Enforcement: AI and Fair Use	In-person, (Los Angeles, California)	www.inta.org
05/11 28/11 WIPO workshops & webinars	Virtual	www.wipo.int <i>Note: kindly select the month of November to view all workshops and seminars scheduled.</i>
06/11 INTA: Enforcement: AI and Fair Use	In-person, (Irvine, California)	www.inta.org
09/11 IPCA: Annual General Meeting 2024	In-person, (Grand Cayman, Marriot resort)	www.ipca.website
12/11 15/11 INTA: 2024 Leadership Meeting	In-person, (New Orleans, Louisiana)	www.inta.org
28/11 29/11 IPR Gorilla: Future of Intellectual Property practice in the age of Artificial Intelligence	In-person, (Holiday Inn, Singapore)	www.theiprgorilla.com
03/12 06/12 WIPO workshops & webinars	Virtual	www.wipo.int <i>Note: kindly select the month of December to view all workshops and seminars scheduled.</i>

* This list is not exhaustive.

