

# INTELLECTUAL PROPERTY IN SPORT

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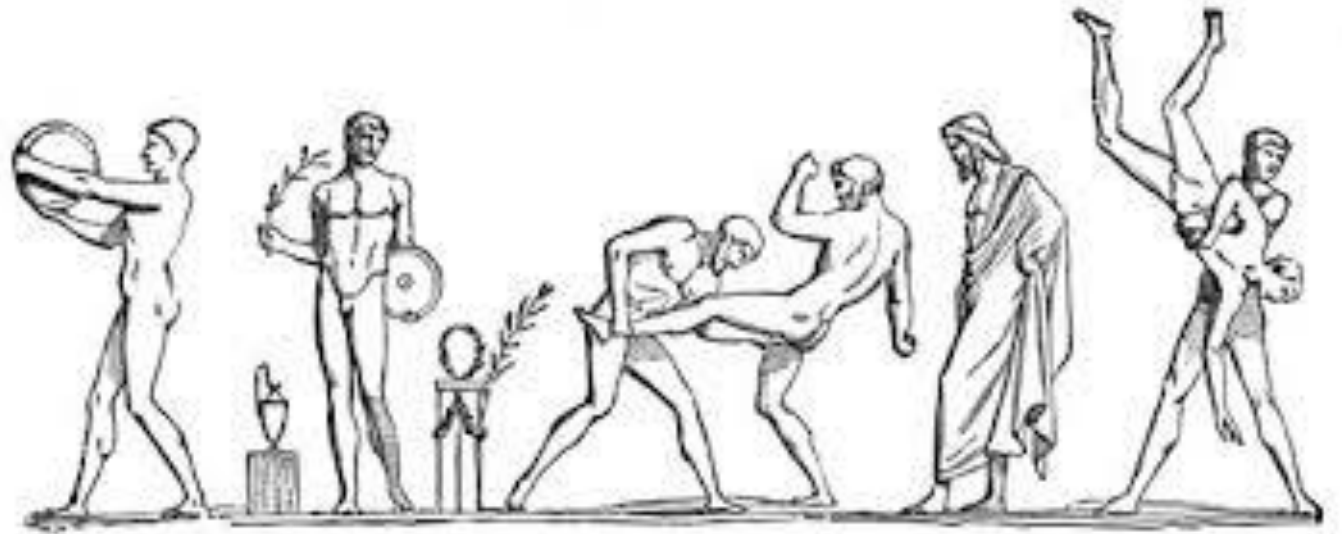
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# OVERVIEW OF IP

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Today  
Rio Olympics  
US\$ 2.8 Billion for broadcasting  
rights



Ancient Olympic games 776 BC

# IP RIGHTS

ARE THE BASIS OF LICENSING AND  
MERCHANDISING AGREEMENTS  
THAT EARN REVENUES TO SUPPORT  
DEVELOPMENT OF THE SPORTS INDUSTRY



# IP PROTECTION

## Areas of IP Application in Sport

- Technology
- Marketing
- Media

**A sports shoe may be protected by several IP rights:**

PATENTS protect the technology used to develop the shoe

DESIGNS protect the “look” of the shoe

TRADEMARKS distinguish the shoe from similar products and protect the “reputation” of the shoe (and the company making it)

COPYRIGHT protects any artwork and audio visual creations used to publicize the shoe and broadcast rights of the games where the shoe is used

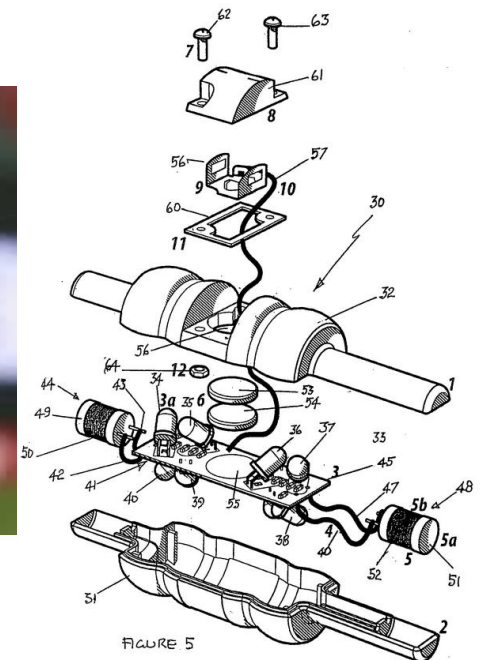
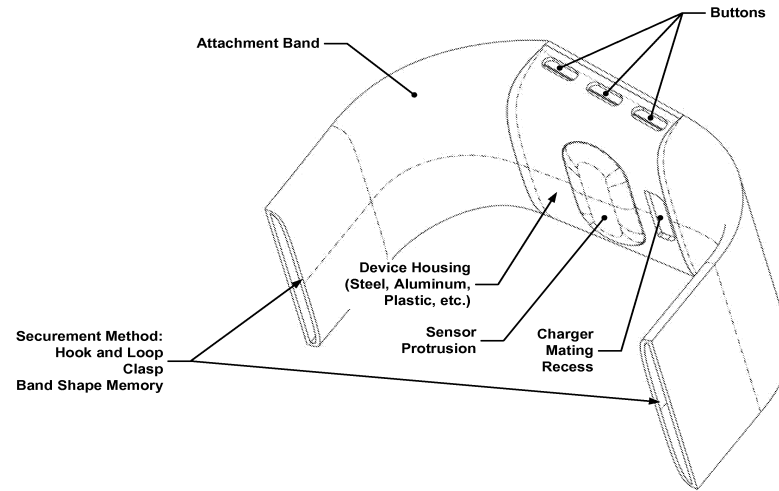
PERSONALITY RIGHTS These “personality rights” allow athletes to control the commercial and economic exploitation of their personal attributes.



# TECHNOLOGY PATENTS

A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem

The patent owner has the exclusive right to prevent or stop others from commercially exploiting the patented invention.



# DESIGNS

An industrial design constitutes the ornamental or aesthetic aspect of an article.

An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or colour.



# TRADEMARKS

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises

A trademark registration will confer an exclusive right to the use of the registered trademark. This implies that the trademark can be exclusively used by its owner, or licensed to another party for use in return for payment.





# COPYRIGHT

Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works.

Protection of Broadcasting and Media Rights



# BROADCASTING

Revenues from broadcasting and media rights are often the main source of funds for sports organizations to build stadiums, host sporting events, and carry out community outreach to maintain high levels of interest.

Most countries have, either through specific legislation or through case law, established that the broadcasting of a sporting event is copyrightable.



Major sporting events can now be streamed or broadcast anywhere in the world, giving millions of fans the opportunity to participate in the excitement of an event.



# IP AND THE BUSINESS OF SPORT

In North America, the sports sector generated \$266 billion.

Similarly, the sports sector in the EU generated \$204 billion

IP LIES AT THE HEART OF  
THE HUGE COMMERCIAL  
OPPORTUNITIES OFFERED  
BY THE WORLD OF SPORT.

IP lies at the heart of the huge commercial opportunities offered by the world of sport. IP rights (especially patents, trademarks and broadcasting rights) - and the legal protection they give – help to secure the economic value of sport.

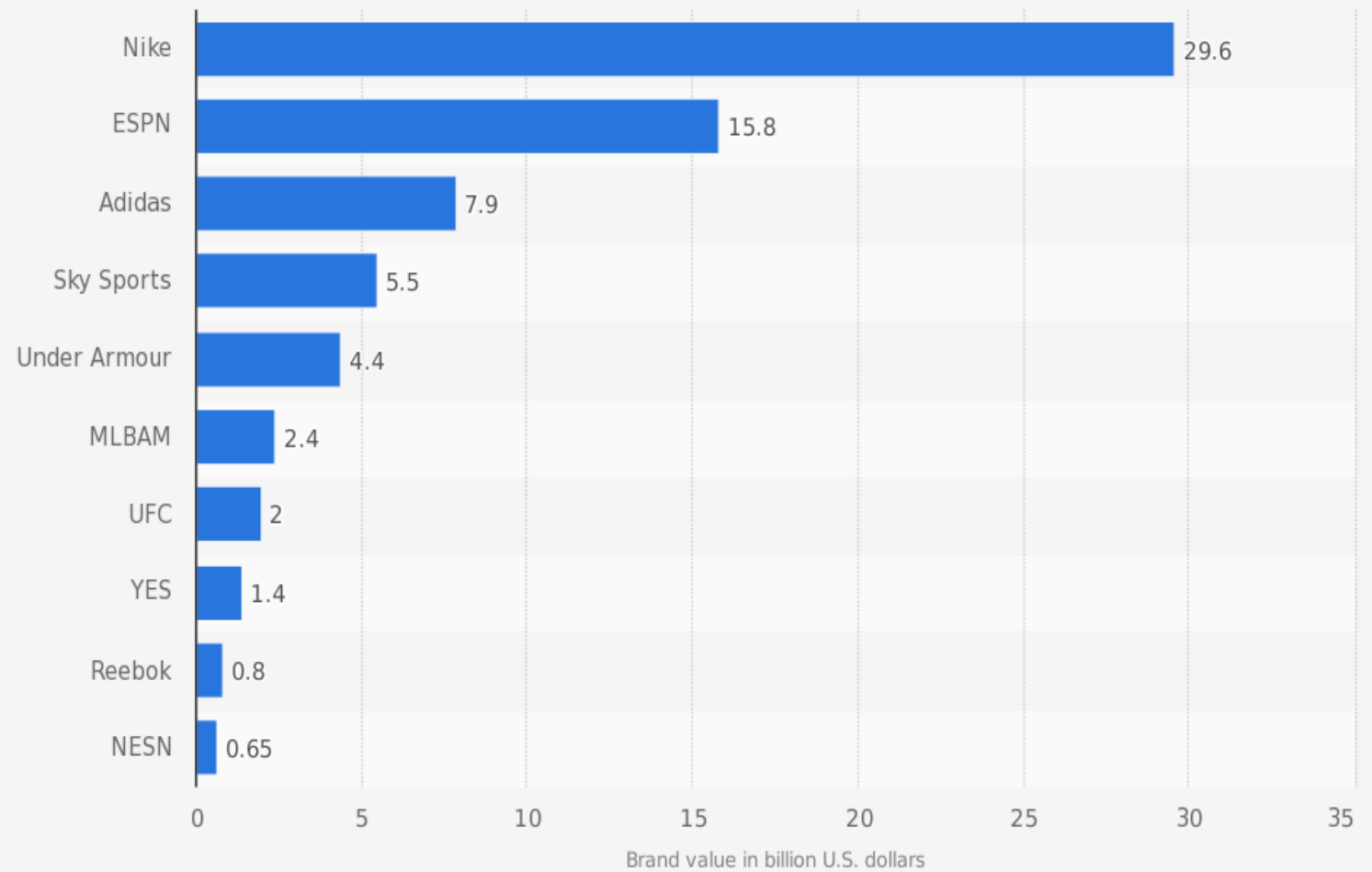
Business transactions related to sponsorship, merchandising, broadcasting and media deals are all built on IP rights. The sports industry has a growing impact on the world economy, creating jobs, investing in public infrastructure and mobilizing resources.

### Branding

Brands are critical for creating business value, and the sports business is no exception. Strong brands command customer loyalty and premium prices, constituting valuable assets that drive company revenue and growth.

# TOP BRANDS

**Most valuable sports business brands worldwide in 2017 (in billion U.S. dollars)\***



Source  
Forbes  
© Statista 2019

Additional Information:  
Worldwide; Forbes; 2017

## IP INFRINGEMENT

### **Trademarks & Designs**

counterfeit products

### **Copyright**

DVD Copy, Broadcasts Streaming

MAIN ISSUES FOR AFRICA

## IP INFRINGEMENT

IP infringement in the sports sector results in negative effects on consumers and economies:

1. The global impact of counterfeit sporting goods and sportswear
2. Piracy of live sports broadcasting: The impact on emerging economies; and
3. The threat of a new generation of piracy from set-top boxes

### REFERENCE

US CHAMBER OF COMMERCE. GLOBAL INNOVATION POLICY CENTER

LEVERAGING INTELLECTUAL PROPERTY IN THE GLOBAL SPORTS ECONOMY

SPORTS AS A TOOL FOR PROGRESS AND DEVELOPMENT

[https://www.theglobalipcenter.com/wp-content/uploads/2018/06/023441\\_GIPC\\_Sports\\_Econ\\_Insides\\_03.pdf](https://www.theglobalipcenter.com/wp-content/uploads/2018/06/023441_GIPC_Sports_Econ_Insides_03.pdf)

# MAURITIUS LAW



Mauritius is a member of numerous international agreements including Paris and Berne Agreements

Mauritius has not joined the PCT

- Patent, Industrial Designs and Trademark Act 2002 (PIDTA);
- Copyright Act 2014
- Protection Against Unfair Practice Act 2002
- Competition Act 2007, Act 25/2007
- Customs Act, 1988 as revised by the Finance Act
- Mauritius Draft Industrial Property Bill



# MAURITIUS



In Mauritius, counterfeiting matters tend to be dealt with through criminal proceedings or customs measures.

A rights holder can lodge a criminal complaint with the Anti-piracy Unit of the Mauritius Police Force. This should be based on either copyright or trademark infringement. While the police have more experience dealing with copyright infringement, there is no system of copyright recording in Mauritius, making subsistence of copyright difficult to prove.

If the complaint is based on trademark infringement, the police may act under the Unfair Practices Act, which sets out grounds for trademark infringement.

Customs watch is available and tends to be effective, with officials being proactive when it comes to alerting rights holders of possible infringements. On notification, the rights holder has 10 days in which to file a civil claim; failing this the goods will be released.

## EXAMPLE: CSIRO IP IN CATAPULT ATHLETE TRACKING

[HTTPS://WWW.YOUTUBE.COM/WATCH?TIME\\_CONTINUE=118&V=AMA73LJIHJW](https://www.youtube.com/watch?time_continue=118&v=AMA73LJIHJW)

