
THE EMBLEM OF GLORY: TRADEMARKS AS THE HERALDS OF SPORTING IDENTITY

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ABSTRACT

In the grand arena where passion meets performance, where legends are etched into memory not only by victory but by symbols, slogans and signs trademarks emerge as the silent sentinels of sporting identity. This paper delves into the majestic role that trademarks play in sculpting, shielding and showcasing the unique personas of sports entities across the globe. From the roaring lion emblazoned on a football jersey to the iconic swoosh that dances across sneakers, these emblems are far more than commercial insignia; they are the living heralds of heritage, pride and competitive spirit.

As sports metamorphose into a global spectacle interwoven with commerce, culture and community, trademarks become the standard-bearers of authenticity in an ever-commercializing field. They not only safeguard the integrity of clubs, teams and athletes but also become rallying points for fan allegiance and collective memory. Through a vibrant exploration of landmark cases, marketing revolutions and the legal intricacies of intellectual property law, this study unveils how trademarks transcend the mere transactional, becoming vessels of narrative, nostalgia, and national pride.

By situating trademarks at the intersection of law, legacy and loyalty, this work celebrates them not merely as tools of trade but as the emblems of glory which is forever stitched into the fabric of the sporting world.

1. The Game Begins: Setting the Stage for Sports Trademarks

1.1. Understanding Trademarks in the Sports Arena

Sports have evolved from simple recreational pursuits into multi-billion-dollar global industries. In the high-stakes arena of sports, competition outspreads far beyond the playing field. While athletes battle for glory, sports franchises, leagues and brands fiercely shield something equally as valuable as their brand uniqueness, sponsorships and merchandising rights. From the roaring lion of the Premier League to the unmistakable swoosh of Nike, trademarks serve as the silent guardians of a team's legacy, a brand's prestige and a fanbase's allegiance.

Trademarks in the sports industry are more than just logos and slogans; they are symbols of passion, power and profit. Trademark protection emerges as the Most Valuable Player (MVP), ensuring that names, logos and slogans associated with sports entities are safeguarded against unauthorized use and exploitation. Trademarks play a crucial role in the sports industry, ensuring brand recognition, legal protection and commercial success. As the sports world increasingly embraces globalization, digitalization and emerging technologies, the battle over branding intensifies. With sponsorship deals soaring into billions and brand recognition becoming an athlete's currency, the legal playbook governing these trademarks is more crucial than ever. Understanding the significance of trademarks in sports is essential for protecting intellectual property rights and fostering fair competition in the industry.

Under the **Indian Trademarks Act, 1999**, a trademark is defined as:

*"A mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include the shape of goods, their packaging, and combination of colors."*¹

Trademarks serve as crucial assets for sports franchises, leagues, and individual athletes, enabling them to establish a distinctive identity and maintain brand integrity. In the context of sports, trademarks can take various forms, including:

¹ The Trade Marks Act, 1999, § 2(1) (zb) (Act 47 of 1999) (India)

- i. **Team Names, Logos and symbols:** Iconic brands such as the New York Yankees, Manchester United, Nike Swoosh, Olympic Rings and the NBA have legally protected their names and insignias, preventing counterfeit products and unauthorized commercial use.
- ii. **Athlete Nicknames and Personal Brands:** Superstars like Michael Jordan (“Air Jordan”), Cristiano Ronaldo (“CR7”), and Usain Bolt (his lightning bolt pose) have secured trademarks to protect their personal brand value.
- iii. **Merchandising and Licensing:** Trademark protection ensures that official team merchandise, apparel, and accessories remain exclusive, maintaining quality and revenue streams for sports organizations.
- iv. **Event Names and Slogans:** Major sporting events like the FIFA World Cup, IPL and Super Bowl trademark their names to control branding and sponsorship rights.

1.2. Why Trademark Protection is the MVP of Sports

The sports industry has transformed into a global commercial powerhouse, where branding and intellectual property rights play a crucial role. Trademarks protect the identity, reputation, and financial interests of sports teams, athletes, and organizations. Ensuring exclusive rights over names, logos, and slogans helps prevent unauthorized use, counterfeit merchandise and brand dilution.

In the high-stakes arena of professional sports, success is measured not just in championships but in brand dominance. Trademark protection is the ultimate defense strategy, shielding sports brands from counterfeits, unauthorized use, and market dilution. Trademark Protection is a Game-Winner as:

i. Building Legendary Brand Identities

Trademarks create a unique identity for sports entities, distinguishing them from competitors. A team’s name, logo, and colors are its lifeblood, contributing to global recognition and forging deep emotional connections with fans. Whether it’s the unmistakable swoosh of Nike, the roaring lion of the Premier League or

the instantly recognizable crest of FC Barcelona, trademarks define sports brands and cement their legacy in history.

ii. Fueling the Business of Sports

Beyond the game, sports are a financial juggernaut. Trademarks power multi-billion-dollar revenue streams through merchandise sales, sponsorship deals and licensing agreements. Official team jerseys, limited-edition sneakers, and championship memorabilia rely on trademark protection to maintain their authenticity and exclusivity.

iii. Defending Against Counterfeits and Imitations

Knockoff jerseys and unauthorized merchandise flood the market, stealing revenue from legitimate brands and deceiving loyal fans. Trademark enforcement acts as a shield helping combat illegal activities, ensuring only authentic, high-quality products reach consumers while cutting off the lifeline of counterfeiters.

iv. Legal Firepower for Ownership Battles

Trademark protection grants legal recourse against unauthorized use or imitation. Texas A&M's aggressive defense of "12th Man" against the Seattle Seahawks or Michael Jordan's legal battle over unauthorized use of his name, highlight the significance of securing exclusive rights.

v. Empowering Athlete Branding and Endorsements

Athletes are no longer just players, they are brands unto themselves. From Cristiano Ronaldo "CR7" to Michael Jordan "Air Jordan" and Serena Williams "Serena" brand, trademarks help athletes control their image, monetize their fame and likenesses through endorsements and product lines.

vi. Expanding Global Reach and Market Domination

As sports leagues expanding globally, trademark protection ensures consistency and exclusivity worldwide, protecting intellectual property from unauthorized use and maintain brand integrity across borders.

2. The Rulebook: Legal Framework Governing Trademarks in Sports

2.1. Global Playbook: International Trademark Laws and Treaties

In a world where sports transcend borders, where a football club from Spain has millions of fans in Asia and a basketball player's name is etched on sneakers worn across America and Europe, trademarks must be protected beyond national boundaries. This is where international agreements step onto the field, acting as a unifying force to ensure that sports brands enjoy a seamless web of protection across multiple jurisdictions.

At the heart of this global playbook lies the Paris Convention for the Protection of Industrial Property, ensuring that trademarks registered in one-member country receive a degree of reciprocal recognition in another. Complementing this is the Madrid System, administered by the World Intellectual Property Organization (WIPO), which streamlines the process of securing trademark rights in over 120 countries with a single application. This system is akin to a universal league pass for brand protection—allowing sports entities to expand their reach without navigating the labyrinth of individual national registrations.

Further strengthening this global framework is the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organization (WTO). This landmark agreement ensures that countries adhere to minimum standards of trademark protection, preventing unfair competition and brand exploitation on an international scale. For major sporting events like the Olympics or the FIFA World Cup, where merchandising, broadcasting rights, and sponsorship deals run into billions, these international treaties act as a formidable shield against unauthorized commercial exploitation.

Without these global legal safeguards, the sports industry would be akin to a lawless playing field—where counterfeit jerseys flood the markets, unauthorized sponsorships hijack brand credibility, and intellectual property piracy runs rampant. International laws, therefore, are the backbone of fair play, ensuring that the rightful owners of sports trademarks remain victorious in the commercial arena.

2.2. Home Ground Advantage: National Trademark Laws and Regulations

While international treaties lay the groundwork for cross-border protection, the real battles for trademark supremacy are often fought on home turf, where national laws dictate the rules of engagement. Every country has its own set of regulations that govern how sports trademarks are registered, enforced, and defended against infringement, creating a legal mosaic as diverse as the sports industry itself.

In the United States, the Lanham Act serves as the cornerstone of trademark law, providing robust protections for sports teams, leagues, and individual athletes who wish to commercialize their personal brand. The U.S. also recognizes common law trademarks, granting protection to brands even if they are not officially registered, provided they have established market presence and consumer recognition.

Across the Atlantic, the European Union Intellectual Property Office (EUIPO) offers a centralized system for trademark registration across all EU member states, ensuring a secure protection under a unified legal umbrella. This harmonized approach prevents the legal hurdles that could arise from differing national laws, making it easier for European sports brands to expand their reach without jurisdictional conflicts.

In India, a country where cricket is almost a religion and sports franchises are rapidly evolving into global brands, the Trade Marks Act, 1999, provides the legal foundation for brand protection. Given the explosive growth of the Indian Premier League and the rise of homegrown sports leagues, securing trademark rights has become crucial to ward off counterfeit merchandise and unauthorized commercial use. The law ensures that sporting entities can leverage their brand value without falling prey to opportunistic infringements.

Meanwhile, in China, a dominant player in the global sports manufacturing industry, the nation's Trademark Law has been tightened in recent years to combat the rampant issue of counterfeiting. Given that China is a major hub for sports apparel and equipment production, stringent enforcement of trademark laws has become imperative for global sports brands like Nike, Adidas, and major football clubs that manufacture their merchandise in the region. Failure to register a trademark in China has led to numerous high-profile cases where international brands have struggled against 'trademark

squatting’—a practice where local entities preemptively register foreign brand names to exploit legal loopholes.

Much like a home-ground advantage in a championship match, understanding and navigating national trademark laws can make the difference between brand dominance and commercial downfall. The rules of protection vary, the enforcement mechanisms differ, but the fundamental goal remains the same—to ensure that sports brands retain their exclusivity, profitability, and legacy.

3. Star Power: Trademarks and Athlete Branding

In the current landscape of sports, athletes have evolved from mere players of games to multifaceted global brands. The power of a sports figure extends far beyond the field and their names, likenesses and actions have become symbols of excellence, aspiration and marketability. Today, trademarks have become a powerful tool for athletes to protect, commercialize and leverage their public identities. Every sports star, from **Michael Jordan** to **Virat Kohli**, possesses a brand that is intricately linked to their personal identity. These brands go far beyond just the logos and slogans associated with the and are the embodiment of values such as victory, determination and skill, which resonate with millions of fans across the globe.

A trademark can encompass not just a logo but also an athlete's name, nickname, signature, catchphrases and even their distinctive pose or gesture. For instance, **Cristiano Ronaldo’s “CR7”** and **LeBron James “Chosen1”** are not just symbols of their personalities but have been transformed into global brands with their own range of products, from clothing lines to fragrance collections.² Athletes now have the ability to control and protect the commercial use of their identities through trademark law, ensuring that no one else can profit from their hard-earned fame.

In India, the growing intersection of sports and branding is becoming increasingly visible, with athletes such as **Sachin Tendulkar**, **MS Dhoni** and **Virat Kohli** taking strategic steps to protect their personal brands. The legal infrastructure in India, under the **Trade Marks Act, 1999**, allows athletes to file trademarks on their names, nicknames, logos and even

² **Bruce B. Siegal**, "Trademark Law: Sports Law – 'Brand' Protection For Professional Athletes," *Greenspoon Marder LLP*, available at: <https://thejacobsonfirm.com/trademark-law-brand-protection-for-professional-athletes/> (last visited Feb. 27, 2025).

catchphrases. However, as the sports market in India grows, issues related to trademark infringement, such as unauthorised use of a famous athlete's image or likeness on merchandise, are becoming a common challenge for Indian athletes and sports organizations alike.

3.1. Trademarks on Athlete Names, Nicknames and Signatures

The term **G.O.A.T.: Greatest of All Time**, has become synonymous with athletes who transcend their respective sports to become global icons. Trademarks related to athletes' names and signatures have increasingly become a key asset for their brand protection and monetization³. The "**Air Jordan**" brand, for example, which encompasses footwear, apparel and accessories, has made Michael Jordan's name synonymous with high-quality sportswear, cementing his place not just in basketball history, but in global commerce as well.

Similarly, **Usain Bolt's "Lightning Bolt" pose** has become a trademarked gesture, instantly recognizable and forever linked with the Jamaican sprinter's unparalleled speed and charisma. These trademarks offer significant legal protection for athletes in commercial ventures, allowing them to control how their identity is used and ensuring they can derive financial benefits from their fame in ways that were previously impossible.

In India, **Virat Kohli** has successfully trademarked his "**Virat**" signature and associated logos, using them to protect his brand across various product categories. Moreover, his nickname "**Cheeku**", has become an important part of his personal brand, earning a distinct place in the market for lifestyle and sports-related merchandise. However, the Indian trademark landscape is still evolving, with some athletes facing difficulties in enforcing their rights across regions, particularly when it comes to counterfeit goods flooding the market.⁴

³ **Catherine Jewell**, "Sports Diplomacy, Nation Branding and IP Go Hand in Hand in Qatar," *WIPO Magazine*, Nov. 14, 2022, available at: <https://www.wipo.int/web/wipo-magazine/articles/sports-diplomacy-nation-branding-and-ip-go-hand-in-hand-in-qatar-55987> (last visited Feb. 27, 2025).

⁴ **IndiaFilings**, "Trademark Registration in India: A Comprehensive Guide," *IndiaFilings*, available at: <https://www.indiafilings.com/learn/trademark-registration-in-india-a-comprehensive-guide/> (last visited Feb. 27, 2025).

3.2. Endorsement Deals and Trademark Protection for Athletes

Endorsement deals have long been a critical source of revenue for athletes and in the digital age, they have grown exponentially. From **Nike's sponsorship of Michael Jordan** to **Puma's deal with Usain Bolt**, the endorsement ecosystem has transformed into a trillion-dollar industry. The ability to safeguard one's name and likeness through trademarks ensures that athletes not only receive fair compensation but also retain control over how their image is used in marketing campaigns.

In the case of **Virat Kohli**, his **"One8"** collection with Puma represents a unique example of how athletes can transcend their athletic careers and delve into fashion and lifestyle domains. By trademarking his logo and product lines, Kohli has ensured that his brand remains protected in both the Indian and global markets.

However, for Indian athletes, the complexities of securing and enforcing trademark rights are compounded by the dynamic nature of the Indian market, where counterfeit goods and unauthorized merchandise are rampant. For instance, when **MS Dhoni's** image was used without his consent on a range of unauthorized sportswear, it highlighted the need for stronger legal frameworks to protect athletes' intellectual property. The absence of swift enforcement mechanisms, especially in smaller cities and towns, creates significant hurdles in protecting their commercial interests.

3.3. Famous Athlete Trademark Wars

Trademark disputes in the world of sports often reach beyond the courts and into public consciousness, particularly when the athletes involved are as globally recognized as **Michael Jordan**, **Lionel Messi**, or **Usain Bolt**. Michael Jordan's **"Air Jordan"** trademark has been the subject of several high-profile legal battles, notably with a Chinese company that sought to use the name **"Qiaodan"**, a transliteration of **Jordan** in Mandarin. This dispute was a landmark case in how trademarks can extend beyond territorial borders, highlighting the growing importance of international intellectual property protection for global sports figures.⁵

⁵ Agence France-Presse, "Michael Jordan Wins Rights to His Chinese Name in Trademark Battle," *The Guardian*, Dec. 8, 2016, available at: <https://www.theguardian.com/world/2016/dec/08/michael-jordan-scores-partial-victory-china-trademark-case-qiaodan> (last visited Mar 1, 2025).

Similarly, **Lionel Messi** has been embroiled in a trademark dispute with a Spanish cycling company that sought to use his surname on their products. In a ruling that reinforced the power of personal branding, the European Union ruled in favor of Messi, reinforcing the idea that a famous athlete's name is protected from any use that might lead to market confusion.⁶

In India, trademark battles involving athletes, such as **Bhaichung Bhutia's** trademarking of his name for football-related goods, have also brought attention to the emerging need for better regulation of celebrity trademarks. While there is growing awareness, there is still a significant gap in the enforcement of intellectual property rights, particularly for regional athletes, whose names may not enjoy the same level of recognition across different states.

3.4. Challenges in Athlete Name and Slogan Protection

As athletes gain fame, their identities often face challenges not just from commercial entities but also from those who seek to capitalize on their status without permission. This “**fame dilemma**” arises when the fame that propels an athlete also opens the door to infringement. Trademarks become a shield, but they also create the paradox of protecting one's personal brand without stifling the natural public affection that comes with fame.

The famous athlete “**slogan protection**” is particularly complex. Catchphrases like “**I Am The Greatest**”, associated with Muhammad Ali, or “**Unstoppable**”, connected with Bolt, often become subject to trademark disputes. In India, “**Mahi**”, a popular moniker for MS Dhoni, or “**King Kohli**”, often finds itself at the center of this dilemma. While these names and slogans carry immense commercial value, they must be balanced with the athletes' right to remain in control of how they are represented in public, avoiding a situation where their brand becomes a tool for exploitation by others.

As India's sports industry expands, with athletes like **PV Sindhu** and **Mary Kom** becoming global icons, the importance of trademark protection has never been more

⁶ Reuters, “Messi Wins Court Case Against Cycling Company Over Logo,” *Reuters*, Dec. 17, 2020, available at: <https://www.reuters.com/article/sports/messi-wins-court-case-against-cycling-company-over-logo-idUSKBN2681II/> (last visited Mar 1, 2025).

apparent. Yet, navigating the complex maze of trademark law remains a challenge, particularly in a country with diverse regional laws and inconsistent enforcement.

The growing prominence of athletes as global brands has given rise to a complex web of trademark laws that protect their identities and commercial interests. As these sports figures transition into entrepreneurs and moguls, their names, signatures, and even poses have become valuable assets requiring vigilant legal protection. While international stars like **Michael Jordan**, **Usain Bolt**, and **Lionel Messi** have set the precedent, India is fast catching up with its own set of challenges and opportunities in athlete branding. As India's sports industry continues to mature, a robust legal framework for athlete trademarks will be vital to ensure that the rights of athletes are safeguarded as they navigate the vast commercial landscape of modern sport.

4. The Franchise Fortress: Protecting Team Identities

In the world of professional sports, team identities are economic assets, cultural icons and powerful brands. These identities, consisting of names, colors, mascots, slogans and logos, are meticulously curated to evoke loyalty, community and commercial power. Globally, sports franchises have fortified their brand identities through robust trademark registration. Teams like the New York Yankees, Manchester United, and FC Barcelona have built billion-dollar empires on the back of their brand visibility, each aggressively protecting their trademarks to prevent misappropriation and consumer confusion.

In India, this evolution is mirrored by franchises in the Indian Premier League, Pro Kabaddi League and Indian Super League. Teams like Chennai Super Kings and Mumbai Indians have become household names, with logos and slogans that are registered under the Trademarks Act, 1999. The Act provides legal sanctity to these identities, enabling franchises to sue for infringement and to license their brand commercially. As the Indian sports industry continues to grow, trademark law acts as a legal fortress safeguarding the integrity and marketability of these iconic sporting entities.

4.1. Trademarks for Team Names Mascots and Symbols

Sporting emblems and mascots are no longer mere visual attractions; they are narrative devices and trademarks that create brand memorability. In the United States, mascots

like the Chicago Bulls' Benny the Bull or the Philadelphia Phillies' Phanatic are registered trademarks used on merchandise, media, and event promotions. Globally, teams have realized that their insignias are not just artistic expressions but revenue generators and symbols of legal identity.⁷

In India, the trend is gaining momentum. The Board of Control for Cricket in India has registered several logos and mascots, including the Indian national cricket team's emblem that features the Ashoka Chakra and the BCCI insignia. Indian teams like Gujarat Titans and Lucknow Super Giants have proactively trademarked their crests, taglines, and mascots to prevent unauthorized use on merchandise and digital platforms. The strategic legal branding of mascots and team symbols now plays a vital role in building legacy and ensuring long-term commercial control.

4.2. How Trademarks Drive Revenue in Sports

Trademarked merchandise is the golden thread that connects sports fandom to consumerism. Across the world, official merchandise sales ranging from jerseys, caps and footwear to digital NFTs generate massive revenues for franchises. For instance, Real Madrid and earn millions annually through merchandise licensed under their trademarks. These products are often available exclusively through official partners, further enhancing the value of trademark protection.

In India, Franchises partner with brands like Puma, FanCode, and Celio to manufacture and sell officially licensed merchandise. In 2023, the merchandising arm of IPL was estimated to be worth over ₹1,000 crore. Trademarks enable these teams to authorize exclusive production and retail agreements, earning royalties while ensuring quality control. Trademark protection is also vital in combating the problem of counterfeit goods which is a prevalent issue in India. The Delhi High Court and Madras High Court have both issued numerous injunctions against vendors selling fake IPL merchandise, affirming the crucial role that trademarks play in monetizing brand identity in sports.

⁷ **Kurt Badenhausen**, "The World's Most Valuable Sports Teams 2020," *Forbes*, July 31, 2020, available at: <https://www.forbes.com/sites/kurtbadenhausen/2020/07/31/the-worlds-most-valuable-sports-teams-2020/> (last visited Mar. 1, 2025)

4.3 Trademark Licensing and the Billion-Dollar Sports Industry

The commercial battlefield of sports branding is dominated by licensing agreements. Trademark licensing enables teams to authorize third parties to manufacture and sell products bearing their logos and slogans in exchange for royalties. Globally, these licensing agreements are negotiated with precision. For instance, the NFL and NBA have long-standing contracts with giants like Nike, Fanatics and Adidas where deals that are driven by exclusive trademark use and stringent enforcement clauses.⁸

India, too, has entered this arena with growing sophistication. Teams like Chennai Super Kings have struck exclusive licensing deals to create mobile accessories, fashion apparel and even co-branded food items. The Trademarks Act allows for such arrangements by recognizing the licensor-licensee relationship and enabling enforcement in cases of breach or unauthorized use. Unfortunately, the success of licensing has also led to the rise of trademark piracy. During IPL seasons, Indian courts often deal with an influx of lawsuits and ex-parte injunctions aimed at stopping counterfeit products from reaching the market.

Moreover, regulatory bodies such as the Intellectual Property Appellate Board (IPAB) (now merged into the High Courts) and local police units are often roped in for rapid response raids making the merchandising landscape a legally charged zone where intellectual property rights directly fuel financial victories.

5. Trademark Offense: Infringement, Ambush Marketing & Brand Hijacks

5.1. Unauthorized Use of Sports Trademarks

In the glittering world of competitive sports, where branding wields influence equal to athletic prowess, trademarks function not just as identifiers but as powerful commercial assets. These marks are zealously guarded by governing bodies, teams and sponsors. Yet, trademark infringement continues to plague the global sporting ecosystem,

⁸ **Sports Business Journal**, “Merch Madness: For sports licensees, inflation supplants shipping,” *Sports Business Journal*, March 20, 2023, available at: <https://www.sportsbusinessjournal.com/Journal/Issues/2023/03/20/Upfront/nfl-consumer-products-summit/> (last visited Mar. 1, 2025).

manifesting through counterfeit merchandise, pirated broadcasting, and unauthorized logo usage.

Globally, leagues like the NFL, UEFA and the IOC have taken strict actions against infringers who attempt to ride the coattails of their brand prestige. For instance, the National Football League (NFL) in the United States has notoriously protected the phrase “Super Bowl” to such an extent that non-sponsor businesses are often forced to use euphemisms like “The Big Game” to avoid legal backlash⁹.

In the Indian context, the meteoric rise of the Leagues has drawn parallel challenges. Cases involving unauthorized merchandise, fake jerseys and deceptive ticket sales have prompted legal crackdowns by the BCCI. Indian courts have routinely upheld the sanctity of sports trademarks, treating such infringements as “passing off” and “dilution” of brand reputation.

5.2. How Brands Exploit Major Sporting Events

Ambush marketing is perhaps the most sophisticated and subversive trademark challenge facing the sports world today. It occurs when a brand attempts to associate itself with a major sporting event without paying for official sponsorship rights often dancing dangerously close to legal boundaries. While these tactics can be creative and bold, they can also dilute the value of official sponsorships, which run into millions of dollars.

Internationally, the Olympics and FIFA World Cup have been the most frequent targets. In 2012, Nike masterfully executed its “Find Your Greatness” campaign during the London Olympics, subtly countering Adidas, the official sponsor, by promoting unknown athletes in towns named London around the world¹⁰. While it didn’t violate trademark laws directly, it strategically capitalized on Olympic fervor.

In India, the PepsiCo vs. Coca-Cola battle during the 1996 Cricket World Cup is a

⁹ Michelle Fabio, “Super Bowl Legal Blitz: Inside The NFL’s Legendary Trademark Defense,” *Forbes*, Jan. 30, 2018, available at: <https://www.forbes.com/sites/michellefabio/2018/01/30/inside-the-nfls-legendary-trademark-defense/> (last visited Mar. 1, 2025).

¹⁰ **The Guardian**, “Olympics 2012: Nike plots ambush ad campaign,” *The Guardian*, July 25, 2012, available at: <https://www.theguardian.com/media/2012/jul/25/olympics-2012-nike-ambush-ad> (last visited Mar. 5, 2025).

classic example. Though Coca-Cola was the official sponsor, Pepsi's witty campaign slogan "Nothing Official About It" turned the tables, cleverly undermining the concept of official partnership and grabbing attention¹¹.

Indian courts have recognized the disruptive potential of such marketing. In *ICC Development (International) Ltd. v. Arvee Enterprises*¹², the Delhi High Court ruled in favor of the International Cricket Council, restraining the use of "World Cup" by non-sponsors for commercial promotion, recognizing such acts as exploitative ambushes.

5.3. Legal Tactics to Combat Trademark Violations in Sports

To protect against these sophisticated and not-so-sophisticated violations, sporting bodies and their sponsors rely on a mix of intellectual property laws, special legislation and event-specific rules. Globally, mega-events like the Olympics, FIFA World Cup, and the Super Bowl enforce airtight IP regimes that often include special legislative protections in host countries.

For example, the International Olympic Committee (IOC) enforces Rule 40 of the Olympic Charter, which bars athletes and third parties from promoting non-sponsor brands during a blackout period surrounding the Games. Similarly, the NFL deploys a full legal force to combat any unauthorized commercial usage of its protected trademarks.

In India, the Trademarks Act along with Copyright Act and the doctrine of passing off, forms the primary legal arsenal. Sporting bodies have also adopted proactive strategies including brand registration, licensing frameworks and continuous market surveillance. The BCCI and Pro Kabaddi League organizers have successfully restrained infringers through both preemptive cease-and-desist notices and litigation.

5.4. High-Profile Trademark Disputes in Sports History

Trademark disputes in sports have at times overshadowed the games themselves. These

¹¹ **The Economic Times**, "PepsiCo stings Coca-Cola's official World Cup sponsor tag with new ad," *The Economic Times*, Oct. 15, 2023, available at: <https://economictimes.indiatimes.com/industry/services/advertising/pepsico-stings-coca-colas-official-world-cup-sponsor-tag-with-new-ad/articleshow/104433272.cms> (last visited Mar 5, 2025).

¹² 2003 (26) PTC 245 (Del)

clashes often involve big brands, high stakes and wide public attention making them legendary in the annals of sports law.

The NFL vs. "Super Bowl"¹³ saga is perhaps the most cited, where the league's aggressive enforcement of its trademark on the term has forced restaurants, TV networks, and even churches to find alternative phrasing. Another international example includes *Manchester United's* legal tussle with a Hong Kong-based firm over the sale of counterfeit merchandise, a case that highlighted challenges in enforcing IP rights across borders¹⁴.

In India, the 2014 case of ICC Development v. John Doe during the IPL saw Indian courts issuing *John Doe orders* which is blanket injunctions against unknown infringers, to prevent unauthorized streaming and counterfeit merchandise. These orders, though extraordinary in nature, have been repeatedly upheld as necessary to protect sports IP in the digital age.

6. The Future of Trademarks in Sports: New Frontiers, New Challenges

In the dynamic arena of sports, trademarks have transcended beyond simple symbols or slogans. They now encapsulate emotion, culture, and identity. Globally, sports franchises have become billion-dollar empires, built not just on athletic prowess, but on the power of branding. The logos of teams like FC Barcelona, the New York Yankees, or the Chicago Bulls are emblems of loyalty, passion and cultural pride. Trademarks in such settings protect everything from team names and mascots to stadium architecture and even goal celebrations.

In India, this evolution is equally compelling. The Indian Premier League has turned cricketers into commercial commodities and team branding into a business of its own. Franchises like Mumbai Indians and Chennai Super Kings have registered multiple trademarks, not only for their logos and names but also for team slogans and merchandise. Indian trademark law, governed under the Trade Marks Act, 1999, allows for such broad protection, but the challenge lies in enforcement, especially with increasing digital infringements and counterfeit products.

¹³ No. 08-cv-2208 (S.D.N.Y. 2008).

¹⁴ **The Guardian**, "Manchester United sues Football Manager makers over use of name," *The Guardian*, May 22, 2020, available at: <https://www.theguardian.com/football/2020/may/22/manchester-united-sues-football-manager-makers-over-use-of-name> (last visited Mar. 5, 2025).

The future of trademarks in sports will be defined by their capacity to adapt to digital ecosystems and global markets. With athletes turning into global influencers and teams transforming into global brands, trademark law must evolve to shield intangible elements like slogans, chants and digital mascots that form the heart of modern sports fandom.

6.1. NFTs, Blockchain and Sports Trademarks

In a world where digital collectibles are fetching millions, NFTs have redefined ownership. Sports leagues like the NBA (through NBA Top Shot), football clubs like Manchester City, and even individual athletes are embracing NFTs to tokenize memorable moments like slam dunks, hat-tricks or goal celebrations on blockchain platforms. This raises new legal challenges: Who owns the moment? Can a tokenized highlight infringe on a team's or league's trademarks?

From a global perspective, countries are still navigating this uncertain terrain. The United States Patent and Trademark Office (USPTO) and the European Union Intellectual Property Office (EUIPO) have begun addressing NFTs and virtual goods under trademark registrations.¹⁵ In India, the concept is still nascent but rapidly gaining attention. Cricketers like Dinesh Karthik have already launched NFTs, and the Securities and Exchange Board of India (SEBI) is closely examining their legal implications.

Indian trademark law, however, does not currently define digital goods or blockchain assets explicitly. This legal vacuum presents a challenge for brand protection in the rapidly growing sports NFT market. Until legislative updates arrive, sports entities must rely on traditional laws and creative contracts to ensure IP protection.

6.2. Trademarking Teams, Jerseys and Arenas in Virtual Worlds

As the physical world converges with virtual landscapes, the metaverse presents both an opportunity and a legal puzzle. Global giants like Nike and Adidas have already trademarked virtual sneakers, while Meta is actively shaping the architecture of digital experiences. In this realm, sports trademarks have taken on a whole new dimension:

¹⁵ U.S. Copyright Office & U.S. Patent and Trademark Office, “Non-Fungible Tokens and Intellectual Property: A Report to Congress,” available at: <https://www.copyright.gov/policy/nft-study/Joint-USPTO-USCO-Report-on-NFTs-and-Intellectual-Property.pdf> (last visited Mar 5., 2025).

virtual jerseys worn by avatars, simulated stadiums replicating iconic arenas and digital fan zones hosted in immersive 3D worlds.

The United States has seen a surge in trademark filings for virtual goods and experiences, reflecting the growing commercial potential of the metaverse. India, too, is making strides, with startups exploring virtual cricket leagues and sports collectibles. However, India's Trade Marks Registry has yet to formally recognize virtual goods, leading to legal uncertainty.

Brands must act swiftly to safeguard their IP in this new frontier. The Delhi High Court, in cases involving online infringement, has shown an inclination to protect digital brand misuse, which bodes well for virtual trademark enforcement. However, there's a pressing need for legal recognition of virtual goods in the Indian IP regime, either through legislative amendments or judicial activism.¹⁶

6.3. How Artificial Intelligence is Revolutionizing Trademark Protection

Artificial Intelligence (AI) is fast becoming the unsung hero of intellectual property enforcement. Globally, AI tools are being deployed to detect brand infringements in real time, combing through e-commerce platforms, social media, and broadcasting services. For instance, companies like Red Points and BrandShield use AI to scan millions of webpages to protect sports trademarks and logos from unauthorized use.

This technology is particularly vital in a sports landscape that operates on tight schedules and live broadcasts. A counterfeit jersey or a misused logo during a global event like the Olympics or FIFA World Cup can cause immediate brand damage. AI offers swift detection and automated takedown tools, reducing the burden on human legal teams.

India is also catching up. While AI adoption in IP law remains limited, companies and enforcement agencies are beginning to integrate AI for monitoring e-commerce platforms like Flipkart and Amazon India. The Indian government has encouraged the use of AI through its National Strategy for Artificial Intelligence, but the law remains

¹⁶ **Nayantara Sanyal & Amishi Vira**, "Intellectual Property Rights in the Metaverse: Trademarks," *Bar & Bench*, May 29, 2024, available at: <https://www.barandbench.com/law-firms/view-point/intellectual-property-rights-in-the-metaverse-trademarks> (last visited Mar. 5, 2025).

silent on how AI-generated evidence is to be handled in court. Moreover, India lacks specific legal frameworks that govern AI in trademark enforcement, posing challenges in accountability and fairness.¹⁷

As we approach the final whistle, it is crucial to focus on the post-match strategy: the future of trademark laws in sports. In this pivotal moment, it is not just about reflecting on what has been accomplished but about drafting the game plan for the future. Global sporting events like the FIFA World Cup, the Olympics and the IPL have demonstrated the far-reaching power of trademarks and branding. Yet, in countries like India, where sports commercialization is still evolving, the regulatory landscape must catch up to the rapid pace of change. Policymakers worldwide need to recognize the necessity of harmonizing international trademark laws to safeguard the interests of all stakeholders, including athletes, sponsors, and fans.

India, with its burgeoning sports industry, particularly in cricket, kabaddi and the Indian Premier League, is uniquely positioned to lead in this area. The recommendations include the integration of robust IP laws that protect the unique brand identities emerging from these sectors. India can take inspiration from countries like the U.S., where the Lanham Act and other federal statutes provide a framework for protecting sports trademarks and marketing strategies. Global policies should also address the increasing cross-border infringement of sports trademarks, with digital platforms making international enforcement more challenging. Efforts to streamline cross-border enforcement mechanisms through international treaties or collaborations could mitigate this issue, ensuring that no athlete or brand is left vulnerable in the globalized market

¹⁷ **Nayantara Sanyal, Sheetal Mishra & Nihal Shah**, “Intersection of Intellectual Property Rights and AI-Generated Works – Part I,” *Bar & Bench*, Mar. 5, 2024, available at: <https://www.barandbench.com/law-firms/view-point/intersection-intellectual-property-rights-ai-generated-works-part-i> (last visited Mar. 5, 2025).