
THE GLOBAL LANDSCAPE OF SPORTS IN INTELLECTUAL PROPERTY RIGHTS

Tanveen Kaur, University of Delhi

Introduction

Intellectual Property Rights (“IPR”) play a crucial role in contemporary sports leagues, as all stakeholders can gain from the protection of intangible assets. Key elements of IPR relevant to the Indian Premier League (“IPL”) and other sports leagues include team names and logos, broadcasting content, player rights, and innovations. To effectively leverage intellectual property for financial gain and understand its potential implications for sports in India, it is essential to grasp the nuances of various types of intellectual property.

The Indian Premier League serves as a prominent example of this evolution within India. In just two decades, this franchise-based cricket league has transformed into one of the most profitable sporting enterprises globally. The narrative surrounding the IPL centres more on intellectual property than merely on athletic skill or entertainment appeal. Each franchise's brand identity, broadcast agreements, sponsorship contracts, and merchandise licensing relies on registered intellectual property rights that must be protected and maintained to ensure their economic value is realized.¹

Trademark Protection in Sports Leagues

Sports teams and leagues have their identities safeguarded by trademark laws. The Trade Marks Act of 1991 ensures protection for each franchise's names, logos, slogans, and other branding elements. Consumers make purchasing decisions—such as buying merchandise or paying for membership subscriptions—largely based on their loyalty to a specific team or league, highlighting the importance of these trademarks as vital revenue sources and aspects of fan identity. Once a trademark is registered under the Trade Marks Act, its owner gains exclusive rights to use it concerning the designated goods and services, the opportunity to license the trademark, and the ability to take legal action against any infringement. Furthermore,

¹ <https://www.ijfmr.com/papers/2026/3/78753.pdf>

registering a trademark is essential not only for safeguarding IPL teams but also for enabling monetization through endorsements, collaborations, and merchandising activities.²

Copyright and Broadcasting Rights

Broadcasting rights receive protection under copyright legislation, specifically the Copyright Act of 1957. This legal framework enables broadcasters to safeguard and monetize live broadcasts, recorded events, and digital materials, which are crucial revenue streams for leagues such as the IPL. Given that media rights sales represent the league's primary income source, robust copyright enforcement is vital. Under Section 37 of the Copyright Act, broadcasting entities are granted a "Broadcast Reproduction Right" lasting 25 years. This entitlement empowers broadcasters with exclusive control over recording, rebroadcasting, and facilitating public access to their transmissions. The interpretation of this provision in relation to sports broadcasting has undergone considerable judicial evolution, with Indian courts progressively clarifying what qualifies as original expression in sports broadcasts warranting copyright protection.³

Image Rights and Player Branding

Image rights have become increasingly significant in the IPL framework, overshadowing traditional concepts like trademarks and copyrights. Sponsors and business partners seek to leverage players' personal brand identities, which hold considerable commercial value, through endorsement agreements. Nonetheless, India's legal framework governing image rights lacks cohesion and is still in its early stages of development. It relies on a combination of common law, constitutional provisions, and contractual arrangements rather than a distinct statutory framework.

Patents in the Sports Industry

The intellectual property landscape in sports is primarily characterized by trademarks and copyrights, although the role of patents is gradually gaining importance, albeit still remaining relatively minor. Patents protect inventions that satisfy the criteria of novelty, inventive step,

² Trade Marks Act 1999, Government of India, Section 2(1)(m).

³ Dr. Vinita Kacher "The Rights of Broadcasting Organization"

https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004080636591303vinita_kacher_law_INTELLECTUAL_PROPERTY_LAWS.pdf

and industrial applicability as defined by the Patents Act of 1970. Most patents related to sports focus on technological innovations such as wearable tracking devices, broadcasting technologies, device designs, and performance analysis systems. Despite their significant potential value, patents are not extensively leveraged within Indian sports leagues. This limitation can be attributed to both structural constraints established by Section 3 of the Patents Act—which rules out patentability for mathematical methods, algorithms, and business practices—and the inherently abstract nature of many sports-related activities that often involve strategies and organizational structures that cannot be patented. Nonetheless, it is expected that the relevance of patents will increase as technology becomes increasingly integrated into the realm of sports.

Role of Intellectual Property in Global Sports League

Sports are one of the biggest industries in India. Certain sports are getting an unbelievable mileage over others due to the commercialization and investment interest. The growth of the sports industry unveiled the opportunities for broadcasting, and sponsorship etc. With the acceleration of the Indian economy and with her enhanced participation in the global sport arena there are several Intellectual Property issues to be addressed involving trademarks, broadcasting rights, sponsorship issues, licensing issues etc. In India the government tried to rationalize the sports industry by keeping every party's interest in mind including teams, sponsors and the public at large by introducing the Sports Bill, 2011 which was, however, rejected by the cabinet. In early 2016, a new bill entitled the National Sports Ethics Commission Bill, 2016 was introduced in the parliament. This Bill aimed to bring about legislative reforms to help improve the integrity of sports in India. This Bill if had become a reality; it would have been able to control the management of sports to some extent. The organization and smooth execution of a Formula One race in India for the very first time has brought the nation into a select league, putting further focus on the sports laws and the intellectual property rights, which can be used to create branding which in turn, lead to immense value generation. Cricket is one of the most leading and loved sports in India. It has now turned into a commercial game attracting huge capital investments and profits. The initiatives on T20 format and Indian Premier League, Indian Badminton League, Hockey India League, Indian Super League, Pro Kabaddi and heritage sports such as Gatta Gusthi, Goti, Lagori etc. have proudly announced that it is the commerce, which is now on the forefront of the games and due to which the Intellectual Property rights protection in sporting events is

gaining importance. In a legal perception, the intellectual properties in the form of copyrights, trademarks, industrial designs, and patents have acquired immense value for protection due to commercialization and exploitation of commercial aspects of sportsmen and sporting events.

The main idea of and Intellectual Property right is to give power to a person or to any legal entity to guard their brain power for a certain period of time. In the field of sports, a lot of hard labour and efforts are given by the sportsmen, the squad, the society/club connected with the sports activity, or the organizers of the sports events. Today, both for sportsman as well as sports associations, sports is not just a career or passion, but is looked at as a huge business opportunity. On formation of a sports team, the team is generally recognized by a team name. For the purposes of identification, various artistic and creative logos and fancy taglines are created. Off the field and on the commercial level, sportsmen get into endorsements and advertisements whereas sports associations get into branding, licensing, merchandising, sponsorship and other similar activities. Once all these creative elements are conceived and are put into commercialization, their protection becomes essential. For instance, today intangible assets such as the team names like Kolkata Knight Riders, Manchester United, event such as IPL, Olympics, US Open etc., along with commercial value and are significant components for which legal protection is necessitated to prevent third party infringements. On the other hand, licensing and sponsorships, broadcasting rights, and many other important revenue streams also involve few legal requirements to safeguard the rights. There is no single law that protects all such proprietary material and resolves all the issues that arise out of them. A set of multiple laws are resorted to in order to safeguard the business interests involved sports. Intellectual property laws are the major part of such laws and are often pressed into service in tackling various legal issues. Intellectual property is an umbrella term used to describe properties created by human intellect and includes patent, trademarks, trade secrets, design and so on.

The various kind of intellectual property that form part of sports and provide spectacular off field action in terms of business topped with some interesting legal face-offs are as follows:-

1. Image Rights and Player Branding

Commercialization in contemporary sports has fundamentally altered the role of athletes, transforming them into competitors who seek both financial benefits and brand recognition. In leagues like the IPL, athletes are now perceived as economic agents whose worth is assessed not only on their athletic skills but also on their capacity to

generate income through their personal brand.

In India, the concept of image rights is grounded in two distinct legal frameworks. The first is rooted in the landmark Supreme Court decision in *Justice KS Puttaswamy v. Union of India* case of 2017, which recognized the right to privacy as a fundamental right that encompasses an individual's exclusive control over the commercial utilization of their persona—this right derives from Article 21 of the Constitution. The second legal theory pertains to the right of publicity, an extension of privacy law that acknowledges the unique commercial value associated with a celebrity's persona. Under this framework, such individuals are treated as forms of intellectual property that can be transferred or licensed.

Indian courts have utilized various laws—including the Trade Marks Act, Copyright Act, constitutional provisions, and common law torts concerning passing off—to establish a "judge-made" doctrine regarding image rights due to the absence of specific legislation governing personality rights.

The seminal case *ICC Development (International) Ltd. v. Arvee Enterprises* decided by Delhi High Court in 2003 established a crucial principle: that the right of publicity is intrinsically personal and cannot be asserted by corporations, thus drawing a clear line between an event organizer's trademark rights and an individual athlete's personal rights.

2. Over The Top Media Service and the Digital Piracy Challenge

The transition from traditional television to online streaming for sports has led to considerable transformations in the business landscape and the enforcement of intellectual property rights concerning sports broadcasts. The emergence of Over The Top Media Service platforms as rights holders for major sporting events has revealed new vulnerabilities, as online content can be more easily replicated and disseminated than television broadcasts.

In response to these challenges, the Indian judiciary has developed 'John Doe' or 'Ashok Kumar' orders—dynamic, ex-parte injunctions that empower rights holders to direct Internet Service Providers to block unauthorized streaming sites as they are discovered

during live events. This legal mechanism in Indian sports law originated from the Delhi High Court's ruling in *Taj Television v. Rajan Mandal* in 2003, where an injunction was issued against the 'world at large' to safeguard broadcasting rights for the 2002 FIFA World Cup. Due to ongoing advancements in this legal remedy through subsequent rulings, rights holders are now able to secure blocking orders that are more comprehensive and technologically sophisticated.

3. Copyright and Broadcasting Rights

Without the capability to effectively manage and monetize the "live signal"—the real-time broadcasting of sports events—modern sports would struggle to maintain economic viability. In India, the legal designation of sports broadcasts as copyrightable material reflects a nuanced development in jurisprudence that balances the factual, non-original nature of sporting events with the artistic influence exerted by television networks in showcasing these events to audiences.

Indian legislation differentiates between the actual sporting event and its audiovisual representation. Live cricket matches are viewed as occurring in real-time rather than as pre-existing artistic works, thus they fall outside copyright protection. However, the broadcast itself is considered a unique audiovisual creation that embodies the artistic decisions made by the broadcasting entity.

This perspective was emphatically outlined in *Star India Pvt Ltd v. Piyush Agarwal*, where the Delhi High Court established that the originality safeguarded in sports broadcasts lies not in the sporting event per se but rather in how it is presented.

Section 37 of the Copyright Act, 1957 grants a 'Broadcast Reproduction Right' to broadcasting organizations, providing them exclusive rights to rebroadcast, disseminate their broadcasts to paying audiences, and record these broadcasts. These rights remain effective for 25 years following the initial transmission. This legal protection offers a significant competitive edge within frameworks like the IPL, where broadcasting contracts can amount to billions of dollars. Unauthorized transmissions by digital platforms, cable operators, or social media users infringe upon this reproduction right and may lead to both civil and criminal repercussions.

4. Protection of Brands and Trademarks

- **Sporting Marks Registration: Logos, Slogans, and Identity**

Any sports organization must first register and use trademark law to protect its brand identification before it can be commercialized. A piece of equipment brand, heading, label, ticket, name, signature, word, letter, numerical, or shape of products are all considered "marks" under Section 2(1)(m) of the Trade Marks Act, 1999. The wide variety of identities that sports organizations aim to safeguard are accommodated by this expansive concept.

Device marks—combinations of visual elements constituting logos or emblems—represent the most prevalent form of IP protection in sports. The BCCI's star insignia and the roaring lion logo of the Chennai Super Kings are classic examples. Registration of a device mark provides comprehensive protection for the specific combination of colours, fonts, and graphic elements in which the mark is expressed. When a device mark is registered, the particular mix of colours, fonts, and graphic elements used to express it is fully protected. Team names and catchphrases are protected by word marks; two instances of wordmarks with economic relevance in the IPL context are "Gujarat Titans" and the well-known "Whistle Podu" catchphrase of CSK supporters. Alphanumeric marks such as 'CR7' for Cristiano Ronaldo demonstrate how numerical can be linked to an athlete's brand persona, an attribute extensively common in Indian cricket as well.

A sporting mark must satisfy two fundamental legal requirements: it must be capable of graphical representation, and it must be capable of distinguishing the goods or services of one entity from those of another under Section 9 of the Act. In sports, the doctrine of acquired distinctiveness has been critical—through media saturation and prolonged commercial use, even descriptive or otherwise non-distinctive words can acquire trademark protection if they have come to be associated in the public mind with a particular franchise or organization⁴.

⁴Sanjana Santhosh "Well-known trademarks" <https://blog.ipleaders.in/well-known-trademarks>.

- **The Doctrine of Well-Known Trademarks**

According to Section 2(1) (zg) of the Trade Marks Act, 1999, the notion of a "well-known trademark"⁴ is a significant legal construct in India. When a mark has become so well-known among a sizable segment of the public that using it in conjunction with other products or services would probably give the idea that the trademark holder and those products are related, the mark is considered well-known. This notion is financially revolutionary for sports organizations: a well-known trademark has cross-category protection

across all 45 classes of the NICE Classification system⁵, while an ordinary trademark is only protected in certain classes of products and services. A systematic procedure for corporations to apply for protection as a well-known trademark was introduced under the 2017 Trade Marks Rules, and the Registrar kept a public list of such marks. From the standpoint of sports law, this acknowledgment essentially builds a "protective wall" around the brand, transferring the burden of proof to any party wishing to use a mark that is similar in order to prove that there is no confusion.⁵

- **Counterfeiting and the Tort of Passing Off**

One of the most widespread issues with IP enforcement in Indian sports is the spread of fake sports goods. The unlawful production, distribution, or sale of items bearing identical or confusingly similar marks is known as counterfeiting, and it causes significant financial harm to holders of rights through lost sales, dilution of their brands, and erosion of customer confidence. For sports organizations, the tort of passing off offers an additional remedy in addition to statutory trademark violation. To establish a passing off claim, a sports entity must satisfy the 'classical trinity' articulated in the landmark English case of *Reckitt and Colman Ltd v Borden Inc*⁶. and adopted by Indian courts: first, the existence of goodwill and reputation attached to the plaintiff's brand; second, a misrepresentation by the defendant that is likely to cause the public to believe that its goods or services are associated with or authorized by the plaintiff; and

⁵ WIPO <https://www.wipo.int/en/web/classification-nice>

third, actual or likely damage to the plaintiff's goodwill. In circumstances when trademark registration would not cover the precise mode of the defendant's misappropriation, passing off is a useful tactic due to its flexibility.⁶

- **Ambush Marketing**

Ambush marketing—the practice by a brand which attempts to associate itself with a major sports event without paying the sponsorship fees required for official association—poses a distinctive challenge to the Indian sports IP framework. Official sponsorship arrangements are a critical revenue stream for sports organizations, and the commercial value of exclusivity is significantly diminished when non-sponsors can generate consumer impressions of association without bearing the corresponding financial obligation. The most celebrated early instance of ambush marketing in India occurred during the 1996 Cricket World Cup, when Pepsi ran its now-famous 'Nothing Official About It' campaign despite Coca-Cola holding the official sponsorship position. Pepsi generated substantial financial gain without violating any registered trademarks by using cricket personalities and linking its reputation with the tournament's cultural time through associated rather than direct trademark usage. The drawbacks of trademark-centric intellectual property protection in dealing with complex associative marketing techniques were revealed in this episode.⁷

5. Industrial Designs in Sports

Design plays a significant role in the realm of sports, extending its influence widely. In many nations, to secure protection under industrial designs law, it is necessary to register those designs. However, such protection is limited to the country where the registration occurs. Designs are intertwined with visual elements and aesthetics; as new materials are developed, corresponding design innovations typically emerge. The registration process focuses on safeguarding the visual characteristics of a product

⁶ 6Case comments <https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/07/1326-1990-32-mal-dec-333.pdf>

⁷ 7RK Dewan & Co. “RKD NewsNet February 2018”

<https://www.manupatrafast.in/NewsletterArchives/listing/RK%20Dewan/2018/Feb/RKD%20Newsletter%20February2018.pdf#:~:text=Recently%20the%20BCCI%20filed,domain%20names%20WWW.IJPLT20.COM%20and%20WWW.JUNIORSIPL.COM.>

rather than its functional aspects, and for a design to qualify for registration, it must be original or novel.

Currently, industrial design applications are seen as fundamental to any sports-related product or equipment. Since the implementation of the Industrial Design Act in 2000, manufacturers have reported substantial profits following their registrations. A product's success is not solely attributed to its functionality but also significantly influenced by its visual appeal, which attracts consumer interest and encourages purchases.

Consequently, both the design of an object and its packaging hold economic importance. Design Act, 2000 aims to enhance visual attractiveness. According to this legislation, product designs must possess distinctive features (such as shape, configuration, colour patterns, or applied decorations) that foster brand recognition among consumers. Companies increasingly seek endorsements from athletes for their products; this strategy aims to draw public attention through advertising and entice customers into stores for purchases that ultimately lead to increased profits.

6. Personality Rights in Sports

In the current situation, sports celebrities are formed overnight and this celebrity status leads to various forms of brand endorsement, image creation, revenue generation and capitalizing on fame. Thus, endorsements, status and image, utilizing personality are a major source of proceeds for sports celebrities. Personality right may be understood as the right to control any commercial exploitation of one's name, image, likeness, or any other aspect of personal identity. Further, under the Indian Trademark Act, 1999, a sports celebrity may file and acquire a trademark in respect of his or her name. For example, Sachin Tendulkar has registered trademark over his name. Celebrities and other famous people have the personality right which entitles them, so that their image is not exploited for the wrongful gains. It is however, the practice of some athletes and sports celebrities to extend the scope of the exploitation of their personality rights by establishing enterprises or ventures to produce, market and sell merchandise bearing their image and personality rights. Another example of personality and image rights exploitation is a scenario where a sports team embarks on a merchandising campaign using the most popular players on its team. It is argued however, that the sports

enterprises can rightfully exploit only such personality rights, which are based on the fact that the players are members of teams that are participants in their competitions and consequently cannot extend their usage of the personality rights of the sportsman to his individual personal rights.

This point has been clarified by the Delhi High Court in *ICC Development (International) Ltd v Arvee Enterprises and Anr*, held that:

“The right of publicity has evolved from the right of privacy and can inhere only in an individual or in any indicia of an individual's personality like his name, personality trait, signature, voice, etc. An individual may acquire the right of publicity by virtue of his association with an event, sport, movie, etc. However, that right does not inhere in the event in question, that made the individual famous, nor in the corporation that has brought about the organization of the event. Any effort to take away the right of publicity from the individuals, to the organizer (non-human entity) of the event would be violative of Articles 19 and 21 of the Constitution of India. No persona can be monopolized. The right of Publicity vests in an individual and he alone is entitled to profit from it. For example, if any entity, was to use Kapil Dev or Sachin Tendulkar's name/persona/indicia in connection with the 'World Cup' without their authorization, they would have a valid and enforceable cause of action.”

Suggestions

- Commercialization of sports is so widespread that the fight amongst sports clubs or associations is not only limited to field but also in creating huge profit out of it. Most of the sports clubs have business enterprise in exploiting their intellectual property and are also engaged in various businesses such as merchandising, online games, cafés, and etc. This adventure of clubs of generating revenue by utilizing their Intellectual Properties makes it necessary for them to effectively protect it. Intellectual Property Rights along with the legal protection to these rights helps to secure the economic value of sports.
- The protection of the various classes of Intellectual Property would be in various forms like registrations, agreements with appropriate terms and conditions etc. These days, merchandising is one of the most profitable businesses where the sports clubs have a

larger stake. In merchandising, there is lot of small but highly significant issues such as ownership of IP, sharing of revenues, secrecy etc.

- With the diverse personality rights infringement taking place all around the world, celebrities today are very keen and vigilant about protecting their personality rights. So, the proprietors should also be aware that they do not end up by infringing personality rights of any sportsperson.
- It is always favoured to take a good legal outlook on what can be used and what cannot be used, before starting that business. In order to maximize economic returns good management of intellectual property is very important. *This has been rightly pointed out by Prof. De Werra in his book entitled Sports and Intellectual Property in the following words: "If intellectual property has something to learn from the sports industry, it can conversely be considered that the sports industry may have something to gain from the assimilation of the key values of Intellectual property law."* The author feels that there is strong need sports law experts in India so as to promote ethical practices in sports industry. It is indeed the need of the hour that the proprietors or the owners invest resources in proper licenses, registration and contracts in order to protect the value the sports and sporting assets as well as, keenly protecting intellectual property from infringement and abuse.
- It is recommended that the legal contractual agreements must be in place guarding all forms of intellectual property created in sporting events, teams, individual players etc., so as to safeguard all the stake holders and their financial interests. India should come up with a legislation for protecting personality rights and should also try to build a successful sponsorship program so as to protect the image and status of celebrities of our country.
- It is recommended that India should come up with a sports business model which could help in building an effective IPR strategy that could address the use of patents, trademarks, designs and other forms of IPR in sports.
- It should also enact a framework for the administration and protection of use of domain names, which could address media and broadcasting rights. In order to maintain balance IPR with the public interest, free access to on-air sports events is an attractive approach.

- It is also recommended to adopt alternative dispute resolution methods and techniques for enforcement of IPR involving sports disputes. As a developing country and having a serious intent to attract and sustain investments, India needs to enact a law to safeguard confidential information particularly in sports industry so to act as an adequate deterrent for potential offenders.
- In spite of all the obstacles, government of India must try to pass the National Sports Ethics Commission Bill, 2016, which promises to improve the integrity of sports in India. Protecting and enforcing Intellectual property Rights in the sports industry is an essential factor so as to ensure that sporting events remain a possible financial actuality in India.⁸

Conclusion

- The foundation for generating economic value, safeguarding brand identity, and producing revenue in the highly commercialized and technology-centric global sports industry lies in intellectual property rights. This is particularly evident in India, where the swift emergence of sports leagues like the IPL illustrates a transition from viewing sports solely as athletic competition to recognizing it as a comprehensive commercial enterprise reliant on technological advancements protected by patents.
- Currently, patents are underutilized within India's sporting leagues; however, they hold significant potential for future growth as the sports sector integrates innovations such as artificial intelligence, wearable tech, analytics software, virtual broadcasting solutions, and performance monitoring devices.
- Although Section 3 of the Patents Act of 1970 poses challenges regarding the patentability of abstract methods, algorithms, and business models, the ongoing technological progression in sports indicates that the relevance of patent law is likely to increase in coming years.
- Trademark law remains the most recognized and economically viable aspect of intellectual property rights within sports. Team names, logos, slogans, mascots, and athlete personas have created substantial value for teams and their commercial

⁸ IJRTI

endeavours. The concept of "well-known trademarks," established under the Trade Marks Act of 1999, has been crucial in enhancing protections for sports organizations by ensuring market exclusivity.

- Moreover, contemporary sports leagues are primarily influenced by copyright and broadcasting rights. Thanks to a distinction made by Indian courts between sporting events and their visual representation, broadcasters have secured considerable proprietary rights over live sports transmissions.

In summary, intellectual property rights have evolved into essential components for the commercialization of modern sports rather than merely serving as an additional layer of protection for leagues. The ability of legal frameworks to adapt and revise intellectual property laws in response to technological advancements and commercial trends will be vital for the future expansion of sports leagues in India. Consequently, factors such as innovation, investment strategies, branding efforts, and competitive dynamics will increasingly hinge on intellectual property legislation alongside economic considerations.