

TRADEMARK IN SPORTS BUSINESS

ABSTRACT

The business of sports is now a multi-billion-dollar international enterprise where the rights to intellectual property are fundamental for brand reputation, commercial success, and legal action. Trademarks are priceless assets for sports teams, leagues, and athletes that enable them to create and safeguard their distinct identity and stop illegal commercial exploitation. The business of professional sports is a fast-expanding industry because of the commercialization of sport. It will mutate further with increased reliance on trademark licensing, merchandising, and sponsorships, making trademark protection increasingly crucial.

This paper identifies the importance of protecting team trademarks, logos, branding of events, trademarks related to athletes, and merchandising in the sports business.

It also examines the wider international legal framework including treaties like the Paris Convention, TRIPS Agreement, and Madrid Protocol that govern cross-border trademark protection. The article also discusses India's Trademarks Act, 1999, addressing the registration and enforcement of sports intellectual property trademarks in India.

Still, due to piracy, ambush marketing, cross-border enforcement of trademark, and internet piracy, the sporting industry keeps lagging behind trademark laws dating back decades. It discusses legal precedents and enforcement mechanisms and provides real-world examples of trademark disputes in the sports business.

At last, the paper puts forward suggestions to enhance trademark safeguarding through tougher legal sanctions, collaboration with other countries, and the tracking of counterfeiting activity using artificial intelligence and blockchain technology. The objective of this study is to assist those working in sporting enterprises, lawyers, and legislators on how trademarks operate as legal and economic instruments in the growing scope of the global sports market.

KEYWORDS

Trademark, Sports Business, Intellectual Property, Licensing, Brand Protection, Counterfeiting

□ INTRODUCTION

The sports business is no longer solely entertainment; today, it's a highly commercialized business wherein intellectual property (IP) rights generate revenue, sponsorships, and consumer interests. Of all types of IP, trademarks contribute the most significant role in sport team, league, and player branding and commercialization. From football club logos such as Real Madrid to event trademarks such as the Olympic rings, these intellectual properties are valued in millions and are strictly safeguarded by national and international legislations.

A trademark refers to a unique mark, symbol, name, phrase, or word that identifies an entity's products or services uniquely.¹ Brand identification and trust among consumers result from trademarks, enabling sporting institutions to commercialize their identity for licensing and merchandise. The NBA, FIFA, and the ICC, for instance, earn billions of dollars with trademark licensing contracts where third-party manufacturers produce endorsed merchandise featuring lawfully protected brands.

The sports industry currently endures severe trademark infringement problems because of increasing global trade and online transactions which present:

- Counterfeit sports merchandise (e.g., fake Manchester United jerseys)
- Ambush marketing describes businesses that wrongly present themselves as sports event sponsors.
- Domain name disputes and cybersquatting (unauthorized use of sports brand names online)
- Cross-border enforcement of trademarks (due to differing national laws)

Direct oversight of sports trademark protection falls under National laws alongside the Paris Convention and the TRIPS Agreement and the Madrid Protocol. The Trademarks Act, 1999, rules all aspects related to sports trademarks including their registration, protection and enforcement operations within India. The legal protections in place fail to address substantial enforcement issues along with online counterfeiting across countries with uneven trademark protections.

This essay analyzes the role of trademarks in sports, the legal infrastructures of protecting trademarks, essential challenges to enforcement, and solutions to improve them. Through reviewing case law milestones and actual circumstances, the research establishes the

imperative need for stringent trademark legislation and enforcement tools for the protection of sports companies against loss of financial revenues and bad reputations.

□ RESEARCH METHODOLOGY

This research uses a doctrinal method that relies primarily on reviewing legal texts together with statutes, international agreements and court judgments and academic literature.

The doctrinal method is necessary to comprehend the legal regime of trademarks in the sports sector and how courts have interpreted and applied these rights.

The research is based on primary and secondary sources, such as:

1. Primary Sources

- o International treaties such as the **Paris Convention (1883)**, **Madrid Agreement (1891)**, and **TRIPS Agreement (1995)**.¹
- o **The Trademarks Act, 1999 (India)** and other national legislation governing trademark protection.²
- o Judicial precedents on trademark infringement cases involving sports brands.

2. Secondary Sources

- o Reports and publications from organizations such as the **World Intellectual Property Organization (WIPO)** and the **International Trademark Association (INTA)**.³
- o Books and journal articles on **intellectual property rights (IPR) in sports**.
- o News articles and case studies analyzing **real-world trademark disputes in the sports industry**.

The research has a comparative study design, determining how various courts control and police trademarks in the sports business. Through case law evaluation, the work determines the determination of courts from India, America and Europe in deciding issues regarding trademark infringement related to sporting events.

¹Paris Convention for the Protection of Industrial Property, Mar. 20, 1883, 828 U.N.T.S. 305. [↵](#)

²International Trademark Association, Trademarks and Licensing in Sports, INTA Report 2022. [↵](#)

³World Intellectual Property Organization, Sports and IP Rights, WIPO Report 2023. [↵](#)

The study also includes a policy review on how current law can be optimized to meet present-day challenges such as counterfeiting, cyber infringement, and ambush marketing.

This approach assures an in-depth comprehensive of the role in sports and practical suggestions for optimizing trademark enforcement provisions.

□ REVIEW OF LITERATURE

Several scholars and institutions have examined the use of trademarks in the sports sector. The World Intellectual Property Organization (WIPO) indicates that a trademark protects brand reputation and generates revenue for sports franchises in merchandising and licensing.

The International Trademark Association (INTA) adds that trademarks prevent loss of revenue from counterfeiting and ambush marketing. Research about the Indian Trademarks Act, 1999 demonstrates that India maintains international IP standards but the country needs enhanced enforcement mechanisms to fight against both online piracy and foreign trademark violations.

Organizations operating teams and leagues use trademark licenses to generate billions of dollars by providing branding rights for merchandise and slogans as well as logos.

International licensing agreements between NBA and FIFA enable millions of revenue which incorporates Brand licensing for Nike and Adidas and Puma. According to research about India's Trademarks Act 1999 the country follows global IP conventions though it requires better enforcement methods to fight online piracy as well as foreign trademark violations. The licensing of logos and merchandise and slogans by teams and leagues makes possible their multi-billion-dollar business productivity.

The NBA and FIFA generate millions through international licensing arrangements because they allow **brands Nike, Adidas and Puma**⁴ to adopt their trademarks. According to experts specializing in trademark law the exclusion of others and protection against misleading practices are ensured by trademark protection.

⁴ National Basketball Association v. Motorola, Inc., 105 F.3d 841 (2d Cir. 1997).

WIPO and European IP law research indicates how the Madrid Protocol streamlines international trademark registration, enabling sports franchises to gain protection in several countries.⁵

INTA research and sports law commentators indicate that ambush marketing, counterfeiting, and online infringement are top issues for sports brands.⁶ Counterfeit products featuring spurious trademarks inundate markets globally, leading to financial loss and damage to reputation. E-commerce has made enforcement even more challenging, with unauthorized vendors leveraging sports trademarks online. In India, academics point out that although The Trademarks Act, 1999, conforms to global standards, enforcement is problematic. The Sachin Tendulkar trademark case illustrated the increasing demand for protection of personality rights in Indian sports law. Current research indicates that technological innovation like AI and blockchain has the potential to boost trademark enforcement through monitoring fake goods and product authenticity in real time. The article emphasizes the growing value of trademarks in sports as well as implementation challenges and the requirement for worldwide legal uniformity to handle emerging issues.

□ **WHAT IS A TRADEMARK IN SPORTS BUSINESS?**

Products An organization establishes unique recognition of its products and services by using trademarked exclusive symbols, words, slogans, logos and design elements.

Trademarks are essential tools that create brand recognition alongside consumer familiarity and commercial market value within the sports industry framework. All sports organizations require trademarks for safeguarding their team names along with their mascots, their team logos and slogans, and their product merchandise from unauthorized commercial exploitation. Through trademark protection, sports fans, together with consumers, develop brand loyalty since they can identify genuine products among potential counterfeits. The value of trademarks as intangible assets enables producers to obtain revenue from merchandising, sponsorship, and broadcasting rights besides licensing agreements. The Manchester United Football Club logo alongside the Nike "Swoosh" for sports sponsorship, together with the Olympic rings, represent robust trademarks that produce global recognition and substantial commercial value. Strategic use of trademarks requires vigorous protection because unauthorized applications lead consumers to confusion that ultimately dims the distinctive power of the brand.

⁵ Madrid Agreement Concerning the International Registration of Marks, Apr. 14, 1891, 828 U.N.T.S. 389

□ TYPES OF TRADEMARKS IN SPORTS

The sports industry extends trademark coverage to multiple intellectual property assets which help organizations safeguard their brand identity together with their revenue streams while securing market exclusivity. The sports industry mostly uses three main trademark categories:

1. Logos and Emblems

Two highly prized items in the sports trademark domain are logos and emblems. Sports brand identity consists of visual symbols which serve as league's crest, with a red devil holding a trident.

Examples: Due to its world-wide recognition the Manchester United Football Club has registered its crest featuring a red devil with trident worldwide as a trademark.

Millions of dollars from licensed merchandise sales come from the registered trademark of the National Basketball Association (NBA) who depict a silhouette of a ball being dribbled by a basketball player.

The FIFA World Cup logo receives exclusive trademark protection in order to prevent unapproved commerce throughout the tournament.

Legal Protection: The protection of emblems and logos happens through nationwide trademark law and international conventions safeguarding them from unauthorized reproduction during marketing of merchandise and advertising campaigns. Through trademark acts such as The Trademarks Act, 1999 (India) franchise sports entities can register their emblems in order to fight counterfeiting sales.

2. Names of Teams and Events

Team names together with league names and major event labels function as marketable trademarks that award their owners complete commercial control.

Examples

- The cricket organization known as "IPL" keeps its trademark under the legal control of the Board of Control for Cricket in India (BCCI).
- The National Football League through its ownership branch controls the trademark for "Super Bowl," which stops unlicensed businesses from using this term during advertising.

- The Wimbledon event maintains legal ownership of its trademark title through which it maintains sole authority to authorize commercial use.

3. Trademark Infringement Cases

The NFL has sued companies that used "Super Bowl" in advertising without permission, having to resort to generic names like "The Big Game" instead.

3. Slogans and Catchphrases

Sports brands use slogans and catchphrases for team and player promotions as well as events promotion to strengthen their brand identity.

Examples:

- Nike's "Just Do It" is one of the most famous sports slogans around the world.
- ICC's "Cricket Fever" is a trademarked slogan for marketing international cricket events.
- The advertising tagline "Where Amazing Happens" belongs to NBA as a trademarked statement.

Legal Protection:

Slogans fall under word marks protected in trademark law. Illegal use in advertising or merchandising without a license will lead to legal action for trademark infringement.

4. Personal Branding of the Athlete

Contraband commercial activities can be prevented by professional athletes who register trademarks for their complete names along with initial letters and personal signatures.

Examples:

Nike owns the world-renowned Jumpman logo that Michael Jordan initially created. Customers can only use Cristiano Ronaldo's "CR7" logo through authorization from his clothing brand. In India Sachin Tendulkar has secured legal registration of his name and autograph to prevent unauthorized endorsements.

Significance:

People need permission from athletes before using their identities to endorse products or advertise merchandise. This practice prevents unauthorized commercial utilization of a professional's identity.

Legal Protection:

Trademark law together with personality rights protect the rights of athletes to their trademarks. ICC Development (International) Ltd. v. Arvee Enterprises led the Delhi High Court to establish that unauthorized commercial use of player names constitutes trademark infringement.

5. Merchandising Rights

International sports generate billions in revenue through merchandise that includes jerseys together with caps and shoes as well as additional accessories.

Examples:

Every year during the global FIFA World Cup fans purchase trademarked Adidas jerseys in different countries.

- Adidas produces trademarked FIFA World Cup jerseys that fans buy across the world.
- Manchester United official jerseys have the club's trademarked logo to avoid counterfeit copies.
- NBA franchises distribute licensed shoes and clothing via official retail partnerships.

Counterfeiting Issues:

Sports currently face an enormous problem with counterfeit merchandise. FIFA and UEFA use legal means to take action against entities who produce unauthorized jerseys and accessories.

6. Stadium and Arena Naming Rights

Stadium naming rights serve as sports organizations' significant revenue generator since they trademark their stadium names to prevent unauthorized usage.

Examples:

- The Emirates airline holds ownership of "Emirates Stadium" (Arsenal FC) which serves to protect the stadium name from unauthorized usage.
- "Wankhede Stadium" (Mumbai Cricket Association) – Registered trademark in India.

Legal Protection:

Companies dedicate millions to naming rights agreements while trademark registration uses of these names without permission will lead to legal consequences due to trademark infringement.

7. E-Sports and Digital Trademarks

The increasing popularity of e-sports and online games fueled the significance of digital trademarks in safeguarding both gaming teams and virtual sports brands.

Examples:

- The electronic sports tournaments maintain the "FIFA eWorld Cup" name through a registered trademark.
- Call of Duty League exists as a Activision-owned trademark for esports tournament activities.
- "Dota 2 International" serves as a branded trademark which represents the biggest yearly e-sports tournament.

Emerging Challenges:

Cyber trademarks are subject to cybersquatting and illicit online sales of gaming products, necessitating increased IP enforcement.

□ IMPORTANCE OF TRADEMARKS IN SPORTS BUSINESS

The income that is gained from both sporting leagues and other franchise companies is dependent on the adequate protection and defense of the trademarked brands incorporated in the businesses. Some of the major reasons why trademarks are essential in the sporting industry are:

I. Brand Recognition and Identity- In sports business, the players, leagues, and even the teams build very strong brands. Legal rights to the names, logotypes, or any other distinctive signs of these brands are converted into registered Trademarks. For example, a person purchasing Real Madrid jersey possesses the team brand via the affixed trademark logo.

II. Revenue Generation through Licensing- Generally, sports organizations permit other outside agencies to try out their brand name in return for third party merchandising, ticketing or broadcast. This generates huge source of wealth. For example National Basketball Association (NBA) utilizes its team logo on clothing such as t-shirts; shoes; and any other item such as food items and soft drinks.

III. Fight against Counterfeiting- Counterfeiting of products is quite prevalent in the sports industry. Registration of trademarks assists the sports franchises and organizations in acting against such counterfeiting. This aspect ensures that only correct or authentic products are supplied to the consumers and that the businesses are intact with regard to reputation.

IV. Sponsorships and Advertising- Sponsorships are the reliance of sports teams and events in terms of revenue and sponsors themselves typically want to be allied with successful commercial brands. A sound and clear legal trademark makes sponsorship appealing since when a company gets involved with the event or team then another company cannot approach and drive away the sponsorship.

□ INTERNATIONAL TRADEMARK LAWS IN SPORTS

Through the years, there has been collective effort towards the formulation of international conventions with the aim of harmonizing efforts towards the protection of the use of a trademark across various nations. Some of the significant treaties include:

I. Paris Convention, (1883)⁶

The Paris Convention is one of the oldest international agreements for protection of other individuals' motivations and trademark inclusion. It provides members from other nations right to file appeals for such registration in other nations after registering in their nation.

⁶ <https://www.wipo.int/treaties/en/ip/paris/>

II. Madrid Agreement and Madrid Protocol (1891 and 1989)

Registration of trademarks internationally is facilitated through the Madrid system where a company files one application in one country to safeguard its trademark in all member nations simultaneously from the WIPO. The Madrid protocol simplifies and hastens the process of searching for trademark protection in more than one nation.⁷

III. TRIPS Agreement (1995)

The TRIPS accord on trade related intellectual property rights aspects is described internationally as the legally binding WTO accord. It, for example, offers the trademark and other types of an industrial property right protection throughout member states' territory of the European Union. Seven years is TRIPS' called-for minimum duration of trademark protection.

□ TRADEMARK PROTECTION UNDER INDIAN LAW IN THE SPORTS SECTOR

Being a signatory to all international conventions obligates India to protect trademark under its law. The Trademarks Act, 1999, is the primary statute for trademark in India.

1. The Trademarks Act 1999-

The law regulates the rights of registered trademark owners in India as acquired under the Trade and Merchandise Marks Act, 1958. The following are some of the following features:

- **Registration:** Trademarks (names, logos and slogans or designs) can be registered under the Act subject to graphical representation and distinctiveness.
- **Protection against copying:** The Act allows suit to be brought for infringement of registered trademarks. It is the trademark owner who can sue and recover damages against an infringer, or seek injunctions for future acts of infringement.

⁷https://en.wikipedia.org/wiki/Madrid_Protocol#:~:text=The%20Madrid%20Agreement%20and%20Madrid,The%20lack%20of%20international%20acceptance.

- **Renewal:** An Indian registered trademark is effective for 10 years from the time of application and could be kept on renewing it indefinitely.

2. Personality Rights-

The Act also makes provision for the recognition of trademark rights as to some celebrities for their personality and protection of celebrities publicity if they are being used for commercial purposes. For instance, individuals who follow some tendencies and trends, like Sachin Tendulkar, Cristiano Ronaldo, Lionel Messi, etc.

3. Domain Name-

Domain names are a part of trademark that cover the ones related to business of online commercial enterprise to provide an 'Online Identity' to their business. These Domain names function similarly as the offline trademarks and are protected by the Internet.

□ International Trademark Laws for Sports

Apart from the controversial conventions outlined above, nations have also negotiated some of their own national legislation that will govern trademark rights in the sporting disciplines. Here is a summary of how trademarks are safeguarded in major international markets:⁸

1. United States

Trademark is administered by the United States Lanham Act of 1946. It provides maximum protection against such trademarks as sports teams' logos, team name and slogans. The United States Patent and Trademark Office manages registrations of trademark and the system of law sanctions the registration. This is where provisions of serious enforcement against impersonators are on demand.

2. European Union

Trademark protection within European Union member countries is provided under the European Union Trade Mark and industrial design registration system maintained by the European Union Intellectual Property Office (EUIPO). This system provides one stop registration of trademark which provides protection within the member countries of the EU.

3. United Kingdom

⁸ <https://www.wipo.int/web/sports/branding>

Following the Brexit, the United Kingdom established an independent trademark registration by the UK Intellectual Property Office, commonly referred to as UKIPO. Following this, most sports organizations and teams in the UK continue to currently, in order to benefit from the trademark protection under national registrations.

□ **Issues encountered in Requesting Protection of Marks in Sport**

Although trademarks are significant to the sports industry, enforcing these rights is difficult which include:

1. Cross-Border Enforcement- Because most sporting events are global in nature trademark infringement is not restricted to a single country. Although international agreements such as the Madrid Protocol help to, to secure rights in multiple countries yet it can be a multidimensional and expensive endeavor for jurisdictions to pursue.

2. Counterfeiting- Indeed, illegal trades are still widespread even with the current law on forgery and counterfeiting of sports goods specifically, where there is relatively poor compliance with legal requirements of proof. The problem of counterfeiting low-quality products is perhaps best battled off with the collaboration of trademark owners, police authorities, and customs agencies.

3. Ambush marketing- It is a tactic that associates a brand with an event without the appropriate on it and hoods the sponsorship of events in a manner that devalues the event trademarks.

□ **SUGGESTIONS**

In order to enhance trademark protection in the sports industry, the following should be done:

1. International agencies dealing with IP enforcement can enhance trademark protection by developing stronger cross-border working partnerships which reduce disputes originating from different jurisdictions.
2. Licensed sports products become easier to authenticate along with counterfeits remaining harder to create by employing computer systems based on AI alongside blockchain authentication technology.
3. E-commerce websites require enhanced online trademark enforcement through governmental and IP organization intervention to detect and remove sports product counterfeits.

4. **Harsher Legal Penalties** – Higher fines, legal liabilities, and punitive damages for trademark infringement can discourage unauthorized use of sports brands.
5. **Consumer Awareness Campaigns** – Alerting fans to official sports merchandise can lower demand for fake ones and save the revenues of official sports organizations.

□ **CONCLUSION**

Sports business trademarks serve as both legal separations and strategic tools which identify brands while offering protected exclusivity and generating commercial achievements. International sports businesses heavily depend on trademarks because these tools protect intellectual assets and reduce market ambiguities that generate billion-dollar licensing and sponsorship profits. The control of brand image and value proposition for sports organizations depends on logos and team names and athlete brands and stadium rights acquisition via trademark protection. From trademark infringements to counterfeits and cyber squatting activities along with ambush marketing tricks still trouble international sport business operations.

The worldwide and domestic trademark laws feature strong enforcement regulations but brands encounter difficult-to-eliminate trademark infringement vulnerabilities when confronting disputes between different countries and when counterfeits circulate over the internet.

The fight against counterfeiting requires enhanced advanced anti-counterfeiting solutions together with enhanced enforcement methods and strengthened international working relationships. The world-wide expansion of the sports industry requires trademark protection systems to develop efficiently to safeguard the commercial assets of professional teams and athletes and event management organizations.. Having strong legal systems and proactive brand management will be essential to gain long-term financial security and brand uniqueness in the ever-expanding sport market.

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