

# The Global Sports Ip Landscape

**Aashi Chadha**

Student, Law School, Amity University

## ABSTRACT

Intellectual property rights are now a major source of economic value rather than just legal protection due to the commercialization of international sports leagues. This chapter explores the functions of trademarks, copyrights, broadcasting rights, picture rights, and patents in the management and commercial exploitation of contemporary sports leagues with a special reference to the Indian Premier League,. This chapter assesses the suitability of India's current intellectual property framework and highlights, significant legislative gaps, especially in personality rights, anti-ambush marketing, and digital piracy enforcement. It makes the case for systematic legal reform to keep up with the quick development of the global sports industry.

**KEYWORDS:** Intellectual Property Rights, Trademark Protection, Broadcasting Rights, Copyright Act 1957, Trade Marks Act 1999, Image Rights, Personality Rights, Ambush Marketing, Indian Premier League, Digital Piracy, OTT Platforms, Right of Publicity, Patents Act 1970, Passing Off, Well-Known Trademarks, Brand Commercialization

## 1. INTRODUCTION

Intellectual Property Rights (IPR) is another important aspect of modern day sports leagues since all parties involved can benefit from protecting their intangible properties. Names and logos of the teams, broadcast matter, players' rights, and innovations are the key parts of IPR in regard to IPL and other sports leagues. In order to properly understand how to make profit from using intellectual property and how it can be used against sports in India, one should understand the essence of every kind of intellectual property.

The Indian Premier League, a franchise-operated cricket league that has developed into one of the most lucrative sporting properties in the world in just 20 years, is the most striking example of this change in the Indian context. The success of the IPL is really a tale about intellectual property rather than just physical prowess or entertainment value. Every franchise brand, transmission contract, endorsement agreement, and merchandise licensing is based on intellectual property rights that has to be registered, safeguarded, and upheld in order for their commercial worth to be realized.

The analysis proceeds in four parts. Part I examines trademark protection, including brand registration, well-known trademark doctrine, counterfeiting, passing off, and ambush marketing. Part II addresses copyright and broadcasting rights, including the emerging challenge of OTT piracy. Part III considers image rights and player branding in the context of India's developing personality rights jurisprudence. Part IV briefly surveys the role of patents before the chapter draws its conclusions.

### Trademark Protection in Sports Leagues

Sports teams' and leagues' identities are protected under trademark regulations. The Trade Marks Act of

1999<sup>1</sup> protects each franchise's names, logos, slogans, and other brand characteristics. Customers buy items, pay subscription membership costs, and make economic choices mostly based on brand affinity with a certain team or league, making these trademarks essential sources of income and fan identity.

Upon the registration of the trademark under the Trade Marks Act, the owner of the trademark is provided with exclusive rights to use the trademark with respect to the goods and services covered by it, a likelihood of licensing the trademark, and a capacity to pursue legal action<sup>2</sup> against any infringement. However, the trademark's registration is crucial for its monetization through endorsements, partnerships, and merchandising in addition to providing protection for the IPL teams.

### **Copyright and Broadcasting Rights**

Broadcasting rights are protected by copyright law, which is governed by the Copyright Act of 1957. Copyright allows broadcasters to protect and profit from live telecasts, taped matches, and digital content—the IPL's primary source of revenue. Since the selling of media rights is the league's main source of income, strong copyright protection is extremely essential. Broadcasting organizations are granted a 25-year "Broadcast Reproduction Right"<sup>3</sup> under Section 37 of the Copyright Act. This right gives broadcasters the only authority to record, rebroadcast, and allow public communication of their broadcasts.

The application of this provision to sports, i.e. broadcasting, has been subject to significant judicial development, with Indian courts gradually refining the contours of what constitutes original expression in a sports broadcast deserving of copyright protection.

### **Image Rights and Player Branding**

Image rights have grown in importance within the IPL ecosystem, surpassing trademarks and copyrights. Through endorsement deals, sponsors and business partners aim to capitalize on players' marketable personal brand identities as public personas with significant commercial worth. However, rather than having a specific statutory regime, India's legal system controlling image rights is still disjointed and undeveloped, depending on a mix of common law, constitutional law, and contractual agreements.

### **Patents in the Sports Industry**

The IP landscape of sports is dominated by trademarks and copyrights, but patents are becoming a more significant, but still very small, component. Inventions that meet the standard requirements of novelty, innovative step, and commercial usefulness as outlined in the Patents Act of 1970 are protected by patents. The majority of sports-related patents deal with technological advancements, including wearable monitoring devices, broadcast technologies, design of devices and performance analytics systems. Despite their enormous potential worth, patents are still not widely used in Indian sports leagues. This restriction results from both the structural limitations imposed by Section 3 of the Patents Act, which excludes mathematical methods, algorithms, and business methods from patentability, and the nature of sports activities, which frequently involve abstract strategies and organizational formats that cannot be patented. However, it is anticipated that the importance of patents will increase as technology becomes more and more intertwined with sports.

---

<sup>1</sup> Trade Marks Act, 1999 (Act No. 47 of 1999), Government of India, s. 2(1)(m).

<sup>2</sup> Ibid., s. 28.

<sup>3</sup> Dr. Vinita Kacher "The Rights of Broadcasting Organization"

[https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004080636591303vinita\\_kacher\\_law\\_INTELLECTUAL\\_PROPERTY\\_LAWS.pdf](https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004080636591303vinita_kacher_law_INTELLECTUAL_PROPERTY_LAWS.pdf)

## 2. ROLE OF INTELLECTUAL PROPERTY IN GLOBAL SPORTS LEAGUE

### 2.1 Protection of Brands and Trademarks

Sports leagues and the teams that play a part in them have been laid down by the trademark laws. Academic research frequently emphasizes the importance of trademarks in the development of economic value and brand loyalty. Sports leagues can maintain exclusive rights and stop any unlawful usage that could erode consumer confidence and brand equity which has been protected and provided by the trademark protection for names, logos, and other use of the same.

#### A. 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 colors, fonts, and graphic elements in which the mark is expressed. When a device mark is registered, the particular mix of colors, 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 organization.

#### B. 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"<sup>4</sup> 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 system<sup>5</sup>, 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,

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

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

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.

### C. 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*<sup>6</sup>. 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 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.

### D. 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.

The landmark judgment of *BCCI v. Grace India Sports Pvt Ltd* (Bombay High Court, 2018)<sup>7</sup> established that even an abbreviation deceptively similar to a registered mark—in this instance, the defendant's 'IJPL' and 'Indian Junior Players League' were held confusingly similar to the IPL—can constitute trademark infringement. The court held that deceptive resemblance in shortened form is sufficient to establish infringement, and that the likelihood of public confusion is the operative basis for passing off. This judgment significantly strengthened the legal framework for safeguarding sports brands from exploitative business practices.

## 2.2 Copyright and Broadcasting Rights

Without the ability to manage and profit from the "live signal"—the broadcast of sporting events as they happen—modern sport cannot continue to be economically viable. The legal classification of sports

<sup>6</sup> Case comments

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

<sup>7</sup> RK Dewan & Co. "RKD NewsNet February 2018"

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

broadcasts as copyrightable subject matter in India reflects a complex jurisprudential development that strikes a balance between the factual, non-original nature of sporting events and artistic impact made by television networks in presenting those events to viewers.

Indian law makes a statutory distinction between the actual sporting event and its audiovisual representation. Since live cricket matches are regarded as real-time events rather than previously created artistic compositions, they are not covered by copyright. Nonetheless, the broadcast - is a distinctive audiovisual piece that reflects the artistic choices made by the broadcasting company.

This position was clearly articulated in *Star India Pvt Ltd v. Piyush Agarwal*<sup>8</sup>, where the Delhi High Court confirmed that the originality protected in sports broadcasts resides not in the sporting performance itself but in the manner of its presentation.

Section 37 of the Copyright Act confers a 'Broadcast Reproduction Right' on broadcasting organizations, granting exclusive rights to rebroadcast, to communicate the broadcast to the public for payment, and to record the broadcast. After the initial transmission, these rights are valid for 25 years. This statutory protection is a crucial business advantage in the framework of the IPL, where broadcasting agreements are worth billions of dollars. Any unapproved transmission, whether by digital platforms, cable operators, or social media users, violates the communication reproduction right and can result in both civil and criminal penalties.

### 2.3 OTT and the Digital Piracy Challenge

The shift from television to online streaming in sports viewing has brought about significant changes in the business environment and the enforcement of intellectual property rights in sports broadcasts. The rise of OTT services as rights owners for large sporting events has exposed new weaknesses, as online content is easier to reproduce and distribute compared to TV broadcasts.

The Indian judiciary has responded to this challenge through the development of 'John Doe' or 'Ashok Kumar' orders—dynamic, ex-parte injunctions that authorize rights holders to instruct Internet Service Providers (ISPs) to block unauthorized streaming sites as they are identified during live events. The genesis of this jurisprudential tool in Indian sports law was the Delhi High Court's decision in *Taj Television v. Rajan Mandal* (2003), where the court granted an injunction against the 'world at large' to protect the broadcasting rights of the 2002 FIFA World Cup. Rights holders are now able to obtain blocking orders that are more detailed and technologically advanced thanks to the ongoing improvement of this remedy in later rulings.

### 2.4 Image Rights and Player Branding

Commercialization in today's games has completely changed the position of athletes, turning them into individuals who compete for economic gain as well as brand entities. Athletes in today's sports organizations such as the IPL are now seen as economic agents who are not only judged on their playing ability but also their ability to make money based on their identity.

In India, the idea of image rights is based on two different legal theories. First, the Supreme Court's historic ruling in *Justice KS Puttaswamy v. Union of India* (2017)<sup>9</sup> established the right to privacy as a fundamental right that includes the individual's sole authority over the commercial use of their personality. This right was historically based on Article 21 of the Constitution. The second right, referred to as the right of publicity, is an extension of the privacy tort that recognizes the distinctive commercial worth of a famous

<sup>8</sup> *Star India Pvt. Ltd. v. Piyush Agarwal*, (2012) 49 PTC 1 (Delhi HC).

<sup>9</sup> Indian Kanon  
<https://indiankanon.org/doc/127517806/>

person's personality. Such personalities are regarded by this right as types of intellectual property that can be assigned and licensed.

The Trade Marks Act, the Copyright Act, constitutional provisions, and the common law tort of passing off have all been applied by Indian courts to create a "judge-made" rule of image rights in the absence of a specific act addressing personality rights.

The foundational case of ICC Development (International) Ltd. v. Arvee Enterprises (Delhi High Court, 2003)<sup>10</sup> established the critical principle that the right of publicity is inherently personal and cannot be claimed by a corporate entity, thereby distinguishing between an event organizer's trademark rights and an individual athlete's personality rights.

## Conclusion

The basis for creating economic value, protecting the brand, and generating revenues in the extremely commercialized and technology-driven international world of sports business is intellectual property rights. This is evident in the case of India, where the rapid formation of sports leagues such as the Indian Premier League (IPL) highlights how sport has moved from the era of sports as athletics alone to an integrated commercial activity that depends on technological inventions through patents.

Patents, which are currently not fully leveraged in the sporting leagues of India, hold a great deal of promise for the future as the sports domain evolves through incorporation of advancements in artificial intelligence, wearable technologies, analytics software, virtual broadcasting solutions, and performance monitoring equipment. While the restrictions contained in Section 3 of the Patents Act, 1970 remain an impediment to the patentability of abstract methods, algorithms, and business models, the growing technological evolution within the sports field suggests that the importance of patent law will increase in the upcoming years.

Trademark law is still the most prominent and commercially viable form of intellectual property rights in the realm of sports. Sports team names, logos, mottos, mascot images, and personalities have generated tremendous value for sports teams and their commercial interests. The concept of 'well-known trademark' enshrined in the Trade Marks Act, 1999 has played a pivotal role in increasing protection for sports organizations by ensuring exclusivity in the market place.

Simultaneously, today's sport leagues are mostly driven by copyright and broadcasting rights. Broadcasters were able to obtain substantial proprietary rights regarding live sport broadcasts thanks to the distinction Indian courts made between the sport and its visual representation.

Overall, intellectual property rights have become the very basis for the commercialization of sports in modern times and not just an extra layer of protection for sports leagues. The capability of the legal system to adapt and amend intellectual property laws in accordance with technological, digital, and commercial developments will be important for the future growth of sports leagues in India. As such, innovations, investments, branding, and competitiveness will all depend on intellectual property laws in addition to economic consideration.

## Acknowledgment

I am grateful to the faculty at Amity University for their guidance and for nurturing the kind of intellectual curiosity that made this research possible. A special thank you to my family and friends, whose support

---

<sup>10</sup> Indian Kanoon  
<https://indiankanoon.org/doc/358048/>

— and patience with my cricket-and-law tangents — kept me going throughout.  
This chapter is as much theirs as it is mine.

## References

1. Basheer, S., & Kochupillai, M. (2007) “Protecting well-known marks in India: Judicial and legislative trends.” *European Intellectual Property Review*, 32(4), 506–514.
2. Kaur, R., & Singh, A. (2019). “Ambush marketing and intellectual property law in India: Challenges and prospects”. *Indian Journal of Law and Technology*, 15(1), 45–63
3. Mishra, P. (2020). “Broadcasting rights and digital piracy in Indian sports: An analysis of OTT platforms”. *Journal of Sports Law and Practice*, 11(2), 78–94.
4. Narayanan, P. (2001). *Intellectual property law* (3rd ed.). Eastern Law House.
5. Intellectual Property India. (2024). Register of well-known trademarks. Office of the Controller General of Patents, Designs & Trade Marks. <https://ipindia.gov.in>