

MANUPATRA INTELLECTUAL PROPERTY REPORTS

- If there was no assignment of copyright, the copyright would continue to vest with its owner. 0040
[*Sree Gokulam Chit and Finance Company (P.) Ltd. v. Johnny Sagariga Cinema Square*]
- A man must be allowed to carry on business in his own name or that of his predecessor and if in the process, some confusion arises, that should not be a ground to restrain that man from carrying on his business in such name which is an inherent right of a man. 0032
[*K.C. Das Pvt. Ltd. and Anr. v. K.C. Dass*]
- Russia on US Piracy List for the 14th Straight Year D-1
- U.S. to Introduce PROTECT IP Act D-4
- Religious Trusts Opting for Intellectual Property Rights E-1
- India not to take a position on Intellectual Property Rights, especially on Pharmaceuticals, beyond its domestic law: Prime Minister E-3
- Fair Use as Defence Against the Claim of Infringement — *An Article by Chandrashekhar A. Chakalabbi* F-1
- Geographical Indication Protection for Traditional Knowledge — *An Article by Dharmita Prasad* F-20
- Intellectual Property Protection and IPL — *An Article by Kavitha K, Filma. V Edited by Dr. Sudhir Ravindran* F-35

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Intellectual Property Protection and IPL

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IP rights are usually associated with industry, typically the manufacturing industry. Now IPRs such as copyrights, trade marks and designs have become a source of significant value even to sporting events. With the growth of commercialisation of sports, clubs and associations need to understand the basic concepts of IP so that they can effectively develop, protect and exploit their assets. This article focuses on the importance of Intellectual Property for sports events in the light of IPL.

*"It cannot be stolen by thieves, nor can it be taken away by kings.
It cannot be divided among brothers; it does not cause a load on your shoulders.
If spent, it indeed always keeps growing.
The wealth of knowledge is the most superior wealth of all!"¹*

In this 21st century if someone takes initiative to make new version of this Vidya sloka, he/she would probably seek Intellectual Property (IP) protection for this sloka. It reflects the transformation that has taken place over the last few decades with regard to IP protection. Nowadays, people are aware that knowledge also can be stolen very easily. Commercialisation plays a significant role in most of the creations and that paves way for infringement of anything and everything. The main aim of the IP is predominantly recognised in the commercial world to protect the interest of the mercantile community.²

IP rights are usually associated with industry, typically the manufacturing industry. Now, IPRs such as copyrights, trade marks and designs has become a source of significant value even to sporting events. With the growth of commercialisation of sports, clubs and associations need to understand the basic concepts of IP so that they can effectively develop, protect and exploit their assets.

1. Importance of IP for Sports Events

Human beings have been involved in sports activities since time immemorial. From the initial days of human civilisation till date, sports have evolved from a source of personal entertainment to a global industry encompassing more

than 3 per cent of world trade. In the UK, sports provide employment to more than 4,20,000 people. It is one of the main revenue generating industries of the world and with the propagation of the internet and other forms of media, the sports industry is growing at a faster

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1 Listed in Subhashita Ratnamala by Krishnashastri Bhatavadekara, page 50 sh.4 as Vidya Subhashitam (1913)

2 <http://www.lawyersclubindia.com/articles/The-concept-of-Intellectual-Property-Origin-and-Developments-3244.asp>

tempo.³ Sports activities which started as a hobby or a pastime event to enable participants to enjoy the sports or as a form of physical exercise; have evolved into giant international events, or more appropriately international businesses. For e.g. Manchester United which is an English professional football club, based in Old Trafford, Greater Manchester and part of English Premier League, is one of the wealthiest and most widely supported football teams in the world. Manchester United has a wide range of commercial incomes, from sponsorship to merchandising and financial services. It operates a TV channel, radio station, publishes a magazine, provides newsletters and another large chunk of its revenues come from tickets to games, hotel and cinema.⁴

Popular games such as football, golf, tennis, basketball, cricket, yachting, car-racing, etc. have evolved into international events with a huge following, creating gigantic marketing potential for the organizers. The organizers of popular games such as FIFA (football), PGA (golf), NBA (basketball), etc. organize and manage the events, typically international competitions in such a manner to extract maximum value from others who want to exploit the marketing potential the events offer.⁵ Sporting events have an impact on the economy of the countries holding the event as all industries manufacturing, tourism, broadcasting, advertising, etc. directly benefit from it.

Cricket is synonymous to sports in India. This game draws the biggest attention and highest amount of revenue than all the other form of sports taken together in India. Cricket is changing and in many ways Indians are shaping the change and along with this, the need for IP

protection in sporting events is gaining more importance.

2. Types of IP Protection Applicable for Sports Events

The forms of Intellectual Property that routinely intersects sports events are the following:

- Trade mark
- Copyright
- Designs

2.1 Trade marks

A trade mark can be a word, phrase, letter, number, sound, smell, shape, logo, picture that is used to distinguish the goods and services of one organisation from those of another.

Assets such as a sport's name (IPL), teams (Chennai Super kings) and events (Asia Cup) and their logos, colours and emblems hold commercial value and are essential components of branding and merchandising programs.

2.2 Copyright

Copyright exists in an "original literary work" and happens automatically when the work is created. The creator owns the copyright, unless commissioned by another, until they assign or license their rights to another individual or company.⁶

Copyright might be used to protect:

- Recorded visual images or commentaries of sports events
- Photographs of events, teams and athletes
- Rule books, reports and other materials used in the administration and promotion of sport
- Fixtures

³ <http://lawquestinternational.com/emerging-sports-law-india> last visited on 27 April 2011

⁴ http://en.wikipedia.org/wiki/Manchester_United_F.C.

⁵ <http://EzineArticles.com/5202279> last visited on 27th April, 2011

⁶ http://www.dsr.nsw.gov.au/sportsclubs/ryc_legal_intellectual.asp

