
Advanced Certificate in Sports Law

Intellectual Property in Sports

Ambush Marketing: A marketing strategy where a company associates itself with a sports event without paying sponsorship fees. This can be done through various means such as using event hashtags, creating advertisements with similar themes, or hosting events near the venue. Ambush marketing can be a challenge for sports organizations as it can dilute the value of official sponsorships and make it harder to attract future sponsors.

Copyright: A form of intellectual property that protects original works of authorship, such as logos, mascots, and broadcasts. Copyright gives the owner the exclusive right to reproduce, distribute, and display the work, as well as create derivative works. Copyright protection arises automatically as soon as the work is fixed in a tangible form, and lasts for a certain period of time (usually the life of the author plus a certain number of years).

Derivative Work: A work that is based on or derived from an existing work, but contains new creative elements. Examples of derivative works in sports include new arrangements of team songs, or new versions of team logos. Derivative works are protected by copyright, but only to the extent that they contain new creative elements.

Fair Use: A legal doctrine that permits the use of copyrighted material without obtaining permission from the copyright owner, in certain limited circumstances. Fair use is determined on a case-by-case basis, and takes into account factors such as the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used, and the effect of the use on the market for the original work.

Image Rights: The rights of a person to control the commercial use of their name, likeness, and other personal attributes. Image rights are often an important consideration in sports, as athletes and teams often have significant commercial value associated with their names and likenesses. Image rights can be protected through various means, such as trademark law, contract law, and privacy law.

Intellectual Property: Property that is created through the mind, such as inventions, literary works, and symbols. Intellectual property is protected by law, and gives the owner the exclusive right to use and profit from the property. There are several different types of intellectual property, including patents, trademarks, copyrights, and trade secrets.

License: A legal agreement that allows one party to use the intellectual property of another party, under certain conditions. Licenses can be exclusive (meaning that only the licensee is allowed to use the intellectual property) or non-exclusive (meaning that the owner can still use the intellectual property, and can also license it to others). Licenses can be granted for a variety of purposes, such as using a trademark, distributing a copyrighted work, or practicing a patented invention.

Patent: A form of intellectual property that protects inventions, such as new products, processes, or machines. A patent gives the owner the exclusive right to make, use, and sell the invention for a certain period of time (usually 20 years from the date of application). In order to be patentable, an invention must be new, useful, and non-obvious.

Personality Rights: Similar to image rights, personality rights refer to the rights of a person to control the commercial use of their name, voice, signature, and other personal attributes. Personality rights are often an important consideration in sports, as athletes and teams often have significant commercial value associated with their names and likenesses. Personality rights can be protected through various means, such as trademark law, contract law, and privacy law.

Registered Trademark: A trademark that has been registered with the appropriate government office, such as the United States Patent and Trademark Office (USPTO). A registered trademark gives the owner the exclusive right to use the trademark in connection with the goods and services specified in the registration, throughout the country where the registration is granted.

Trade Dress: The visual appearance of a product or its packaging, such as the shape, color, and design. Trade dress is protected by trademark law, and is used to identify and distinguish the source of a product from other sources. In order to be protected, trade dress must be non-functional (meaning that it does not serve a utilitarian purpose) and distinctive (meaning that it is capable of identifying the source of the product).

Trademark: A symbol, word, or phrase that is used to identify and distinguish the goods or services of one company from those of other companies. Trademarks are protected by law, and give the owner the exclusive right to use the trademark in connection with the goods and services specified in the registration, throughout the country where the registration is granted.

Trade Secret: Information that is not generally known or readily accessible, and that gives a company a competitive advantage. Trade secrets can include a wide range of information, such as customer lists, business methods, and product formulas. Trade secrets are protected by law, and can be protected indefinitely, as long as the information remains secret and the company takes reasonable measures to protect it.

Unfair Competition: Any practice that is likely to mislead or deceive the public, or that is likely to create confusion as to the source, sponsorship, or approval of goods or services. Unfair competition can include actions such as false advertising, trade dress infringement, and trademark infringement. Unfair competition is prohibited by law, and can result in legal action by the injured party.

Use in Commerce: The use of a trademark in connection with the sale, distribution, or advertising of goods or services. In order to be eligible for trademark protection, a mark must be used in commerce. The use must be legitimate (meaning that it does not infringe on the rights of others) and continuous (meaning that it is not abandoned or discontinued).

Violation of Rights of Publicity: The unauthorized use of a person's name, likeness, or other personal

attributes for commercial purposes. Violations of the rights of publicity can occur through various means, such as using a person's image in an advertisement, creating a product with a person's name or likeness, or using a person's name or likeness in a video game or other digital medium. Violations of the rights of publicity are prohibited by law, and can result in legal action by the injured party.