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SEMINAR ON INTELLECTUAL PROPERTY AND SPORT

organized by

the World Intellectual Property Organization (WIPO)

in cooperation with

the Jamaica Intellectual Property Office (JIPO)

and in collaboration with

Gordon McGrath, Attorneys-at-Law

Kingston, April 19 and 20, 2011

SPONSORSHIP CASE STUDY

*Document prepared by Mr. Adam Mersereau, Assistant General Counsel, PGA Tour Inc.,
Florida, United States of America*



Your Name and Your Image
Have Value

Player Rights on the PGA TOUR

- The PGA TOUR is a voluntary association of the players
 - ❑ The PGA TOUR acts as the “league” and as the “players union”
 - ❑ It’s main mission is to create a series of golf tournaments for the benefit of the members
- **The PGA TOUR arranges a series of tournaments by selling TV rights and sponsorships**
 - ❑ Each player assigns to the PGA TOUR their name and image rights—but only to promote the PGA TOUR (not for commercial use by others)
 - ❑ The assignment includes limited media rights, so that the tournaments can be exploited on TV and On-line
 - ❑ The PGA TOUR then can sell large packages of media rights, which helps fund each tournament (including the prize money!)
 - ❑ The PGA TOUR then sells sponsorships, and many sponsors agree to spend on advertising during PGA TOUR tournaments – UNDERPINNING!



Player Rights on the PGA TOUR

➤ But each player remains an independent contractor

- ❑ All rights not assigned to the PGA TOUR belong to the player!
- ❑ They can enter into equipment sponsorships (clothes, golf equipment)
- ❑ They can enter into other sponsorships
- ❑ PGA TOUR restricts certain categories (cigarettes, casinos, etc.)
- ❑ PGA TOUR restricts how large logos can be on their clothing

- ❑ **BUT**, players cannot use the PGA TOUR logo to promote themselves
- ❑ **NOR** can players use competition images
- ❑ **BOTH** of these belong to the PGA TOUR (the players association), and are to be used for the benefit of all!




Example: Rickie Fowler

PGATOUR.com - Rickie Fowler's Official Profile - Windows Internet Explorer

http://www.pgatour.com/players/03/21/02/

PGATOUR.com - Rickie Fowler's Offici...

RICKIE FOWLER



Titleist
"1 ball in golf."


United States

Height: 5R 9in
Weight: 150lbs
Turned Pro: 2009
Birthplace: Anaheim, CA
College: Oklahoma State University
Birthdate: December 13, 1988

[Web Site](#)

- Profile
- Media Guide
- Stats
- Career Details
- Complete Stats
- Results
- FedExCup Performance
- Archived Scorecards
- FedExCup Points

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RESULTS

Rickie Fowler

PGA TOUR	Events Played	Cuts Made	1st					2nd					3rd					Top 10					Top 25					Scoring Avg.	OWGR	Money	FedExCup		
			1st	2nd	3rd	4th	5th	1st	2nd	3rd	4th	5th	1st	2nd	3rd	4th	5th	1st	2nd	3rd	4th	5th	Points	Standing									
Career Totals	44	32	--	3	1	11	16	--	2	4	70.77	34	\$4,044,783	--	--																		
2011	8	7	--	--	--	2	4	70.77	34	\$616,585	363	48th																					
2010	28	20	--	2	1	7	10	70.35	28	\$2,857,108	1,147	19th																					
2009	3	1	--	--	--	--	--	69.40	249	\$	--	--																					
2009	3	3	--	1	--	2	2	69.40	249	\$571,090	--	--																					

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Rickie Fowler

The screenshot shows a Windows Internet Explorer browser window displaying the official website of golfer Rickie Fowler. The browser's address bar shows the URL <http://www.rickie-fowler.com/>. The website header features the name "RICKIE FOWLER" in large, bold, orange and black letters, with "OFFICIAL WEBSITE" underneath. Navigation tabs include "HOME", "ON TOUR", "PROFILE", "IN THE MEDIA", "VIDEO", "STYLE", "TWITTER & ONLINE", and "CONTEST". A "Connect with twitter" button is visible in the top right. The main content area is dominated by a large photograph of Rickie Fowler in a purple cap and a bright green polo shirt, captured in the middle of a golf swing. To the right of the photo, a large text overlay reads "RICKIE FOWLER 2010 PGA TOUR ROOKIE OF THE YEAR". Below this, there are two sections: "Rickie's Latest Tweet" and "Recent Site Updates".

RICKIE FOWLER
OFFICIAL WEBSITE

- CONTACT RICKIE - SPONSORS - LOGIN [Connect with twitter](#)

HOME ON TOUR PROFILE IN THE MEDIA VIDEO STYLE TWITTER & ONLINE CONTEST

RICKIE FOWLER
2010 PGA TOUR ROOKIE OF THE YEAR

Rickie's Latest Tweet
Packing for some weeks on the road...15 shirts & 14 pants <http://t.co/G5zYdwf>
about 14 hours ago [View More Tweets >>](#)

Recent Site Updates

- Third Round Photos: The Masters 2011
- Second Round Photos: The Masters 2011
- Golf Preview Show - Rickie Fowler and Joe Skovron (caddy)
- First Round Photos: The Masters 2011
- EA SPORTS Golf Preview Show (part 7/7)
- EA SPORTS Golf Preview Show (part 6/7)

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4/19/2011



➤ Personal Sponsorship Relationships

- ❑ PUMA
- ❑ Titleist
- ❑ Trion:Z
- ❑ Red Bull “Ambassador”

➤ Personal Marketing Efforts

- ❑ Facebook (2,700+ fans)
- ❑ Twitter (1,800+ followers)
- ❑ YouTube Clips
- ❑ Oklahoma State Orange in Sunday

Rickie Fowler



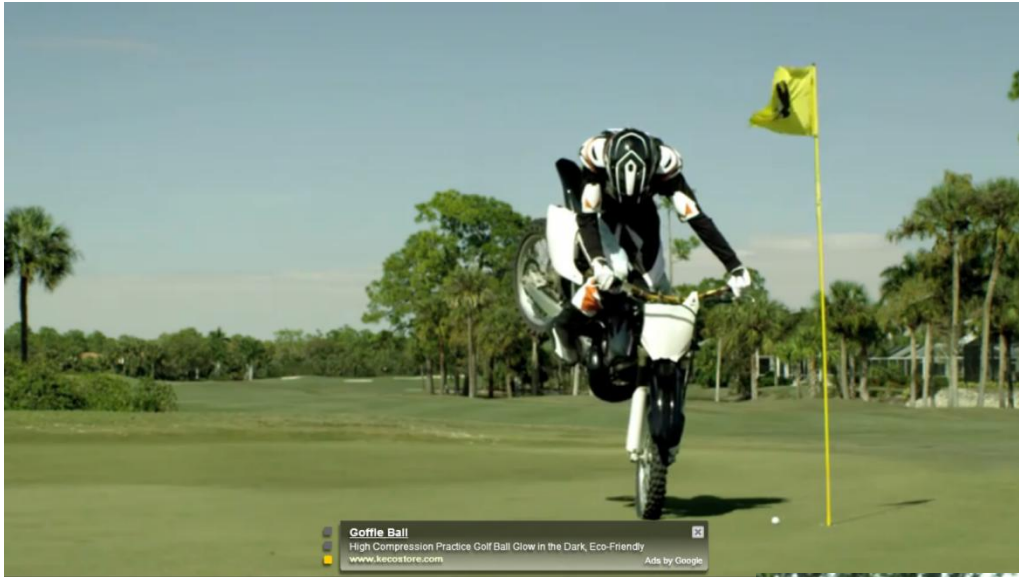
Snowdonia Golf

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www.VisitSnowdonia.info/Golf

Ads by Google

Rickie Fowler



Rickie Fowler

Rickie Fowler -- Ball Sports Profiles -- Red Bull - Windows Internet Explorer

http://www.redbull.com/cs/Satellite/en_INT/Profile/Rickie-Fowler---Ball-Sports-Profiles---Red-Bull-021242989409473

Google SportsBusiness Daily AT&T TOUR HQ Home PGATOUR.com

Rickie Fowler -- Ball Sports Profiles -- ...

Red Bull Search here Search

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/ Sports / Ball Sports / Profiles / Rickie Fowler

RICKIE FOWLER



RICKIE'S DETAILS

Participant	Rickie Fowler
D.O.B.	Dec 13, 1988
Location	California
Discipline(s)	Golf

ABOUT RICKIE



Rickie has a proven knack for "firsts". After all, which other professional golfer has a background not in competitive golf, but motocross? Fortunately for fans of the new golf generation, Rickie traded in his dirt bike for a golf cart at the age of 14 and he hasn't looked back since.

Now in his 20s, Rickie has become the only player in history to be the NCAA's Player of the Year as a freshman, and one of the fastest to have a shot at his PGA Tour card. In 2010, he was named the PGA Tour Rookie of the Year.

Edgy and non-traditional yet completely low-key and approachable, Rickie is already well on his way in the world of professional golf. With his larger than life

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Interesting Balance

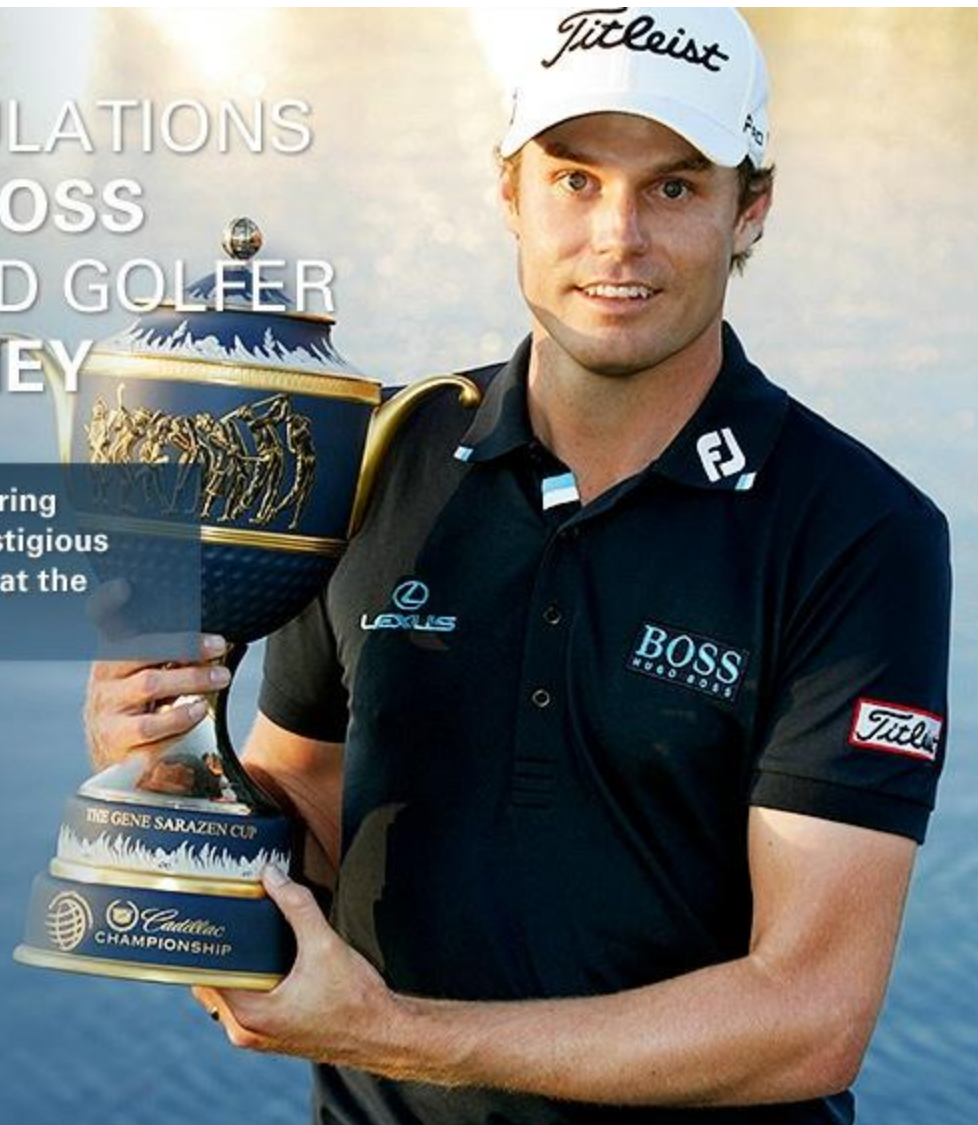
- PGA TOUR can use player's name and image to promote the PGA TOUR, but can't "sell" the names or images to sponsors
- Player Benefits from "PGA TOUR" status, but cannot "sell" PGA TOUR IP to sponsors
- Potential for conflict: Jim Furyk and Federal Express
- Potential for ambush: Congratulatory Ads



Potential for Ambush: Congratulatory Ads

CONGRATULATIONS TO HUGO BOSS SPONSORED GOLFER NICK WATNEY

Nick Watney, proudly wearing BOSS Green, won the prestigious World Golf Championship at the Doral Golf Resort & Spa.



Conclusion