



SEMINAR

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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

WHY IS INTELLECTUAL PROPERTY IMPORTANT TO SPORT?
prepared by the International Bureau of WIPO

Slide 1



Why is Intellectual Property Important to Sports

Kingston, Jamaica
April 19 – 20, 2011

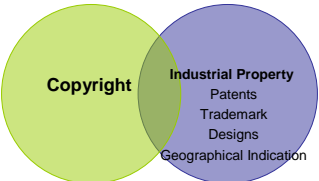
Paul Regis
Head, Caribbean Unit, Bureau for Latin America and the Caribbean

Slide 2

What is Intellectual Property (IP)?

- “...refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.” - WIPO

- Ownership of an expressed Idea
- The right to exploit your IP
- The right to object to the use of your IP



Copyright

Industrial Property
Patents
Trademark
Designs
Geographical Indication

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The Relationship between IP and Sports

“When you see an athlete perform, look at a football league match on a paying television channel, put on a sport shoe or a football league T-Shirt, or see Rodger Federer on a commercial, have you ever wondered what is involved? Well a lot of what is behind all those aspect being made available for consumption is IP. IP underpins a lot of the commercial activity surrounding the sport and its consumption.”

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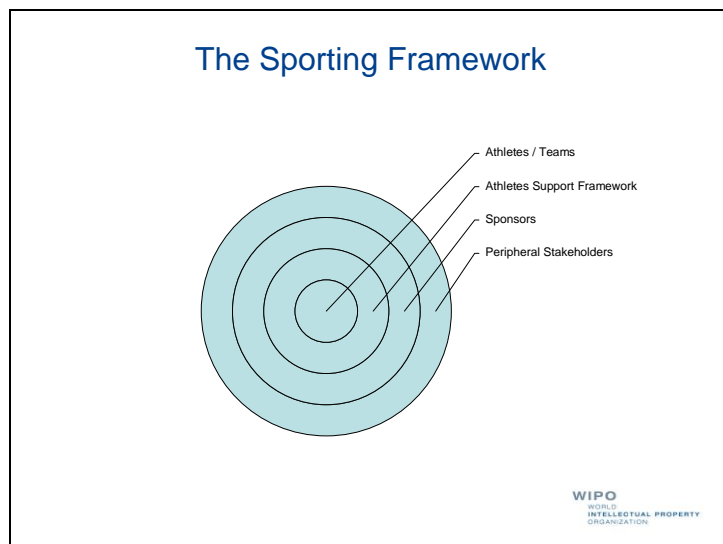
Slide 4

Revenue of Athletes (USD)

<ul style="list-style-type: none"> ■ Tiger Woods (Pro Golf) ■ LeBron James (NBA) ■ Dale Earnhardt Jr. (Auto Racing) ■ Phil Mickelson (Pro Golf) 	<ul style="list-style-type: none"> ■ \$20,508,163 (Salary) ■ \$70,000,000 (Endorsements) <li style="padding-left: 20px;">■ 77% in endorsements
<ul style="list-style-type: none"> ■ Dale Earnhardt Jr. (Auto Racing) 	<ul style="list-style-type: none"> ■ \$15,779,912 (Salary) ■ \$30,000,000 (Endorsements) <li style="padding-left: 20px;">■ 66% in endorsements
<ul style="list-style-type: none"> ■ Phil Mickelson (Pro Golf) 	<ul style="list-style-type: none"> ■ \$4,097,190 (Salary) ■ \$22,000,000 (Endorsements) <li style="padding-left: 20px;">■ 84% in endorsements
	<ul style="list-style-type: none"> ■ \$9,660,757 (Salary) ■ \$52,000,000 (Endorsements) <li style="padding-left: 20px;">■ 19% in endorsements

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Slide 6

Athletes and Team Players

- Athletes license the use of their image and the right to market and broadcast such image (Consumers and businesses identify with celebrities and are often influenced into purchasing products which claim a connection with the individual marketing the product).
- Protection relates to:
 - Trademark
 - Image
 - Licensing



Usain Bolt's "Yugorun" sneakers



Bolt's trademark pose

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- Branding (merchandising, endorsement)
- Image rights (proprietary personality rights/right to persona)
- Trade secrets
- Licensing




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The Branding of an Athlete

- Michael Jordan's signature 'dunk' is used as the Jordan logo by Nike



- Sneakers
- Apparel



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Athletes and Team Players' Support Framework (Team Managers, Coaches, Leagues, Athletic Associations)

- Trademarks
- Copyright
- Branding (merchandising, endorsements)
- Commercializing sporting events/image rights
- Licensing

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<h3>Sponsors</h3> <ul style="list-style-type: none"> ■ Trademarks ■ Copyright ■ Licensing 	<h3>Peripheral Stakeholders</h3> <ul style="list-style-type: none"> ■ Trademarks ■ Patents ■ Copyright ■ Domain Names ■ Broadcasting Rights
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Slide 11

Sports Associations

- Associations can also license their logo

Examples:

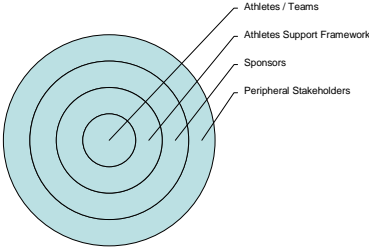
- Ladies Professional Golfing Association
- NBA

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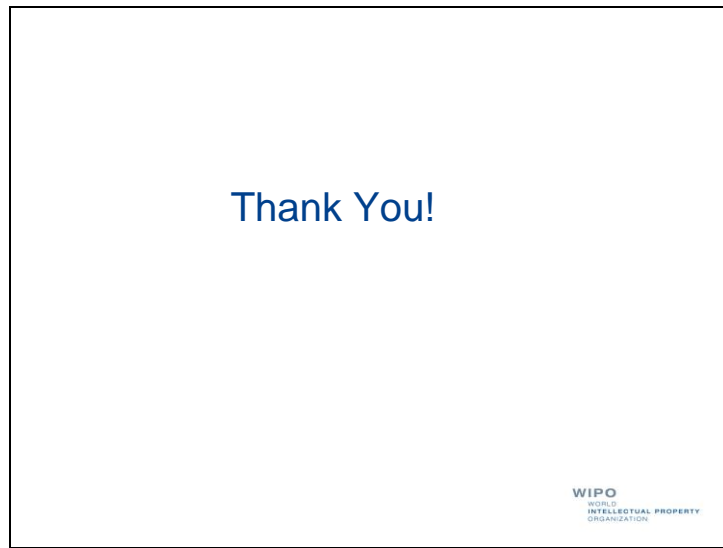
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Conclusion: The Economic Entity of Sports



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Slide 13



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