



WIPO/IP/KIN/11/14
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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

INTELLECTUAL PROPERTY RIGHTS and SPORTS

Document prepared by Ms. Philippa Davies, Manager, Copyright and Related Rights Directorate, Jamaica Intellectual Property Office (JIPO), Kingston, Jamaica

Jamaica Intellectual Property Office

Government agency responsible for IP

- Public Education
- Registration – Trademarks, Designs, Patents
- Policy development
- Updating laws



Intellectual Property

Owning the fruit of your mind !

**Valuing
the Creative Expressions
of the
Human Intellect**

Intellectual Property (IP)

IP = Asset = \$

Intellectual Property is....



National Gallery



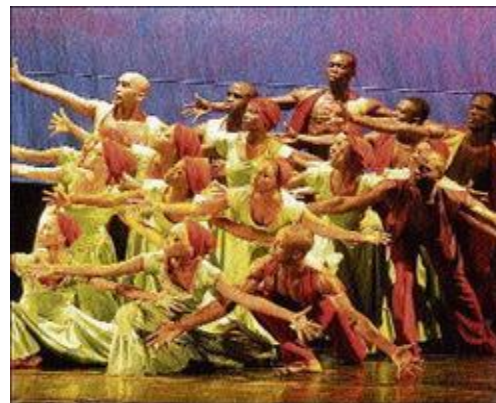
Bob Marley & The Wailers



Jamaican Food



COOYAH Fashion

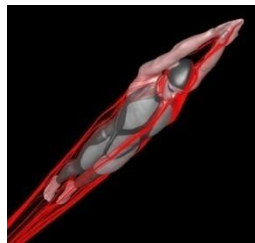


NDTC

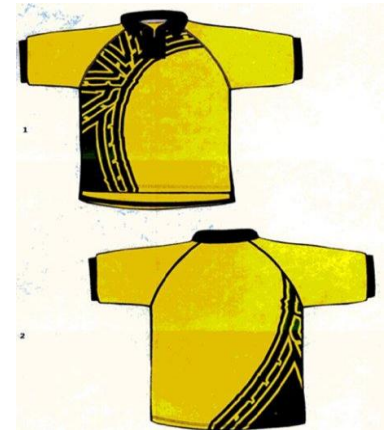


Hon. Louise Bennett-Coverly O.J.

Patents



Industrial Designs



Copyright and Related Rights



Olympic Broadcast rights

US broadcast:

1968 Mexico USD2.5 mil

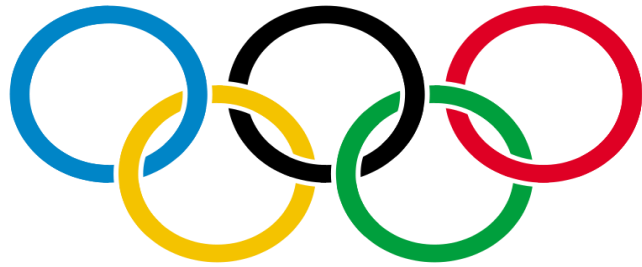
2004 Athens USD793 mil

2012 London USD2billion

Trade Marks – Clubs, Associations



Trade Marks- competitions, events



London 2012



ICC Cricket World Cup
WEST INDIES 2007

Trade Marks - individuals, companies

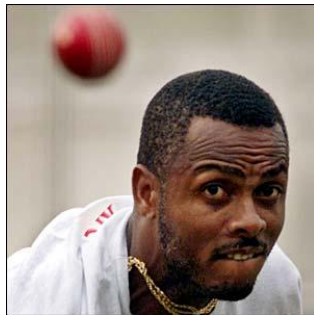
Individuals

David Beckham

Michael Jordan

Courtney Walsh

Usain Bolt



Companies



Trade Marks

- Application through JIPO
- Choose class (es) of goods /services
- Search
- Fee: J\$8,320 – can pay in stages
- Protected for 10 years – renewable
- Distinctive
- Your own name
 - Original name /word / logo

Image or Personality Rights

- Your Face – likeness, silhouette, profile
- Name (nick-name)
- Peculiar characteristics (poses, walk)
= Property = Value



Protect as (i) Trade Mark or (ii) Personality Rights



Image or Personality Rights

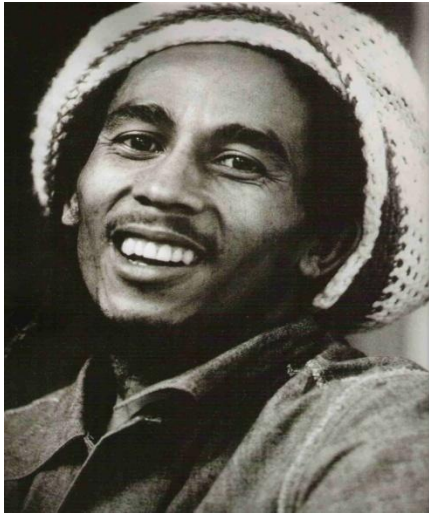
Robert Marley Foundation v. Dino Michelle Limited, 1994

- ❑ celebrity personality gains property rights by reputation
- ❑ 'misappropriation of property rights'
- ❑ image rights continue after death
- ❑ Estate can exploit right even if Personality didn't exercise right during life

Celebrity earnings after death



2009—U\$90 million



2001- U\$10 million

2009 - >USD600 million ? Loss to counterfeiters



2009 —U\$52 million

Domain name

- Website or email

athlete@athlete.com.jm

www.athlete.biz.jm

Mona Geo Informatics, UWI

send request to **domainmaster@ns.jm**

Thank you

Summary

- IP= \$
- Owner has exclusive rights
- Types of IP: Patents, Industrial Designs, Copyright, Trade Marks
- Well-known persons have Image rights