
Application of Intellectual Property Rights in Sports

Harshika Kapoor
ILS, Pune

ABSTRACT

The last few decades, sports has evolved into one of the mega source of entertainment and revenue generation. The rules governing the sports might not have experienced any significant changes in these last few decades but there has definitely been a full transformation of various major aspects of sports. Sports is no more a mere activity played only on the field but also includes major share of activities off the field too. This evolution is mainly attributed to the investments made by big firms in a move to promote sports and make it available to the common mass. The success can be seen as the revenue generated in the form of multiple times of the return on investment.

Intellectual Property Rights is a powerful tool that is proving to be highly efficient and effective in promoting sports, sports clubs, sports-persons and all other related events and activities. It has become an important factor of each and every major aspect of sports whether it be broadcasting or sale of sports merchandise. Today, teams as well as players have started creating and commercializing trading their own brands, in a move to create alternate streams of incomes. The application of Intellectual Property Rights in sports has developed manifold from what used to be.

Big Sports Club have been successful in creating an economic boost from commercializing their bands by proper utilization of tools at their disposal like those of involved in the protection of Intellectual Property. In the Indian sector leagues which are at par with the International Level whether it be in the field of Tennis, Hockey, Kabaddi, Football, Cricket, Volleyball, Wrestling Badminton, Squash, and even Table Tennis have seen a great extent of economy boost and improving the situation of sports and sports related aspects. These are some of the mega franchise leagues which have successfully portrayed how sports can be turned into a revenue generating mechanism.

INTRODUCTION

Sports has always been an area of interest for mankind since the very beginning. There has been a rapid growth in various sports such as cricket, soccer, badminton, hockey, tennis, and kabaddi in the last two decades. All said and done sports has never been an important sector in India and is still lagging behind a lot compared to other countries. Nevertheless, Sports on a global scale has helped in fusing the physical aspect, culture, entertainment media as well as monetary affairs. The commercial viability of sports has seen an exceptional rate of exploration and positive exploitation of opportunities in the last few years. These exploration and advancement has seen a exceptional boost and growth in the sporting industry over the period of time. This all has been possible due to the widespread drive of marketing and

investments that have been experienced by the industry along with the love and passion for the sports. The growth in the industry has not only caused a rise in the revenue but has also helped in employment generation globally in almost all sectors thereby bringing narrowing the gaps between the sports-persons and sports fan.

The last few decades have seen sports as a major factor fusing diverse cultures and economies. It has acted as a catalyst in the improvement of global economy, employment opportunities, infrastructure development and proper allocation and utilization of resources. Thus it can be said that there has been a boost in sporting industry making it a monumental conglomerate due to the financial efforts engaged in the industry. This financial investments are present due to the safety provided to the investors in regard to the return on investment. This security and safety promotes investments in the field and also secures return on investment made by various individuals involved in the development of sports industry. This is only possible by the application of all available tools involved in the enforcing the Intellectual Property Rights.

Sports, Sports Club and Sports-persons have gained immense popularity owing to the marketing campaigns thereby overcoming financial hurdles involved in the sport. Investments have become an extremely essential tool in promoting sports and all related activities in today's society. This promotion is controlled and regulated by the tools present at the disposal of the concerned authorities. Majority of these tools are in the form of Intellectual Property Rights giving the promotional bodies a strong and much needed support.

IP RIGHTS AND SPORTS: A SYMBIOTIC RELATIONSHIP

Sport today is no more a mere career or passion for athletes and sports associations, but also a significant avenue for businesses as well as a employment hub for skilled labor from various specialized fields especially intellectual property experts. Formation of Sports team are usually characterized by being recognized by a team name. Logos and fancy tag-lines are created to differentiate one Sportsperson, Sports Association and or any other body related to sports. These intangible properties like the name, logos, tag-lines are offered support in the form of advertising, branding, merchandising, licensing, sponsorship and similar activities for their economic benefit. These properties have high market value because of their importance for branding and merchandising. These properties being indispensable in nature call for legal protection which is necessary in order to prevent violations by unauthorized parties. Radio broadcasting, advertising and sponsorship rights are protected by legal provisions to safeguard the rights of the stakeholders and substantial revenue streams. Several legislation are being used to safeguard the rights in the sporting industries. Legislation on intellectual property is an essential component of this legislation and is often used for various legal problems. Intellectual Property is a legal umbrella to safeguard the majority of the economic rights which includes patents, trade secrets, copyrights, designs etc. Enforcing intellectual Property Rights has become extremely important for the intended protection, promotion and utilization of commercial interest in sports.

The different types of sports IP, which provide a spectacular business off field action with some interested legal challenges, are as follows. :

1. Trademark
2. Copyright
3. Patents
4. Personality Rights
5. Merchandising and Licensing
6. Predatory Ambush Marketing
7. Domain Name
8. Design
9. Broadcasting Rights

TRADEMARKS & SPORTS

The modern sporting world has seen Trademarks play a crucial role in making sports a mega industry at the global level. Franchises, clubs, players and merchandise and any other entity in the sporting industry has its brand value established by the incorporation of distinctive features such as logos, tag lines and team names, etc. These distinctive features form the Trademarks in the sporting world. Team names, icons build a significant fan base that helps in popularizing every team, club, player, etc there by helping commercializing the trademarks. This notoriety ultimately converts in the form of financial gains through ads, brand endorsements, goodwill and sponsors, etc. Branding has proved to be an important role in building value, passion, fan base and identity for sports. Customer loyalty and confidence support the prices and characteristics of merchandise. It is also helps in acquiring loyalty to a particular sporting team, person or any related activity as well as forming and spreading a new trend in sportswear . The sports industry provides a rare opportunity to build a “domino effect” in the creation of a trade name value.¹ For instance, there is an athlete who dominates a sport and establishes his personal and self-owned trade name. The success of this individual affects the development and popularity of the sports club and of the whole group. There are a significant number of athletes who carry their brands to domestic and even unprecedented heights at global level, along with the reputation of both teams and sports. Trademarks in the field of Sport in India are protected, as per the provisions laid down in the Trademarks Act 1999, in the form of logo, tag-lines, team names and so on. It helps in creating a level of public and fan affiliation, and as an

¹ Wipo.int. 2020. Sport And Intellectual Property. [online] Available at: <<http://www.wipo.int/ip-sport/en/>>

important element for the development of brand value of the sport, the sports person and the clubs, association or any other body related or connected to the sport.

The World Intellectual Property Organization protects trademark by registering the trademarks to the National Trademark Register which are legally valid for the stipulated period of time. Team Logos which form an important aspect of trademarks held by the team help in forming a degree of collaboration with fans and supporters. Various international player now hold a Trademark Protection against their name because of the brand value that is associated with their name. Marketing agencies from various big firms then associate their goods and services with these celebrity sportsperson by utilizing their trademark and earn a huge chunk money riding on the passion and love of fans for the sports and sportsperson. During such contractual agreements these celebrity athletes have must be educated about their personality rights which protect their names and other personal property from unauthorized use without their permission .When any third party unlawfully through unfair trade practice and competition, or without the permission or license uses trademarks, it dilutes the good-will and reputation of their respective trademarks held by the concerned stakeholders. In order to protect their trademarks in Indian courts, it has become important for organizers, team managers and sports apparel and gear manufacturers to register their team names , logos and tag-lines as trademark names in full compliance with the Indian Trademarks Act of 1999.

COPYRIGHT & SPORTS

In order to develop the infrastructure of communication technology (satellites, cable, broadband and mobile internet) has transformed the venture between Broadcasting and Sports into a mega industry and has encouraged the global players in the field to engage in essential sports events. The alliance between the sports and the media industry against unauthorized broadcasting ensures the safeguarding of copyrights and shareholders' rights. Media firms spend a huge amount of money for their official rights to broadcast live sports events so it becomes even more important to safeguard the rights of all the stakeholders involved in the broadcasting of any sports event.

The statute of copyright protects inventions and just inventions in their own right. In literary , musical, artistic, dramatic, photographic, software and cinematic films, copyright subsists. Upon creation of the work, copyright is secured. Copyright is one of the major Intellectual Property whichs involved in sports events and sports promotions. Copyright registration may not be compulsory as per law, but looking into the judicial trends in India², for a successful claim for the various available legal remedy under the Indian law of Copyright, the courts seemed emphasized on registration. It should also be noted that if copyright proprietors do not register their rights under the Act, the statutory remedies under the Copyright Act of 1957 are not available. Recent violations of copyright and piracy have made the owners of copyrights need to monitor their copyright portfolio. Copyright Act of 1957 provides the

² Dhiraj Dharamdas Dewani v M/s Sonal Info Systems Pvt Ltd [2012] (Mumbai High Court)

holder with different ways of remedying breaches of copyright. These remedies include the civil ones like injunction (temporary as well as permanent) and suspension of orders, damages and profit-related charges, seizure disposal of infringing commodities and cost of the legal proceedings. etc. It also allows a copyright breach case, a cognizable offense punishable with a period not less than six months but extending to three years with a sum not less than INR 50,000 and extends to INR 2,00,000.³ The Indian Copyright Act of 1957 gives the authorities the right to record the complaint (First Information Report) and act suo moto to detain, to search the premises of the accused and, without intervention by the court, to seize the infringing material.

Sporting Events are sustained effectively and efficiently by the Law of Copyright as it plays a critical role in keeping sports enthusiasts invested as well as captivated, and in strengthening value. The endorsement and brand management of leagues and sports activities, the aesthetic design of the logos of sports franchises and sporting events, the merchandise, league-based online tournaments are all eligible for copyright protection. Copyright is important for preserving the vitality of sports. It helps to keep fans involved, inspired and value-enhancing by engaging them in various activities like fan-parks, merchandise deals and other activities that make them connected to the core of the sports.

PATENTS & SPORTS

Modern, innovative, and technology - based inventions are protected by patents. Not only products, but also performance techniques are granted patents. Recently innovations such as the technique for putting a golf ball⁴ strategy for fitness training⁵ and the methodology which is followed for training baseball pitchers,⁶ the methods which are used to train the golf players to master their swings⁷ are highly unique and innovative in nature and therefore have been granted patent protection by inventors. Patent secures new innovations by acting as a defensive wall against third party infringement thereby strengthening and safeguarding consumer interests. Unlike trademarks and copyrights, registering patents is not an easy process. It is very important for the potential patent holders to register a patent by approaching a legally and technically sound Patent lawyer who has all required knowledge of the subject and the concerned field. Protection under the Patent Law is given for a period of 2 decades in India as well as many other countries around the world. The 1970 Act on Patents in India, which also allows for both civil and criminal infringement remedies, regulates

³ The Copyright Act. 63B

⁴ US Patent No. 5,616,089. 1997. Dominant Hand Putting Method.

⁵ US Patent No. 6,190,291. 2001. Fitness Method For An Exerciser Combines The Benefits of Isometric-Like Exercising With Isotonic Exercising For Simultaneous Training Of The Exerciser'S Cardiovascular And Skeletal Muscular-System And Strength And Endurance Buildup.

⁶ US Patent No. 5,639,243. 1997. Invention May Be Used To Train An Athlete, Such As A Baseball Pitcher, To Accurately Repeat A Sequence Of Coordinated Leg, Arm And Torso Movements.

⁷ US Patent No. 6,176,790. 2001. Protecting A Method Of Training Golf And Similar Swings Where "Balls Of Varying Sizes, Weights, And Pliability Are Placed Between A Limb And A Reactionary Surface To Restrict Movement Of A Limb And Nearby Limbs Wherein Specific Muscles Groups Are Stretched And Trained While Imitating Swing Motion To Induce Muscle Memory.

patents. The patent system has proved to be an effective driving force to encourage innovation and establish on the existing system by optimizing the current state of the art.

Sport is an area in which the patent system is used and applied directly. The modern era is one where there is a constant progression of sports equipment. Athletes can paddle more up, swim more quickly, cycle more and strike a ball harder and harder with new technology. The new technology helps reduce impact and stress on athletes' bodies thus ensuring maximum level performance with minimum effort along with proper safety.

The patent arrangement is an innovator-public relationship. The inventor is given a protective time frame for their invention which is a period of 20 years in most countries. In simple terms patent protection allows the patent owner to be the only one who can sell the patented product and recover the investments and gain out of their inventions. This framework has turned out to be a strong incentive for developing and strengthening the system of innovation, and for inspiring others to extend and strengthen the present existing infrastructure thereby setting a virtuous cycle in motion.

The following sections illustrate the application of the Law of Patents in the field of Sports:

- TECHNOLOGICALLY ADVANCED SPORTS GEAR: The diverse variety of sports hardware, including in-built sensor footwear, fitness tracking belt, smart watch and bands, with multifunctional features are becoming extensively favorites in the sport sector. More importantly they have the affordable version as well which is available to common mass thereby attracting people and building new market bases. The wearable goods market is projected to grow manifold in the years to come, with so-called smart clothing segment rising by 76% annual growth rate, from 125 million in 2017 to 240 million in 2021.⁸ The sales of intelligent watches and bracelets are projected to increase from the present statistics of 70 million units to 161 million in the year of 2021. Patents of usage are at the very heart of this technological surge.
- ENERGY DRINKS AND SUPPLEMENTS: Innovation in the field of consumable commodities for development of personal abilities has seen a great wave of boon. It has helped athletes to compete and re-hydrate rapidly thereby helping them to recover from fatigue as soon as possible.
- THE WAY SPORTS ARE PLAYED: There has been a huge range of technological advancement in the way how sports is played. The development of technology in both hardware and software form has helped in improving the way sports is played. Development in this field can be seen in the form of Skycam, technologically advanced shoes and other gear, helmets mounted on with cameras, and other gear which help in

⁸Lamkin, P., 2020. Wearable Tech Market To Double By 2021. [online] Forbes. Available at: <<https://www.forbes.com/sites/paullamkin/2017/06/22/wearable-tech-market-to-double-by-2021>>

tracking players and their statistics in real-time.⁹ These statistics help in quick assessment of under performing players and compile a report on team dynamics that need to be improved. New technology allows referees and umpires to make close call decisions. These reports help in proper team management by highlighting the areas that need improvement, identify true talent, create strategical line ups and form any other strategies that are required to excel in the sport.

PERSONALITY RIGHTS & SPORTS

Sports now not only means the physical activities on the field but also the interests of individual sportsmen. It also includes the rights of the sport teams play a significant part in the creation of the brand in relation to the team. The title of being a celebrity leads to the capitalization of diverse forms of innovation, brand support and income generation. A mere association of a team or player with a brand could provide a person or entity with a privilege for using that logo or name which would cause damage to the sportsperson or team whose trademark is being wrongfully used. They miss out their fraction of the gain from the company which is earning huge chunk of money by associating with such trademarks.

Personal rights are protected in the form of either rights to privacy or as a individuals' property.¹⁰ Whether it be civil or criminal cases, breaches can be penalized under the Indian Trademarks Act, 1999. Interestingly, trademark registration is not compulsory to seek protection under Indian laws so that even people without registration can apply to the court of law. The compliance mechanism provided under the Indian Trademark Act, 1999 helps to increase the legal safeguard around trademark rights in India thereby causing a fall in instances of trademark infringements.

The Doctrine of Dilution is the power conferred on the well-known trademark holder. This doctrine helps by restricting fraudulent activities that have occurred over time. This is mainly done to maintain the reputation of the sports organizations or any other marketing agency of the firm concerned in the case of the sports industry. These well-known companies do help in the growth of sports as well as help the fans gain access to the merchandises of their favorite sports club thereby giving them a sense of involvement in the sport. It is therefore the responsibility of the enforcement authority to protect these businesses from the dangers and other nefarious practices prevailing in the competitive environment. These trademarks have legal privileges under anti-dilution law, that is to say, well-known marks have the right, by means of another product or service, to avoid the dilution of their marks.

⁹Lamkin, P., 2020. Wearable Tech Market To Double By 2021. [online] Forbes. Available at: <<https://www.forbes.com/sites/paullamkin/2017/06/22/wearable-tech-market-to-double-by-2021>>

¹⁰Nafis, Z., 2020. Personality Rights - Need For A Clear Legislaton - Intellectual Property - India. [online] Mondaq.com. Available at: <<http://www.mondaq.com/india/x/Personality+Rights+Need+For+A+Clear+Legislaton>>

LICENSING AND FRANCHISING & SPORTS

Licensing or Franchising in the sporting industry has a major role in the process generating revenue generation with respect to the sporting industry by playing a major role for the promotion of brands and for the creation of goodwill to sell exclusive merchandise associated with exclusive clubs. It is necessary to study the licensing and franchising agreement diligently to secure all rights to the intellectual property concerned against the face of counterfeit product markets. Multiple arrangements are involved throughout each stage in sport marketing campaigns, and every factor needs to be dealt with in detail in order to avoid potential litigation thereby taking necessary steps to save enormous costs and efforts. All potential disputes and issues must be laid down while drafting the contract and must be drafted in a very comprehensive manner. A professional and formal contract drafting must be chosen over informal and personal agreements, and the process for resolving them must be mentioned beforehand in the contract itself to create a transparent and supporting environment. Business involving sports and any other sports-related ventures can safeguard and boost their revenue-generating efficiency by procuring and effectively utilizing Intellectual Property Rights. Merchandising has over the course of time become one of the most productive and promising business opportunities for the each and every sports club. Caps, T-Shirts, Backpacks, Shoe, Toys, Bobble-Heads etc. are the most common and popular range of merchandising which are proving out to be one of the best source of revenue generation. Sports clubs usually get involved into merchandising by granting licenses to already established successful players in the industry who can manufacture quality merchandises.

PREDATORY AMBUSH MARKETING & SPORTS

Predatory Ambush Marketing also known as Coat -Tail Marketing is the act of covert assault on the actual right holder. The main factor that gives rise to Ambush Marketing is the absence of a definite legal framework to keep Ambush Marketing in check and control. It is the act of a business which seeks, without the authorization of the concerned parties, with a motive of capitalizing on the success of a already established entity, property or otherwise,¹¹ thereby resulting in the rolling out of cheaper version of the goods or services in question. Brand owners join ambush marketing in order to lure customers and consumers into buying their goods and services at very affordable rates.. Today, a major chunk of agreements between the event organizers and rights holders are protected by anti-ambush marketing clauses to ensure a safe environment of work. Ambush security is an element of the intellectual property rights in sports that is one of the most important.

The Sporting world too has witnessed an enormous amount of practices of ambush marketing in the form of businesses that advertise brands and goods without paying for the privilege by

¹¹ Sandler, D. and Shani, D., 1989. Olympic Sponsorship v Ambush Marketing: Who gets the gold?. *Journal of Advertising Research*, 20(4), pp.11-18.

illegally associating their brand with that of a popular sporting entity club .¹² The first instance of ambush marketing was experienced in the case of 1984 Olympics where although Fujifilm was the authorized organization responsible for sponsoring the event, Kodak sponsored the TV broadcast as well as the US track team. During the same Olympics, the famous brand Converse suffered the burns of ambush marketing when Nike, which has popularly been a Olympic Ambush Marketer started marketing and promoting its own product. As far as the Indian context is concerned the 1996 World Cup became the stage for the first official act of Ambush Marketing in India. Pepsi took up campaigns with tag-lines “Nothing official about it” when the actual official sponsor for the tournament was Coca-Cola. In this case the defendant was given an injunction by court of a permanent order prohibiting his advertising.¹³

Clear terms need to mentioned in the contractual agreements for the proper use of tools provided by Intellectual Property Law in order to avoid Ambush Marketing. There is also a need to enforce polices to tackle any non- predicated act of ambush marketing by obtaining all legal licenses for each and every intangible property that is covered under the law of Intellectual Property.

DOMAIN NAMES & SPORTS

Domain names’ contribution in the sporting industry has been a significant one especially as a defence to sports-related rights and are often regarded as trademarks in the eyes of law. Today , Internet has become a widely used platform for sharing huge amounts of information in relation to online sports events as well acts as a portable platform for broadcasting of live sport events. In today’s digital era it has become a trend or a custom for sports club to have its own individual site, which carries on many activities. There have been some sportsmen like Kapil Dev and Sachin Tendulkar have their own individual website, which witnesses a a high amount of traffic in the form of business activities with respect to sports and sports related activities .

The Internet which is a great catalyst in branding and value creation in the sporting but it cannot be ruled out that like every other boon blessing of the present day is not void of ill-effects. Domain Names on the websites become a site of work for the cyber squatters. Cyber Squatters benefit from the confusion which arises from similar domain names. These cyber squatters float on the web duplicate versions of these websites to fish for vulnerable sports fans for meeting their own malicious ends. The ability to take these malicious advantage, are exclusively traced to the concept of domain names.

Due to the rising popularity of using Internet as a way to reach people Domain name is often used as a company identifier as a result of growing commercial operation on the Internet. The domain name therefore acts not only as an Internet contact address but also describes the

¹² Rodés Portelles, A., 2019. Ambush Marketing In Sports. [online] LexSportiva. Available at: <<https://lexsportiva.blog/2019/04/15/ambush-marketing-in-sports/>>

¹³ Pepsi Co., Inc. And Ors. vs Hindustan Coca Cola Ltd. And Anr. [2003] (Delhi High Court)

relevant website.¹⁴With sports, massive knowledge is being disseminated and activities like online games for sporting competitions are being broadcast over the internet, which has gained tremendous branding market values. Therefore there is a need to have a secure and innovative approach to develop the infrastructure of Domain Names in the field of sports.

INDUSTRIAL DESIGN & SPORTS

Every product in the market can be made to look attractive and desirable by properly utilizing the tools of Industrial Designs. These designs often turn out to be the most valuable intangible attachment to any product. An industrial design has a very distinctive feature if it succeeds in being different in the “overall impression it produces on the informed user” with respect to any previously known designs.¹⁵ Design rights irrespective of the protection provided under the law of patents or other tools present at the disposal of the Intellectual Property regime. These designs are usually given the tag of a Registered Community Designs which are gradually becoming the need of the hour to global creators all over the Globe.

Sporting Industry is no strangers to world of designs. The application of Industrial Design has far-reaching when it comes to sports. Industrial Designs do not discuss the working of a commodity but instead they provide protection and security in order to safeguard the commodities’ exterior appearance and other physical attributes. For the Industrial Design to be eligible for registration the commodity’s visual and physical attributes needs to be innovative in nature. Industrial Designs in the field of sports include development in the field of bicycles, football boots, cricket bat, the reading material presented to the Sports Fans and supporters as a part of the game day manual, the sports promotional merchandise, the esthetic of the official logo of team and league, as well as include intangible aspects like the software of computer and online games and any other merchandise which contains aspects that are industrially designed and developed etc.

Industrial Designs have played a major role in the Sports promotion. The use of Industrial Design has seen a wide spread usage and application in marketing of championship even those played at a global level as well as other activities and events in relation to sports.

BROADCASTING RIGHTS & SPORTS

The Indian Copyright Act, 1957 recognizes a special set of rights under the category of Broadcasting Rights. These rights have a enforcement duration of 25 years and are generally vested with big media companies. These rights allow the media companies to broadcast and rebroadcast any audio/visual media. The Indian Copyright Act of 1957 prohibits any individual any entity to broadcast, or rebroadcast the broadcast, or cause the broadcast to be heard or viewed by the public at any cost; or make any sound recording or visual recording of

¹⁴ Kalamadi, S., 2012. Intellectual Property and the Business of Sports Management. Journal of Intellectual Property Rights, 17, pp.437-442.

¹⁵ Official Journal of the European Communities of 13 October 1998 on the legal protection of designs, 1998. DIRECTIVE 98/71/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL.

the broadcast; or make any replication of such sound recording or visual recording where such original recording is sold or hired by the any person without a legal license.

Live telecast of any sporting events is considered to be one of the most valuable aspects of the Sporting Industry and is also a major source of revenue generation. The biggest sporting events of the year are prime opportunities for advertisers. But piracy – illegal streaming of live broadcasts of sporting events – reduces the revenue opportunity that broadcasting rights provide and reduces the development of the sports industry. A recent BBC survey found that more than a third of English Premier League (EPL) viewers in the United Kingdom watch live matches via unauthorized streaming websites.

Failure to comply with the broadcasting regulations calls for strict actions in the form of suspension or revocation of the broadcaster's license, permission or registration for any such violation, provided that the monetary penalty does not exceed one crore rupees.¹⁶

All said and done it is a herculean task to identify and tackle the illegal live broadcasts of sporting events. The multi-million - dollar site LiveTV.sx, famous for broadcasting pirated sports events, ranks as the 1750th most-popular website in the world. So we see how although being widely known at the global platform for broadcasting pirated form of media the website is far away from the clutches of the concerned authority. Nevertheless, Legislators across the globe are becoming aware of the need and urgency to tackle this exponentially rising illegal activity and trying whatever they can to keep a check on the same. Rampant and unbridled, piracy-borne broadcast of sports activity has not only impacted the state of the broadcast rights holders, but has also had a detrimental effect on the national sporting landscape.

This situation can only be brought into control by adequate presence and regulation of Intellectual Property Rights. If the Intellectual Property regime turns out to be ineffective and inefficient then the national sports ecosystem would lack the requisite funds required to update the present situation as well tackle the existing situations.

CONCLUSION

The Importance of Intellectual Property Rights is being slowly realized by major Sporting regulatory bodies, individuals as well as other related entities. This realization can be noticed by their utilization of the intellectual property by engaging their sporting identity in multiple business ventures. The security of the various IP species will take different forms, such as licenses, agreements with appropriate terms and conditions, etc. Since most of the current business models for the commercialization of sports are largely focused on the Intellectual property resources of sporting entity, it has become highly essential to promote the intellectual properties through activities such as frequent Intellectual property examination and assessment, security and maintenance of the Intellectual Property Rights.

¹⁶ (THE SPORTS BROADCASTING SIGNALS (MANDATORY SHARING WITH PRASAR BHARATI) ACT)

Sports Law has been a very less ventured into field in India and therefore needs in sports law to encourage fair standards on and off the sports field. It is high time that investors in the Sporting Industry not only focus on the physical development of sports but also on the intangible and legal aspects to secure the interest of the properties belonging to the various entities of sports as well as to properly protect intellectual property from infringements and abuses. The Indian legal system calls for personal rights legislation and also development of a productive sponsorship scheme to protect and develop the Intellectual Property Regime in the sports sector especially in India. Indian sport authorities must frame a sporting business model that could an environment where actions for efficient Intellectual Property Rights enforcement can subsist. There is a need for policies that could help tackle the illegal use of Intellectual Property Rights in the sporting world .A balance between intellectual property rights and the sport industry must be maintained to ensure protection of intangible assets and to secure the investments made with respect to the sport world's intangible aspects. Alternative Dispute Resolution strategies for the protection of rights concerning sports conflicts are also suggested. As a developing nation, India has a herculean task ahead in order to attract and retain investment. In order to make this possible, India will have to enact strict laws for protecting information that may be sensitive in nature, especially in the sports sector. This will not only serve as a protective blanket but will also deter the prospective offenders. The security and compliance of intellectual property in the sports sector is a key component in ensuring that sporting events remain a potential financial source.