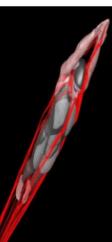


SPORTS and INTELLECTUAL PROPERTY

Intellectual Property Rights (IPR's) Sports drinks and muscle-building and nutritional supplements are other examples of sports Patents. Patent protection gives the creator exclusive rights over the use of the patent. When the protection period has expired, the invention enters into the public domain, meaning that anyone can copy the invention and make improvements to it for which new patents can be sought.

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Improvements include using stronger and lighter materials in hockey sticks and shin guards, cricket bats, pads and helmets, or sleeker and faster surfboards or more comfortable gloves with an anti-slip lining for football goalkeepers.

A **Patent** is granted for an invention of a 'new and useful process, machine, manufacture or composition of matters' or, any new and useful improvement of a product or process. The product or process must be inventive or novel and be of public utility (be of use to the public). Some examples of sports patents are sports and training equipment such as bobsleds, aquatic wheelchairs, racquets, starting block assemblies, stop-watches, golf clubs and gym equipment.



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An application for a grant of Letters Patent is made through the **Jamaica Intellectual Property Office (JIPO)**.



Sports equipment and gear may also be protected as **Industrial Designs** for their ornamental or aesthetic appearances. Industrial Designs protect the 3 dimensional features of an article such as the shape or surface of the article or



its two dimensional features such as patterns, lines or colours.

Industrial Designs make an article attractive, appealing and add to the commercial value of the product. In addition to the above-mentioned sports Patents examples, sports Designs can include athletic shoes, sports bags, and sport apparel such as swim suits, gym wear, and tennis outfits etc.

An application for protection is filed through the **Jamaica Intellectual Property Office (JIPO)** and provides the creator with 15 years of exclusive rights over the use of the Design after which it enters the public domain.

Another type of Intellectual Property Right that can apply to a sports product is a **Trade Mark**.

This is a sign that is used to distinguish the goods or services of one person from another.



Visit our website: www.jipo.gov.jm

Useful tools in the marketing of products, Trade Marks help customers tell the difference between different brands. Examples include Nike or Adidas shoes, Wilson tennis rackets, golf clubs, footballs, Spalding volleyballs and basketballs, Speedo swimwear, and Gatorade energy drinks.



Entities that organise sporting events and sporting clubs can also apply for Trade Marks. Examples are the Sunshine Girls, Harbor View football club, Manchester United Football club, and the National Basketball Association (NBA).

Sporting celebrities can also register Trade Marks for goods or services which they market, registering not only their own name but also nicknames, poses, or other insignia for which they are well-known, for example.

Usain Bolt's name and the 'to di worl' pose, or Michael Jordan's 'jumpman' pose and his Air Jordan brand shoes.



The marketing of products and services associated with sport celebrities can earn for the athletes even after their retirement from the sport. Trade Marks are therefore very important part of building the athletes brand. Trade Marks can be renewed every 10 years.

A well-known person's **Name, Image and Distinctive Style** through particular poses or phrases are expressions of his personality. Associating a celebrity's image and name with a product or service is a common marketing incentive to encourage consumers to buy those products or services. A name and image can be protected under Trade Marks, however even without a Trade Mark, the celebrity athlete will have property rights over the creative expressions of her personality as well as the right to allow or prohibit the use of her image.

For example, photographers may take pictures of the athlete at a race meet for news reporting but they could not those images in a separate commercial venture without the athletes permission and even negotiation of royalties.

Image or personality rights continue even after death and therefore the celebrity's Estate may be able to enjoy financial benefits from the continued commercialisation of the image.

Protecting one's name as a **Domain Name** for website and/or email address purposes is also a means of protecting one's intellectual property right. .

Applying for a domain can made through the Mona Information Technology Service at the University of the West Indies, Mona campus.

Copyright applies to original literary, artistic, musical, and dramatic works. It does not apply to ideas, concepts, or principles. The law does not require that a work be registered in order to be protected as protection arises automatically once the work is original, in written or recorded form, and the author is a national, citizen or habitual resident of Jamaica or the over 160 other countries that are signatories to the principal international Treaties on Copyright principles.

The Copyright owner has exclusive rights to use or authorise others to;

- © copy the work in various forms including photocopying, uploading and downloading from the Internet,
- © have the work performed in public
- © broadcast the work adapt or translate the work

Copyright lasts for the lifetime of the author plus 50 years after the author's death after which it enters the public domain.

There are also **Related Rights** to copyright which protect those who communicate copyrighted works to the public namely, performers, producers of Phonograms (record companies) and broadcast organisations such as radio and television stations.

Performers at sport events such as singers, dancers or musicians can prohibit or allow the recording of their performance or its live broadcast.

Another form of protection is that of **Trade Secrets** or protection of confidential information. The general requirements for qualification is that the information being protected must contain original elements, be of a confidential nature (not known to the public) for use in the business or activity which gives its owner an advantage over his competitors.

Protection of Trade Secrets may also apply to ideas or concepts in the early stages of their development. If the owner shares the information with another person, whether an employee or business partner, it must be understood that the information is expected to kept secret. Legal action can be taken for unauthorised disclosure and/ or use of the information to the detriment of the owner.

Trade secrets often protect newly developed designs or technical 'know-how' used in Formulae One or Americas Cup (yachting) competitions.



SPORTS AND INTELLECTUAL PROPERTY RIGHTS



PAVING THE WAY TO GROWTH AND DEVELOPMENT THROUGH THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

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