

# IPRs and Sports

By

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Sports Seminar

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# Protection for Advertisers

## ■ trade marks

- any distinctive marking or get-up

## ■ copyright

- graphic designs on clothing
- advertising material

## ■ designs

- such as bottles, freebies, &c.

# Protection for Participants

## ■ patents

- swimwear materials
- machinery, *e.g.* bicycles, boats
- method claims, *e.g.* high jumping

## ■ performance rights/copyright, *e.g.* synchronised swimming

## ■ trade marks, *e.g.* distinctive victory salutation (used to enhance marketing potential as will be photographed widely)

## Competitors' Activities

- **bill boards, bus stops, &c. (especially for marathon and such like)**
- **airships (blimps)**
- **spectators within the stadium with large logos on T-shirts, &c.**
- **wide spread, unrelated advertising (“share of voice”: legal)**

## Olympics Association Right

### ■ *Olympic Symbol, etc. (Protection) Act 1995*

- Protected Symbol (five coloured interlocking rings)
- Protected Motto (“*Citius, Altius, Fortius*” / “Sprit in Motion”)
- Protected Words (*e.g.* Olympiad)

## **Olympics Association Right: infringement**

- **Representation of something so similar to the Symbol or Motto so as to create in the public an association with it**
- **Representation of something so similar to the Words to create in the public mind an association with the Olympic Games or Movement**

# London Olympic Association Right

- *London Olympic Games and Paralympic Games Act 2006*
- *sui generis* right: unauthorised association with the Games (without consent of OC): any representation of any type
- acts between: 30<sup>th</sup> Mar 06 to 31<sup>st</sup> Dec 12

## **London Olympic Association Right: specified combination**

- **Group A: games, two thousand and twelve, 2012, twenty twelve**
- **Group B: gold, silver, bronze, London, medals, sponsor, summer**
- **A+A or A+B, but not B+B**
- **no need to be adjacent**
- **Court “may” take into account**

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# Ticket Conditions

## ■ contractual terms, *e.g.*:

- transfer
- banners
- T-shirts
- food and beverages

## ■ ticket touting: specific provision for football matches: selling or disposing (*i.e.* giving away a spare ticket away)

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## ■ MA (Natural Sciences) (Cantab)

## ■ DPhil (Biophysics) (Oxon)

- All areas of IP law and practice, in particular patents, trade marks, copyright and designs. Over 55 reported cases since 2000, of which over half were appeals or JRs. Appeared often before the CFI and in the EPO. Acted for the Comptroller-General of Patents (*Yeda*, HLs), the Registrar of Trade Marks (*General Cigars* and *Land Securities*, both appeals to the ChD) and the UK government (*Adidas*, ECJ).