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INTELLECTUAL PROPERTY

World IP Day: IP in the Sports World – Spotlight on Sports and Athlete Branding

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Introduction

Ready, set, go! It's that time of the year again, where IP is put in the spotlight. Each year on April 26, World IP Day invites us to reflect on the transformative role of creativity and innovation across every industry. This year's theme focuses on one of the most dynamic and commercially powerful sectors in which IP rights play a crucial role: the world of sports.

IP in sports is arguably everywhere. *Impossible is nothing* and *Just do it*: Do those sound familiar? Behind every iconic sports slogan, logo and athlete's name that has evolved into a brand in its own right lies an often under-appreciated force: IP law and trademark law in particular.

In this special World IP Day newsletter, we explore the role of trademarks in the sports industry and present key case studies that have shaped the IP landscape in sports.

Trademarks – A key driver of commercial success in Sports

Spotlight: Sports Branding

On this occasion, we take a closer look at how IP, and trademarks in particular, lie at the core of some of the world's most iconic sports brands. Trademark law is one of the most important and widely used IP tools in the sports sector, protecting the identities of athletes, clubs and sports brands that have been meticulously built over decades.

From Nike's instantly recognizable swoosh logo to Adidas' three stripes, trademarks encapsulate sporting heritage, reputation, and brand equity. For sports brands, trademark protection is far more than a legal formality; it is a core business strategy. Registered trademarks covering names, logos, colors and slogans enable rightsholders to license, commercialize and enforce their brands on a global scale.

At the same time, challenges inevitably arise. In the digital era, counterfeit merchandise and online brand misuse are reshaping the enforcement landscape at an unprecedented speed.

Trademark registration and a coherent enforcement strategy remain the primary tools against counterfeiting and unauthorized commercial exploitation, which threaten the integrity of meticulously built brands. As sports organizations expand globally and enter new markets, the strategic management of trademark portfolios worldwide has become indispensable for businesses seeking to protect their identity, safeguard their assets, and maximize brand value.

Spotlight: Athlete branding

Athlete branding has evolved dramatically in recent years. Through the strategic use of social media and the careful curation of digital identities, athletes today enjoy unprecedented global reach and influence. Many athletes have effectively transitioned from sports professionals into powerful personal brands in their own right (the "Beckham" brand being a notable example).

Trademarked nicknames and slogans, social media personas, and signature merchandise form part of an athlete's broader IP ecosystem. Proper IP protection in this context can generate substantial commercial value, in some cases exceeding an athlete's primary earnings from their sporting career.

Trademark law enables athletes to register distinctive signs associated with them in an effort to prevent unauthorized commercial exploitation. Image and personality rights further complement trademark protection by safeguarding against the unlicensed use of an athlete's name or likeness in advertising and promotional materials. As a result, a well-crafted trademark strategy has become essential for athletes aiming to build and sustain a global profile.

Endorsement agreements, licensing deals, and sponsorship contracts can transform these assets into recurring revenue streams and unlock significant IP monetization opportunities. At the same time, athletes and their teams need to remain vigilant in the face of evolving digital, particularly widespread online infringement, which require proactive and coordinated enforcement strategies. Today, a robust trademark portfolio is an indispensable tool for any athlete aiming to build a lasting legacy that could extend beyond their sporting career.

Case studies: Sports Trademarks in Action

Adidas v Skechers

The three-stripe mark is one of Adidas' most instantly recognizable trademarks and a cornerstone of its brand identity. Over the years, Adidas has systematically enforced its rights against third parties whose signs resemble this iconic mark.

One well-known and arguably fascinating dispute involved Skechers, the California-based footwear brand. In US proceedings, Adidas argued that Skechers' "Cross Court" shoe, which incorporated a similar stripe design, infringed its three stripes mark. Although a preliminary injunction initially prevented Skechers from selling the product, this was later overturned on appeal, with the court holding that Adidas had failed to demonstrate irreparable harm. On another note, the district court upheld the preliminary injunction regarding Adidas' claim that Skechers "Onix" shoe model infringed the trade dress of Adidas's "Stan Smith" model, highlighting the nuanced nature of trademark enforcement in practice.

Nike v Max Verstappen

Another notable dispute involved the intersection between trademarks and athlete branding. Formula 1 World Champion Max Verstappen applied to register the sign "MAX 1" as a trademark before the Benelux Office for Intellectual Property (BOIP), among others, for clothing. However, Nike opposed the application based on its earlier registered "AIR MAX" trademark.

In its 2023 decision, the BOIP found a case of likelihood of confusion, concluding that the signs were visually and aurally similar to a certain extent, particularly due to the shared element "MAX". Given that the goods were partly identical and partly similar, the application was refused for clothing, although it was accepted for other services in Classes 35 and 41.

Massi v Messi

In another high-profile case, football star Lionel Messi applied to register a trademark consisting of his name for sportswear, among other goods, before the European Union Intellectual Property Office (EUIPO). Massi, the cycling company, opposed this application based on its earlier registered trademark "MASSI".

In 2020, the Court of Justice of the European Union (CJEU) ruled in favor of the renowned athlete. Despite visual and phonetic similarities between the signs, the Court held that the name “Messi” would be immediately associated by the relevant public with the globally famous footballer. The CJEU concluded that an athlete's reputation should be considered when assessing whether consumers can distinguish between conflicting marks.

Final Thoughts

World IP Day serves as an important reminder of the central role IP plays across industries, including the sports sector. Trademarks, in particular, function as strategic assets that shape commercial identity and brand value, while the case studies above highlight the importance of proactive brand strategy and consistent enforcement.

At every stage of a brand’s lifecycle, informed guidance and tailored IP strategies provide a clear competitive advantage. The key takeaway is simple: **strong brands are built consistently and protected proactively**.

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