

# Intellectual Property Rights & Sports

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4.12.2014

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# Agenda – IP Rights of Sportsperson



- Personality Right?
- Trade Mark Right
- Right to use on the Internet

# Personality / Image Right?

“Image Rights means the right for any commercial or promotional purpose to use the Player’s name, nickname, slogan and signatures developed from time to time, image, likeness, voice, logos, get-ups, initials, team or squad number (as may be allocated to the Player from time to time), reputation, video or film portrayal, biographical information, graphical representation, electronic, animated or computer-generated representation  
.....”

**Proactive Sports Management Limited c Wayne Rooney & Ors [2010]**  
EWHC 1807 (QB)

# Personality / Image Right?

## UK

- **Irvine & Ors v Talksport Ltd.** [2003] EWCA Civ 423
- **Robyn Rihanna Fenty & Ors v Arcadia Group Brands Limited (ta Topshop) & Anor** [2013] EWHC 2310 (Ch)
  - no free standing general right by a famous person (or anyone else) to control the reproduction of their image in England

# Personality / Image Right?

## Malaysia - Undeveloped in Malaysia

- **Zahnita Dorothy Hussein Wilson v Gulatis Exclusive Sdn Bhd** (sued for RM2 million)
- **Anthony Joseph Anak Hermas Rajiman (Tony Eusoff) dan Diana Johor Zainal Abidin v Gulatis Exclusive Sdn Bhd** (sued for RM1 million)
- **Siti Sharizah Saifuddin (Eja) v Gulatis Exclusive Sdn Bhd** (awarded RM20,000)

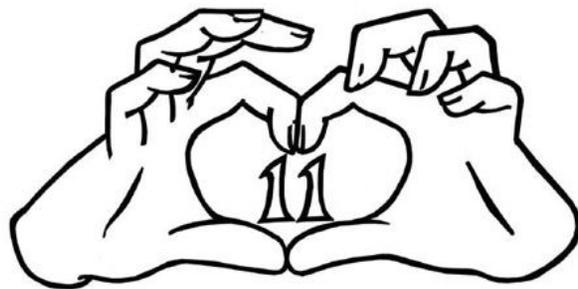
# Personality / Image Right?

## Malaysia - Undeveloped in Malaysia

- **Sherinna Nur Elena Bt Abdullah v Kent Well Edar Sdn Bhd** [2011] 1 LNS 1928
- Personal Data Protection Act 2010?

# Trade Mark

- Name
  - Beckham, Gareth Bale, Wayne Rooney
- Acronym
  - CR7
- Symbol



Gareth Bale's Eleven of Hearts Goal Celebration



Lionel Messi

# Trade Mark

- Product?
  - Clothing, footwear, perfumes, accessories, toys, books, magazines, bags, entertainment
- Countries?

# Trade Marks

LCW

宗偉  
CHONG WEI



advertising, games, sporting events and services and merchandises etc

# Trade Marks

LEE CHONG WEI 李宗偉

LIN DAN 林丹

# Right to Use on the Internet



## Domain Names

- waynerooney.com - Stoneygate 48 Limited and Wayne Mark Rooney v. Huw Marshall (Case No. D2006-0916)

# Right to Use on the Internet

## Social Media

Use of a Sportperson's name on Twitter, Facebook, Youtube, Instagram etc

- Username squatting
- Impersonation
- Parody / Fan Account - OK but must give disclosure

# Thank you

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