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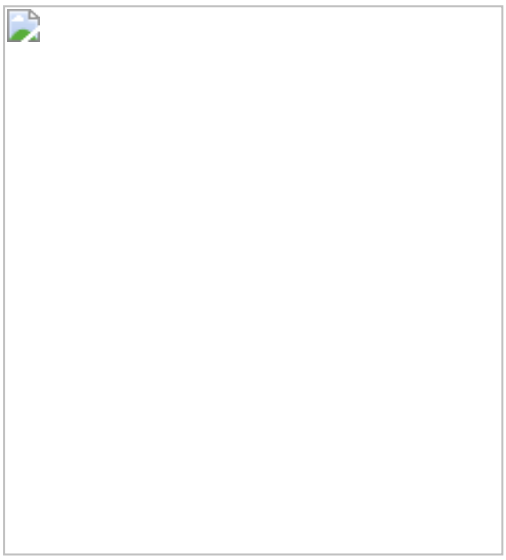
Trade marks: sports and the creation of superstars

4 July 2018 *4 min read*



As the largest single sporting event, the FIFA World Cup is watched across the globe which has led to FIFA's brands, including the FIFA World Cup Trophy and the Official Emblem, becoming enormously valuable.

FIFA spends a massive amount of time and money in protecting the FIFA trade marks which is crucial to ensure the creation and continuation of revenue streams which fund FIFA's football competitions and social development initiatives.

FIFA operates a global licensing programme which appoints licensees in various territories to produce Official Licensed Products. FIFA's battle with counterfeit goods will no doubt continue during the 2018 tournament not only in Russia but also in countries across the globe in relation to a range of goods such as memorabilia, clothing, World Cup Trophy replicas, footballs and other goods which feature the FIFA marks.

The use of trade marks in the sponsorship of sporting events, teams, and athletes is nothing new.

Sportspeople have become celebrities enjoying superstar status and in a sense branding machines. Such athletes attract inconceivable recognition in their names – with the likes of MESSI and CRISTIANO RONALDO coming to mind.

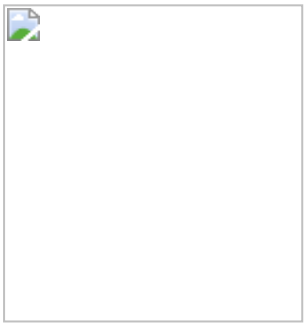
Lionel Messi, the Barcelona and Argentinian footballer, has recently been successful in a 7 year old trade mark dispute involving his name. This involved a Spanish cycling gear manufacturer called MASSI. MESSI applied to register his MESSI trade mark in the European Union for sporting goods which was opposed by MASSI on the basis that it was too similar to its MASSI mark. The European court ruled that MESSI is too famous to be confused with other businesses and that he was entitled to register his MESSI trade mark for sporting goods and equipment.



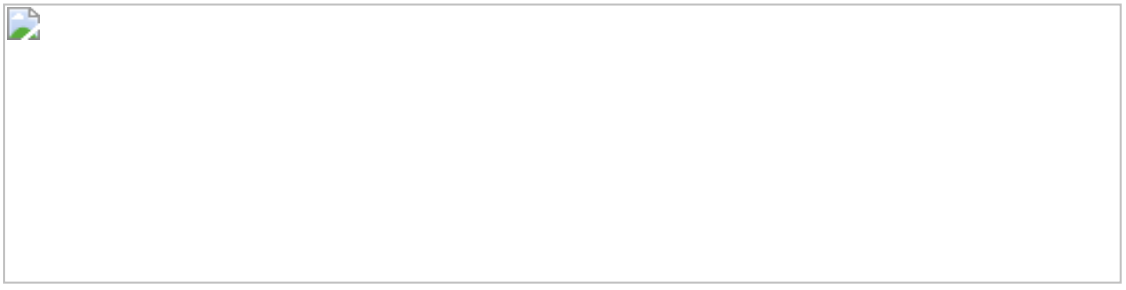
Aside from being the highest paid footballer on the planet, Messi has a lifelong agreement with Adidas and has also bagged other commercial transactions including Gatorade, Pepsi and Huawei. To further demonstrate the attraction in his globally recognised name, a Messi Experience Park, which is a theme park based on him is due to open in China in 2020.

Ronaldo, the Real Madrid and Portuguese footballer's contract with Real Madrid is worth $50 million per annum for the next 3 years with his transfer fee being $1 billion. He has a lifetime contract with Nike which is reportedly worth more than $1 billion. He has also concluded a number of sponsorship deals including with Herbalife and EA Sports which is the authorised licensee to produce the ever popular FIFA video game.

Ronaldo has also created his own brand – CR7 – which is featured on a range of goods including footwear, a fragrance, jeans, bags and children's clothing. He has also opened a few hotels under the CR7 brand.



The significance and goodwill in the CR7 brand has also not been overlooked by Nike which has produced a number of products which feature CR7 including clothing, bags, boots and footballs.



These footballers are but only two examples of sportspeople who have achieved superstardom status that at times transcends club and country.

A recent trade mark dispute closer to home in the field of sports is between US basketballer, LeBron James (whose earnings were incidentally $86 million in 2017) and a retired South African kickboxer Andrew Thompson. LeBron James has thrown the first punch and has demanded that Thompson withdraws his trade mark application for KING JAMES INC. and that the domain name kingjamesinc.co.za be deleted. It is alleged that Thompson was known as KING JAMES in kickboxing circles. It will be interesting to see how this plays out.

While the field is open as to who will win the FIFA World Cup, what is certain is that the power of trade marks cannot go unnoticed which is highlighted once more during this sporting spectacular.

Talk to our **Werksmans IP team** for assistance with your trade mark protection programme and strategy.

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