



INTELLECTUAL PROPERTY RIGHTS

INTELLECTUAL PROPERTY RIGHTS IN IPL

The Indian Premier League (IPL) is a popular cricket league that attracts millions of fans, generating huge revenues. But do we know how much of Intellectual Property is at stake in this sport?

Intellectual property rights protect the creative and innovative aspects of the league, such as the logos, names, slogans, and merchandise of the teams and players. Without intellectual property rights, IPL would lose its uniqueness and appeal, and face unfair competition and piracy. Therefore, IPL and intellectual property rights are essential for the success and growth of the sport of IP. The Board of Control for Cricket in India (BCCI) utilizes various forms of Intellectual Property in the IPL.

Trademark

In the IPL, trademark protection extends to event names, team names, logos, domain names, and more. For example, trademarks like "VIVO IPL" and "Chennai Super Kings" are protected under trademark law. Merchandising of IPL and its teams, such as hats, jerseys, laptop skins, coffee mugs, phone cases, and player-signed memorabilia, holds economic value and is crucial for branding. Trademark protection ensures that these original designs are not copied and sold through unauthorized channels. Classic measures taken by BCCI is a suit filed against the online gaming company rediff.com in 2008 over the game "Indian Fantasy League" and its misleading name and logo resembling the IPL. The Madras High Court declared it a trademark infringement and prohibited its use.

In another case, Grace India Sports Private Limited (GISPL) attempted to launch the Indian Junior Premier League in 2018, closely resembling the IPL. The Bombay High Court ruled in favour of the BCCI, prohibiting GISPL from using similar domain names and products due to their misleadingly identical trademarks. The recent trends indicate that motion marks, which go beyond the traditional definition, where a few of the marks have been successfully registered.

Copyrights

In IPL, copyrights majorly come into play for team jerseys, website layout designs, the IPL title track, commentaries, photographs of events, teams, and



players, brand ambassadors, as well as recorded visual images. Broadcasting rights for IPL 2023 matches was accorded to Star India, while live streaming rights was held by Jio Cinema.

While, Copyright infringement is protected under Section 37 of the Copyright Act, 1957. The Live-streaming platforms comply with copyright regulations through Section 31D. In a notable incident in 2015, the BCCI had received a legal notice for using music in the opening ceremony without obtaining permission from the Indian Performing Rights Society, leading to the payment of license fees due to non-compliance. The IPL Brand Protection Guidelines, established in 2018 ensures that audio-Visual images, delayed telecast rights and Fair Use in Journalism have adequate rights to protect and reap their returns.

Designs:

One another aspect of the IPR that can benefit cricket is design rights. Design rights protect the visual appearance of a product, such as shape, color, pattern, etc. Design rights can be used to protect the unique and original designs of cricket equipment, such as bats, balls, helmets, gloves, etc. For example, an exclusively designed IPL cricket bat can be registered as a design under the Designs Act, 2000. Design rights can also benefit cricket by creating a distinctive identity and reputation for the sport and its teams. For example, the logos and jerseys of different IPL teams can be registered as designs and used to promote their brand image and fan loyalty.

IP rights can help cricket prevent unfair competition and ambush marketing by unauthorized parties who may try to exploit the popularity of the sport or its events.