

## Game to Fame: Leveraging IP for Economic Empowerment of Athletes and Elevating Sports Branding in India

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The sports industry today is a rapidly expanding global sector that integrates gaming, entertainment, commerce and cultural influence, creating relevance to every society. Over the past years, sports branding has been seen as an essential element in most parts of the world. It can be seen as a powerful tool to enhance the global rights of sports personalities. Globally, these personalities are seen as dynamic brands with notable commercial value, they are supported and controlled by strong IPR and well-designed branding strategies but, the idea of sports and athlete branding is still an evolving concept in India, and there are several gaps in the IPR framework that prevent this potential from being fully realized. Lack of awareness among sports personalities regarding their personality rights that safeguard their image, likeness, and publicity, weak enforcement mechanisms against counterfeiting and unauthorized use and broadcasting rights that regulate the commercial use of sports content are some of the gaps resulting in missed opportunities and reduced brand equity for Indian sports entities. By addressing these gaps, India can take advantage of these important opportunities. Strengthening the IPR framework would help Indian sports personalities protect their rights and personalities in such a way that they can capitalize on their personal brands, which would help them to draw in international sponsorships and obtain the funding they require to succeed. Strong IPR would ensure that its sports personalities and sports brands are not only protected but also celebrated on the world stage. It is outlined how the reforms in the IPR framework can accelerate the growth of sports personalities and the sports industries and how it positions India as a global leader.

**Keywords:** Sports Personality, IPR, Personality Rights, Broadcasting Rights, Economic Rights

Sports branding is a process which involves creating and promoting the identity for athletes, teams, or sports events in such a manner which appeals to consumers, fans and sponsors. It is the creation of image, ethos, and commercial appeal that can transcend the sport itself through various means such as endorsements, media presence, and merchandising. It is now a very crucial aspect in the modern sports industry, and is transforming athletes, teams, and events into commercial assets across the globe. Today, the competing athletes or the ideal athlete not only perform in competitions but also are brand ambassadors for corporations, products, and ideologies. Through branding we are enabling athletes and sports organizations to develop identities that resonate with fans and consumers far beyond the playing field. A successful sports brand promotes visibility and generates revenue through sponsorship and merchandising while establishing legacies for the athlete.

Intellectual property protection and management are the core elements of sports branding. Intellectual

Property Rights can be generally stated to be a legal instrument developed for the protection of creative and commercial assets, and in sports, respective assets involve image rights (the personal likeness of athletes), copyrights (broadcasting rights, media content), and trademarks (team logos, brand names). These rights control the athlete's rights over their NIL (Name, Image, Likeness), and brands such that they do not give a right to unauthorized use, which results in exploitation, out of one's public character. Sports branding is naturally connected to the commercial value derived from image and personality rights as well as broadcasting rights. Beyond an athlete's personality, which drives endorsements and licensing deals, the monetary spine of the sports industry is built on the monetization of live broadcasts, online streams, and highlight packages collectively recognized as some of the most lucrative intellectual property assets in sport. Through strong protections of both personality and broadcasting rights we may be able to allow athletes to gain control and advantage from their public persona while also providing them the control over sports content across traditional and modern media platforms. Collectively,

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these rights enhance the commercial potential of sports, drive global fan engagement and support sustainable economic opportunities for athletes, teams, sponsors, and broadcasters.

The relationship between sports branding and IPR has become highly significant for athletes individually and a growing sports industry with a lot of complexities. With globalization, digital platforms, and social media the reach of sports brands has amplified, but they make IP issues more complicated. A strong IPR Framework has empowered athletes and sports entities to capitalize on their brands. Despite the progressive development, India's IPR framework is still not well-equipped to keep pace with the dynamically evolving expectations of sports branding. Indian athletes continue to suffer in the protection of their image rights and brand identity because of relatively vague or weak legal provisions. This will increasingly become relevant as participation in global sports increases, coupled with growth in non-cricketing disciplines. Proper and stronger intellectual property rights will help Indian athletes and sports organizations build more stable brands, make them commercially more attractive, and position India better in the international marketplace of sports.

### **Research Methodology**

A doctrinal and comparative research approach has been adopted for this paper, focusing on the analysis of the existent intellectual property laws governing sports branding in India through the related legal statutes and regulations enacted such as the Trademarks Act 1999, Copyright Act 1957, and other subsequent legislation along with relevant judicial precedents. A comparative approach has been employed to examine the intellectual property frameworks of the United States, France, and India, with the objective of identifying legal gaps and proposing context-specific reforms for strengthening sports branding and athlete empowerment in India.

### **Intellectual Property Rights in Sports**

The fundamental concept of Intellectual Property Rights provides a time-bound provision to an individual or a legal entity to safeguard their intellectual labour. Exclusive powers and rights are given to the owner which prevents unauthorised usage by the third parties. Traditionally sports were considered a recreational activity but over the past decade it has emerged as a business industry.<sup>1</sup>

When we consider the sports industry, we see that it is not only driven by passion, courage, and zeal but also by innovations and creative ideas, which are the key drivers in this domain. Across diverse disciplines of sports be it football, cricket, wrestling, shooting, etc., we see that the inventors and the creators are working tirelessly to create opportunities and cater to the enjoyment of the athletes to strive towards a better performing individual in the sports field. Innovations and Creation are the backbone of the sports industry, and hence IPR protection becomes the adjudicator and promoter of this industry. IPR protects the reputation and also the goodwill that is attached to a brand name making sure that the owner of the IP gets his fair share of recognition as well as the reward for his original contributions without the unauthorized usage of their personality and performance.

The scope of IP law covers a huge spectrum of sporting events, brands and many more where IPR is seen in every section of the sports field and industry. Starting, we can see that copyright comes into the picture when we talk about the broadcasting of any sports event, so that it can be easily accessible to the fans of that particular sport worldwide. This broadcasting of the event involves a huge amount of money and has a script, recitation, etc., which becomes the subject of copyrighted content. The trademark laws again are seen protecting the goodwill of brands that are involved in such sporting events and lastly, personality rights comes into picture when the commercial use of their identity, including their likeness, image, name, and voice is there, we also get to see that designs come into the picture by protecting the aesthetic value of each sports article that is involved.

Intellectual property rights in sports and gaming businesses are mined from the 3 P's - Player, Participation and Performance. During any sports or gaming event, several stakeholders are engaged, who in turn are creators or exploiters of the resulting proprietary rights. To understand this lifecycle, it is imperative to identify what IPs are essential in sports, and the following are certain exclusive and proprietary rights created and developed in the sports and gaming domain.

### **The Concept of Personality Rights**

Personality rights encompass the right of a person to control the unauthorized use of their personality attributes that include name, image, likeness, voice,

etc. These rights authorize individuals, particularly celebrities, to restrict, control and regulate the economic use of their attributes and other identifiable individual persona. These rights prevent unauthorized exploitation and enable athletes to monetize their public persona through endorsements, sponsorships, and media appearances. Personality Rights plays an important role in brand creation of individual sports players and personalities, as celebrity status leads to various forms of image creation and revenue generation capitalizing on fame.

The theoretical foundations of individual rights are deeply rooted in the concept of “self-ownership”. Through this it is indicated that people need to be autonomous about their identity and that its use should be exclusively controlled by them especially in commercial contexts.<sup>2</sup> Rights under these broader principles of privacy and personal autonomy, excludes others from using their persona without consent. Furthermore, legal recognition is required for commercializing celebrity identity in modern times to prevent fraudulent enrichment and commercial exploitation by unauthorized third parties.

Personality rights have two key aspects: one Right to Privacy – which protects an individual from unwanted exposure and prevents others from using their details without permission (e.g., unauthorized publication of private images) and the other is the Right of Publicity – which allows individuals to commercially control their identity, ensuring that brands cannot profit from their name, image, or likeness without compensation.<sup>3</sup> In sports industry personality rights have gained significant importance. Brand formation helps individual players, teams, etc. Worldwide popularity is gained by athletes through personalities and celebrity status, which ultimately brings monetary profit for them via advertisements or becoming brand ambassadors for a particular brand.

The notion of personality rights extends beyond mere name recognition and includes identifiable attributes such as voice, likeness, image, signature gestures, digital representation, and distinctive personal features. The unauthorised imitation of an athlete’s voice in advertisements, even in the absence of visual depiction, constitutes misappropriation of personality rights, as the voice itself functions as a unique identifier. Similarly, the commercial use of an athlete’s image on merchandise, promotional banners, digital posters, social media campaigns, and online advertisements without consent amounts to

infringement of image rights. In the context of likeness, the use of caricatures, digital avatars, animated depictions, AI-generated representations, or deepfake imagery that evoke recognisable association with a sportsperson also falls within the scope of personality rights protection.

These forms of unauthorised usage directly dilute endorsement exclusivity, distort brand associations, and cause economic harm to athletes by diverting commercial value away from the rightful rights-holder. The protection of these attributes is therefore essential not only for personal dignity but also for safeguarding the commercial integrity and economic autonomy of athletes in modern sports branding ecosystems. Traditionally rooted in the broader framework of the right to privacy, personality rights are now recognized in many jurisdictions as distinct, commercially valuable rights.

*The U.S. case of Haelan Laboratories, Inc. v Topps Chewing Gum, Inc.*, came as a turning point in recognising the personality rights where the court first articulated the “right of publicity.” The Court held that an individual has a transferable and enforceable right to control the commercial use of their image, distinct from the right to privacy. This judgment laid the foundation for recognizing modern personality rights and athlete identity as property, a concept that later evolved into full-fledged NIL (Name, Image, and Likeness) rights under U.S. law.<sup>4</sup>

Usain Bolt, Michael Jordan, Cristiano Ronaldo, Novak Djokovic and Serena Williams are the world’s most iconic sports personalities. These athletes are not just celebrated for their sporting talent, but our global brand in themselves. According to Forbes 2021 Ronaldo earns over \$50 million annually from endorsements alone, while Michael Jordan's Nike “Air Jordan” generates over \$5 billion in revenue annually, they are so globally recognised and financially empowered because of their ability to control and commercialise their identity, which is a direct result of strong personality rights and broadcasting rights. As a result of a strong IP framework, players leverage their goodwill and fame to help other companies as brand ambassadors and influencers, as well as creating co-owned brands.<sup>1</sup>

### **Copyright and Broadcasting Rights**

Copyright safeguards creative expression which protects the original works in literature, music, visual arts, drama, photography, or cinema. The work must

be original for it to be protected under copyright. In *Ladbroke (Football) Ltd. v William Hill (Football) Ltd.* (1964), it was held that the term 'original' comprises two elements: the work shall not be a copy, and the work shall be from the author.

Copyright gives the owner the right to reproduce, distribute copies of the work, sell or rent out on a rental basis, prepare derivative works and transform the work, distribute copies under this license, and transfer ownership to another person in cases where needed.<sup>5</sup>

In the era of digitalization and globalized sports consumption, the role of copyright and related rights in sports branding has become very crucial. Advancements in communication technologies such as satellites, cable, broadband, and mobile internet have revolutionized broadcast and sports coverage and have enabled people around the world to take part in major sports events with great excitement. Sporting events, which were once limited to only physical arenas, are now largely consumed through broadcasts, replays, digital streaming, and social media highlights. Broadcasting rights is now one of the most valuable categories of IP assets in the sporting ecosystem because of the shift and transformation from physical arenas to digitalization and broadcasting rights, which are distinct from traditional copyright protections, are also important in ensuring that broadcasters and media houses, who invest in capturing, broadcasting and distributing live sports content, can control and monetize their coverage effectively because to have exclusive right to broadcast sporting events live, the media organizations pay huge sum of money and all sports organizations rely heavily on the revenues generated from media and broadcasting rights to build the infrastructure of sporting clubs, stadiums and with that promote and stage new sporting events and also to engage in the process of community outreach so that the interest for the sports is maintained.

The legal foundation for this protection is laid out under Article 14 of the TRIPS Agreement, which mandates that member countries grant broadcasting organizations exclusive rights to authorize or prohibit the reproduction, recording, and retransmission of their broadcasts. These "related rights" are distinct from, but complementary to, copyright law, which protects the creative elements of a broadcast such as scripts, graphics, and commentary. The interplay between copyright and related rights thus forms the

backbone of the media and entertainment dimension of sports branding. While copyright ensures protection of the intellectual and creative input into sporting broadcasts (e.g., graphics, camera choreography, audio commentary), related rights ensure that the broadcast signal itself is protected as a commercial and distributable entity.

Copyright, along with the neighbouring rights, protects against unauthorized and unlicensed broadcasting and provides support to sports and media relationships, as they pay a huge amount of money to gain exclusive rights to highlight the athletic events that are streamed live.

This dual-layered protection allows broadcasting organizations to control not only how sports content is created, but also how it is delivered, rebroadcast, or streamed. For example, the Indian Premier League's (IPL) live video feed and highlight packages are copyrighted, while the transmission signal used by Star Sports or Jio Cinema is protected under related rights. Violating either right by illegally recording a match or live streaming it on unauthorized platforms constitutes IP infringement and leads to legal consequences such as injunctions, takedown notices, or damages.

In India, the Copyright Act 1957 grants the special rights of broadcasting-to-broadcasting organisations through section 37. Delhi High Court in *Star India Pvt. Ltd. v Piyush Agarwal, 2013*, confirmed the exclusive rights of the over live cricket match content and restricted the accused from unauthorized real-time updates. The court observed that any unauthorized communication of live match data amounts to commercial misappropriation of the broadcaster's rights and causes economic harm. However, this case is primarily limited to textual imperialization, and there is no binding precedent or legal mechanism for modifying streaming copyright infringement, clip sharing, or OTT simulcasting, which are common forms of IPR violations.

Broadcasting rights extend beyond just revenue, but these rights play a crucial role in shaping athlete visibility, fan engagement and sports branding. Exclusive broadcasting deals provide a specialized and professional platform for highlighting athletes and thereby improving their marketability and endorsement potential, as the boost period for an athlete is after their successful performance, which attracts endorsements and sponsorships at the utmost level. Sponsors usually prefer athletes who have a

high-quality media presence and consistent visibility, which attracts international sponsorships.

In the digital era, the scope of broadcasting has evolved, which now includes multi-platform distribution, real-time streaming, digital archiving and OTT broadcasting; all these require reforms in the legal structure. This transition requires dynamic licensing models, measures for real-time takedowns and platform accountability, especially because athletes increasingly rely on digital avenues for outreach and personal branding.

Through dedicated broadcasting deals, niche sports like kabaddi, badminton, hockey, and shooting can also gain support in grassroots development and get recognition and fair funding, further these rights being subject to copyright law, not only safeguard the financial interests of athletes, sports leagues and media companies but also complement the personality and image protection rights of the sports personalities.

### **Global Practices in Sports Branding: A Comparative Analysis**

The sports branding industry is a multi-billion-dollar industry globally. It largely responds to the commercial use of intellectual property rights. In other jurisdictions, athletes are treated like brands and thus have a well-established framework protecting their image along with commercial rights and economic empowerment. In these sports economies, intellectual property laws play a crucial role in governing the relationships between athletes, sponsors, teams, and media entities. The US, France and India show significant differences between their practice of legal recognition of IPR, commercial treatment of athletes and enforcement of their rights. While developed sports economies have adopted structured and enforceable mechanisms for the protection and monetisation of athlete brands, a fragmented and reactive approach continues to be observed in India.

#### **United States of America**

The United States has established itself as a leader in the commercial exploitation of sports intellectual property (IP). It is one of the most developed jurisdictions in terms of personality rights and sports branding with its American sports industry values at around \$80 billion annually, and it is based on a strong IP-controlled framework. A key element of this

ecosystem is the legal recognition and enforcement of the personality and image rights of athletes, commonly referred to as the “Right of Publicity”,<sup>6</sup> which allow athletes to control and commercially exploit their name, image, and likeness (NIL). The state-based approach followed by the US, where protection and enforcement vary depending on jurisdiction. States such as California, New York and Indiana offer the most comprehensive protection. The California Civil Code of Section § 3344,<sup>7</sup> being one of the most powerful laws, which protects athletes from unauthorized commercial use of their likenesses. Similarly, the New York Civil Rights Law § 50-51<sup>8</sup> prohibits the misuse of a person's NIL for advertising or trade. In the landmark case of *Michael Jordan v Jewel Food Store* (2015), Jordan sued the supermarket chain for using his name and jersey number at an unauthorized celebration. The US courts decided in favour of Jordan, highlighting that even traditional advertising (such as tributes and sponsorships) could be commercial properties that require approval.

Further in 2021, the NCAA (National Collegiate Athletic Association) allowed college athletes to profit from their NIL for the first time. This decision was influenced by California's Fair Pay to Play Act (2019),<sup>9</sup> allowing student-athletes to sign deals and endorsements, appear in commercials and license the NIL without violating NCAA rules. This step transformed sports branding in the United States, creating a multi-billion-dollar sports economy.

Further the US also has a sports-specific Copyright Act named the Sports Broadcasting Act (1961) which prioritises exclusive broadcasting deals, allowing leagues like the NFL and NBA to negotiate billion-dollar contracts with private networks. The main advantage of the US system is that elite athletes do not rely solely on government funding. Instead, athletes can secure an independent source of income through corporate sponsorship, merchandising and licensing agreements. This economic independence helps athletes maintain their best talent as they no longer have to leave the sport due to financial restrictions. By allowing athletes to commercialize their image freely, the US has created a self-support model in which financial incentives, excellent training facilities and professional opportunities directly contribute to the domination of the Olympics and global sport. Public law advancement and the reforms to the NCAA have allowed athletes to secure

supporters, licensing agreements and sponsorships, which provide access to world-class training, improved sports infrastructure and financial stability.

#### France

France explicitly codes individual rights and strongly protects athletes' image rights under the French Civil Code<sup>10</sup> the French Intellectual Property Law (CPI).<sup>11</sup> The basis and foundation of French personal rights is rooted in Article 9 of the Civil Code,<sup>12</sup> which guarantees the right to privacy and the right to image (*droit à l'image*) where the person, including athletes, must provide express consent for their NIL before using it for commercial purposes.

Distinction is maintained under the French law between the commercial usage and editorial usage of the athletes' image. The editorial and commercial distinction ensures that athletes retain control over the commercial exploitation of their identity while allowing legitimate public interest reporting. In addition to civil personality rights, protection is also granted for their names, logos, and slogans as trademarks under the French Intellectual Property Code (Code de la Propriété Intellectuelle - CPI) and with that France also enforces robust copyright and intellectual property protection under the Intellectual Property Code (Code de la propriété intellectuelle), avoiding unauthorized broadcasting and illegal sharing of sports events. France, through Article L.333-1 of the French Sports Code,<sup>13</sup> maintains controlled broadcasting rights. Through the combination of sports and protection of personal rights, combining statutory law, case law, and collective bargaining, provides safeguards across the EU. This leads to strong protection, financial security, and long-term development of athletes, leading to consistent international sports success.

#### Analysis of Some Best Global Practices

Athlete and sports branding have evolved globally, driven by many structured programs that are initiated and targeted strategies that are implemented, enhancing the branding system that is aiding the athletes, enhancing marketability and creating sustainable and continuous revenue streams. AMP, DRM, NIL monetization and Collective Agreements are examples of some best global programs and strategies.

#### Team USA's Athlete Marketing Platform (AMP)

The Athlete Marketing Platform of USA has been developed to help U.S. athletes to have better commercial opportunities by accessing tools and

resources to monitor and build up their brand. With this objective, the athletes stay linked with the sponsors, thus providing engagement with fans through maximum digital visibility. The platform will therefore tighten the linkage between sports branding and commercial success, allowing athletes to reach out to potential marketing partners in a centralized space and thus benefiting both the athletes and the sponsors in the competitive global sports market.

#### Digital Rights Management (DRM)

Advanced DRM systems have been used by professional sports leagues such as NBA to protect their digital content via seeking partnership with social media networks to track and delete unauthorized broadcasts of games and highlight reels so that the official broadcasts are kept intact.

#### Name, Image and Likeness (NIL) Monetization in Sports Branding

NIL-specific strategy allows athletes to commercially benefit from their personal brands through endorsements, licensing, and sponsorship deals. Since 2021, NIL laws in USA college athletes have also been able to sign deals with brands without jeopardizing their eligibility. Athletes like Caitlin Clark and Caleb Williams have been able to build their brands at an early stage, ensure financial independence and even long-term sponsorship opportunities. Monetization through the NIL program and law strengthens athlete branding by increasing their marketability from an early stage and providing control over commercial rights.

#### Collective Image Rights Agreement

Collective agreements provide fair revenue sharing from licensing and endorsements deals in different leagues and teams. Image rights are managed centrally to prevent monopolization of commercial revenue ensuring fair compensation for all players in Leagues like La Liga (Spain) and the English Premier League (UK). This helps in securing structured and consistent income, and with that maintain a balance between individual and team-based value. These collective agreements not only enhance athlete branding by providing legal protection but also standardise revenue models and sustained commercial partnerships.

A comparative overview of the legal frameworks governing sports branding and intellectual property rights in different jurisdictions has been presented in Table 1.

Table 1 — Comparative analysis of sports branding and IP Frameworks in the USA, France, and India

Strategies/ Practices	Description	USA	France	India
NIL (Name, Image and Likeness) Law	Athletes are granted the right to monetize their name, image, and likeness for endorsements	NIL Laws (2021). Through this they allow student athletes to sign sponsorship contracts.	No specific NIL Laws. Through personality rights they protect athlete's images	No legal definition for NIL commercialisation, limiting the income of athletes
Digital Rights Management (DRM)	Technology is used to prevent an authorised streaming and privacy content	NFL, NBA and MLB implement DRM to provide protection to live broadcast	Ligue 1 and UEFA use DRM to protect sports telecast	Weak enforcement, and piracy issues in IPL broadcasts
Personality Rights Protection	Control over the commercial usage of their image, voice and likeness is ensured	Governed by state laws. Such as: California's Right to Publicity	Article 9 of France Civil Code provides image right protection	No specific Laws. Athletes rely on Trademark and passing off
Athlete Brand Licensing Program	Structure, licensing for merchandise, ensuring athlete, control, and authenticity	Michael Jordan, LeBron James have registered trademarks and well-known brands	Athletes must authorise commercial use under IP laws	No structured licensing for individual athletes
Exclusive Broadcasting Rights for Athletes	Negotiation to earn revenue from broadcast appearances are allowed for athletes	Athletes and leagues are allowed to negotiate revenue sharing deals with broad	Broadcasters' own majority rights and athletes have limited revenue control	The BCCI owns IPL broadcasting rights. Individual athletes lack direct control
Sponsorship & Endorsement Transparency Laws	Endorsements are regulated to prevent misleading promotions and advertisements	Laham act prevent false advertising	Consumer laws regulate false advertising, but are less	Consumer protection act 2019 holds endorses liable for misleading claims

### India's IPR Framework for Sports Branding

Sports branding is a critical aspect of the global sports industry, where athletes, teams, and leagues use intellectual property (IP) to build commercial value. Copyrights, Personality Rights and Broadcasting Rights are some of the IPs that play a very significant role in monetising and protecting the identity of sports entities. In leading economies like France and the USA, a strong IPR framework ensures that sports organisations and athletes have exclusive control over their brand value. In India a well-established IPR system is governed by laws such as the Trademarks Act of 1999 and the Copyright Act, 1957, which provide a basic framework for protecting intellectual property. However, in the context of sports branding, existing legal provisions remain fragmented and underdeveloped. Copyright laws play an important role when it comes to broadcasting rights. These legal provisions have been used by the Board of Control for Cricket in India (BCCI) to secure exclusive broadcasting rights for the IPL through platforms such as Jio Cinema and Star Sports. In addition to the copyright law, the trademark laws allow athletes and sports organizations to register their names, logos and

slogans to establish identity and ensure commercial exclusivity. For instance, the name and signature of Sachin Tendulkar were trademarked to ensure legal control over commercial use. Similarly, sports leagues such as the Indian Premier League (IPL) and the Indian Super League (ISL) also rely on trademarks and broadcasting rights for the brand protection while personality rights are addressed by the common law system of right to personality and passing off are used.

Despite the presence of such legislation, several gaps persist. India's sports branding infrastructure lacks explicit personality rights protection, creating legal uncertainty when the name or image of an athlete is being misused. In comparison with jurisdictions with express personality rights, Indian athletes are compelled to depend on trademarks and passing-off laws to seek legal redress. This was the situation in the *MS Dhoni v Maxx Mobilink case*, where the former Indian cricket captain successfully sued a mobile firm for unauthorized use of his image.<sup>14</sup> While the court ruled in favour of Dhoni, the absence of express legislation left him to depend on indirect legal provisions, exposing a critical gap in

athlete brand protection. Another recent controversy involves Olympic shooter Manu Bhaker, which further underscores the vulnerability of Indian athletes in the absence of a well-defined legal framework to protect their personality rights. In 2023, objections were raised by Manu Bhaker against unauthorized commercial use of her image by brands and social media accounts for promotional purposes, including merchandise sales and event endorsements, without her consent or benefit. Despite significant Olympic achievements, direct legal recourse through any codified right of publicity protections remains unavailable.

Lack of (NIL) law deprives amateur and student players of the opportunity to leverage their brand value, leaving a number of opportunities unexplored. In contrast to countries like the USA, where NIL laws enable young players to monetize their image financially, India offers no legal support. This constraint deprives athletes of sponsorship deals in the initial years of their sporting career. For instance, after winning his Olympic gold medal, Neeraj Chopra did not get various brand endorsements. A mature NIL law would have allowed him and other Indian players to leverage their marketability much earlier, bringing financial stability to formative training years.<sup>15</sup>

The unauthorised use of sports stars' images on merchandise and advertisements continues to be common in India. Images of cricketers and footballers have frequently been used by commercial entities without authorisation for product promotion. In 2013, Sachin Tendulkar was forced to sue a jewellery company for impersonating him as a brand ambassador. The lack of specific personality rights law forces sports stars to seek individual legal remedies only after unauthorized use, as the law in India is reactive in nature and not proactive, affecting them in their maximum economic benefit because of their limited peak sports career. In the absence of strict regulatory provisions, companies continue to enjoy the advantages of using the personal attributes of sports stars without providing them with adequate compensation.

Indian sportspersons do not have much control over media rights since such deals are normally negotiated at the league or federation level. While sportsmen in other nations can negotiate media rights, Indian sportsmen such as cricketers and other sporting icons do not receive any independent share from

media revenue due to their image and brand name. For example, although the BCCI gets billions of rupees from the media rights of the IPL, the players themselves have no direct share in the revenue from their appearances.

In 2018, Anushka Sharma and Virat Kohli issued legal notices against firms utilizing their wedding pictures for commercial use without permission, causing unauthorized endorsement cases to continue to point out Indian sportspersons' vulnerabilities in safeguarding their image rights. As celebrity public figures, they were left to turn to general contract and privacy legislation to seek redress since there is no such law safeguarding personal image rights. Such cases point to the need for enactment of personality rights legislation in India, direct legal cover against unauthorized commercial exploitation of their image.

Athletes like M.S. Dhoni and Saina Nehwal have battled hard to protect their brands against unauthorized commercial use. With the advent of digital media and social networking, further complexities are being introduced into the scenario as the fame of sportspersons is being usurped by brands in marketing without any fair compensation or legal basis. In these new realities, the Indian judicial system needs to evolve by way of augmenting the right of protection of the rights and capability of athletes to benefit from it.

### **Challenges and Issues Faced by Athletes and Sports Organizations**

Significant challenges are encountered in India both by athletes and sports organisations due to the lack of robust legal protection for their personality rights as well as the ambiguity surrounding the use of name, image and likeness (NIL). This legislative void has left the athletes vulnerable and prone to exploitation because there is no legal authority which empowers them to control the commercial usage of their identity. These inadequacies result in unauthorised exploitation by third parties and have become more widespread, leading to several high-profile cases which show the gravity of the issue. As a result, the growth and capacity to fully profit from their own brand value are hindered. Unauthorised commercial usage amplifies these issues further. The name, image, and likeness of athletes are frequently used by organisations in promotional campaigns and advertisements without obtaining prior consent. Such acts dilute the endorsement exclusivity, leading in

reduced economic benefits that would otherwise be profitable and advantageous. In a fiercely competitive market where brand partnership accounts for a significant share of athlete's revenue streams, these dilutions impact their financial and professional growth.

Furthermore, the rapid advancements in digital broadcasting have added new complexities. While technological advancements have transformed sports broadcasting, offering extensive visibility and revenue production, they have also paved the way for unauthorised broadcasting and streaming of sports events. Digital platforms and organisations participate in these activities without obtaining prior permission, resulting in a violation of both broadcasting and personality rights. Unlawful broadcasting has been found to tarnish the reputation of athletes and sports organisations, often leading to huge financial losses.

These challenges collectively hinder the growth of sports brand names in India and stifle the industry's overall economic potential. For India's sports sector to thrive, comprehensive legal reforms must be implemented. Establishment of clear legislative frameworks to protect the personality rights and to structure the enforcement mechanisms against unauthorised commercial broadcasting activities is very vital. Addressing these issues through targeted legal reforms and capacity-building initiatives may unleash the full potential of India's sports sector.

### **Legal Reforms Needed in India's IPR Governance for Sports Branding**

Significant reforms are required in India's intellectual property rights framework to successfully address the challenges of sports branding while also elevating the economic and global potential of the sector. A major reform identified is the introduction of specific legislation which recognises and safeguards athlete's personality and image rights. The legislation should provide a clear definition of 'personality right', which encompasses the use of their name, image, and likeness, which can prevent the unauthorised exploitation. The framework should also incorporate the right to publicity, allowing the athlete to monetize their persona, as well as the right to privacy, to ensure protection of personal information from exploitation. Another crucial aspect of reforms lies in the enhancement of broadcasting rights. Although limited broadcasting protection is

provided under the Indian Copyright Act, 1957, explicit provisions addressing sports broadcasting and unlawful streaming of sports content remain absent. Amended laws are required to introduce stringent penalties for such infringements and establish clear guidelines for broadcasting rights in the realm of sports. An additional implementation mechanism is needed for resolution of broadcasting rights disputes through streamlined and expeditious procedures. The establishment of a dedicated tribunal for resolving the IPR issues in sports could significantly improve performance in this area. A specialised body would not only speed up the process of dispute settlement but also create specific standards and rules for industries. Through the formulation of such guidelines, the tribunal could tailor the store's ecosystem and ensure consistent and fair standards of IPR laws. Furthermore, the integration of blockchain technology to administer the intellectual property rights in sports can act as a transformational approach to address the challenges of athletes and sports organisations. Blockchain is a decentralized and irreversible ledger system and has the potential to transform how sports-related IPR is managed and monetized to ensure transparency, efficiency and security. One of the most promising applications of blockchain and sports is the ability to facilitate smart contracts. These self-executing contracts working on predefined conditions have the potential to streamline the complex transactions of endorsement, licensing agreements and the royalty distribution mechanism. For instance, if an athlete's image is used for advertisement, the smart contract of blockchains can immediately track the royalties based on the agreed parameters. This reduces dependency on intermediaries, lowers the cost of transactions and guarantees accurate and timely payments. Advanced cryptography methods of blockchain prevent and detect pirated broadcasts, ensuring that only authorised entities can distribute and stream sports events. This not only protects the broadcasting rights of the sports organisation but also secures vital revenue for streaming and the growth of the sports industry. Blockchains can foster accountability and trust through auditable records of all transactions and interactions. As a result, greater control for athletes over their intellectual property may be exercised enabling them to track how their image rights and endorsements are being utilised. For sports organisations, blockchain may function as a reliable

mechanism for managing partnerships, licensing arrangements, and merchandising transactions in a transparent and secure manner. These reforms are critical not just for strengthening IPR governance in sports but also for propelling India's sports industry to new heights and to align with the Global standards ensuring sustainable and long-term growth.

### **Benefits of IPR Reforms for Indian Sports and Economy**

Reforming and amending the Intellectual Property Rights framework in the Indian Sports sector has been linked with the transformative benefits for athletes, sports organisations and the whole nation. The most notable advantage lies in the growth of the global competitiveness of Indian sports and industry. With the help of a strong IPR regime, improvement of India's global position can be accomplished, making India more appealing and attracting world-class investors. Recent success of India at global events such as the Asian Games and the Olympics has established India as a rising force on the international sports platform. With enhanced IPR governance and branding strategies greater and stricter protection to Indian athletes, their personal and financial commercial interests can be ensured while facilitating competition on equal footing with international rivals. The economic benefits of IPR reforms for the sports organisation and athlete are compelling. According to Pranav Rajiv (2024) Indian Sports sector has recorded a growth at an impressive rate of 11% reaching ₹15,776 crores by 2023. This growth has been held responsible for higher franchise fees, endorsement and sponsorships, which has been also reported to grow by 60%, 24% and 22% respectively. A strong IPR Framework would give them at least more control over their commercial ride, allowing them to secure more lucrative licensing and endorsements. Sports organisations, on the other hand, are benefiting from enhancing brand equity and increasing revenue from sponsorship deals, partnerships and through broadcasting rights. This revenue can be reinvested in infrastructure, training facilities, and grassroots programs, which will foster the development of young talent while guaranteeing a consistent stream for world-class athletes. Furthermore, IPR reforms are expected to catalyse the expansion of the Indian Sports industry, which is expected to reach \$ 6.6 billion by 2027, this expansion is professionally exemplified by the Indian Premier League (IPL), which demonstrates the economic potential of strong

branding and management. The IPL alone has raised \$6.2 billion through broadcasting rights across five seasons, transforming cricket into a commercial powerhouse. This success has inspired other sports such as Badminton and Kabaddi to form their leagues and has gained widespread popularity. A strong legal framework could enhance this approach with other Sports, maximizing their financial benefit and fostering a thriving sports ecosystem. Beyond revenue generation, these reforms would create an ecosystem for providing job opportunities, promoting legal and management frameworks, while also promoting economic growth and professional development. Within a well-regulated and dynamic sports environment, IPR reforms have the potential to position India as a global leader and a hub for sports-driven economic innovation.

### **Conclusion**

*"In a field called the world, playing the game of growth and development required for scoring economic goals must take place without a red card".<sup>16</sup>*

The global evolution of sports has redefined the status of athletes from mere performers to dynamic public figures and marketable brands. With the rapid commercialization of sports, increasing media penetration, and the digitalization of content, athletes now occupy a central role in the commercial value chain of sports. The manner in which intellectual property rights, particularly personality rights and copyrights, are harnessed to empower, promote, and protect the commercial identity of Indian athletes and sports organisations in line with global best practices is examined.

At the core of athlete branding lies the idea of personality rights, through which control over identity and economic benefit are enabled. They exist in two important dimensions: -

**The Right to Privacy:** Guaranteeing that a person is safeguarded against unauthorized exposure or invasion of their private life. In India, this right has been accorded constitutional status after the Supreme Court's decision in *K.S. Puttaswamy v Union of India* (2017), being a major development in recognizing individual autonomy.

**The Right to Publicity:** Recognition of an individual's authority to commercially exploit name, image, likeness, voice, signature pose, and other unique identifiers. In India, judicial recognition has remained inconsistent and this right has yet to be

incorporated within the statutory framework, resulting in the absence of an effective or clear mechanism through which sportspersons may control the commercial use of their identity.

The absence of clear publicity rights within Indian law has been shown to inhibit the ability of athletes to license their persona, prevent unauthorized use, or receive fair compensation when misused by brands or media. The decisions in *Gautam Gambhir v D.A.P. & Co. and the Manu Bhaker* personality rights case reflect how athletes are compelled to rely on trademark and tort-based remedies, which remain indirect, reactive, and insufficient in safeguarding their commercial identity.

Further, the broadcasting rights system of India has been found to be not enough in addressing the demands of contemporary sports broadcasting. Weak law enforcement of exclusive rights, piracy during live streaming, and the lack of a digital rights system has been found to reduce and diminish the capacity of Indian sporting events to maximize media content monetization. Although the Copyright Act, 1957, provides some protection, the absence of athlete-oriented broadcasting or licensing mechanisms is still a vital shortcoming.

Identification of good players (i.e. different economic contributions), regular practices with discipline (i.e. organized structure of laws) and willingness to compete in the international playing field are required for the achievement of the goal. Through enhanced IPR governance and branding initiatives, Indian sportspersons will be able to more effectively guard their identities and commercial interests in global forums. Stricter IPR legislation will allow sportsmen to protect their names, images, and likenesses from unauthorized use or exploitation. Such protection is important in a world where digital media are playing an increasingly important role in marketing and brand creation. The sports sector includes broadcasting, sponsorships, merchandise sales, and hospitality services that generate enormous revenues and stimulate economies. Such huge events as the Olympics and the World Cup boost tourism to enormous levels, stimulate the local economies, and

provide jobs for thousands. Sports branding and laws are interrelated in various ways. Since sports is a large industry, when well-managed, can develop an economy, it contributes a lot to business development, economy and empower the athletes; but there are different legal complexities therefore, under the umbrella of sports, the legal component is still to develop a good and solid framework at the national as well as international level. In order to ensure that athlete's function are not merely participants but active stakeholders in the commercial ecosystem, a reevaluation of Indian IP laws is required to prioritize identity, innovation, and equity in sports branding, only then can Indian athletes truly rise from game to fame, not just on the field, but in the global marketplace.

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