



THE APPLICATION OF IP RIGHTS: IMPLICATIONS FOR SPORTING ORGANISATIONS AND BUSINESSES

26 November 2014

WIPO Singapore



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AGENDA



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 - **The AFC, its membership and objectives**
 - **Legal Affairs Department**

2. **Types of IP Matters**
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 - **Domain Names**
 - **Merchandise Licensing**

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 - **Sponsorships**
 - **Broadcast Licensing**
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A large, light blue world map is centered in the background of the slide. The map is composed of a grid of small dots, with the density of the dots varying to represent the outlines of the continents. The background of the entire slide is a solid, darker blue.

INTRODUCTION



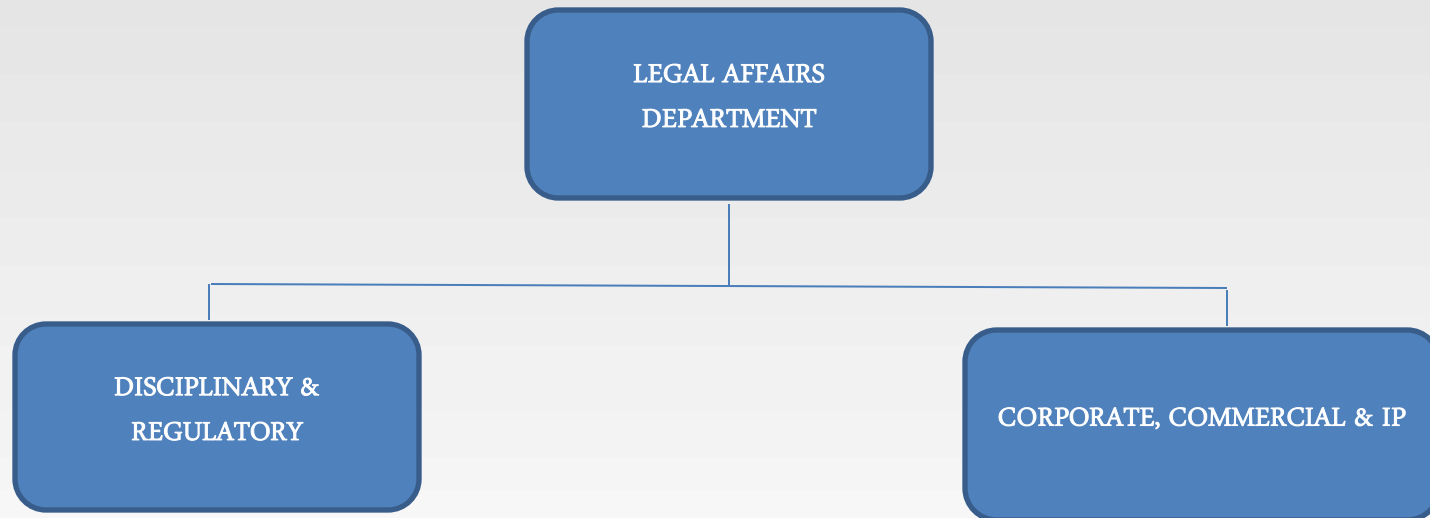
The AFC, its Membership and Objectives

- The AFC is the governing body of football in Asia with a membership comprising forty-seven (47) Member Associations, in accordance to FIFA and AFC Statutes.

- The objectives of the AFC, include:-
 - to improve, promote, regulate and control the game of Football in Asia in light of fair play;
 - to foster friendly relations between and amongst Football Associations, Confederations, FIFA and other organisations;
 - to control all types of Football, ensure compliance and prevent infringement of the Statutes, Codes, Rules, Regulations, Directives of FIFA, the AFC and the Laws of the Game.
 - to raise funds, purchase or hold any asset for the benefit of, or reinvestment in all levels and areas of Football.

AFC - LEGAL AFFAIRS DEPARTMENT

- The Legal Affairs Department handles all matters as follows:-



- The IP portfolio, includes the following matters:-
- Trade Mark(s)
 - Copyright(s)
 - Domain Name(s)
 - Merchandise Licensing



**TYPES OF IP MATTERS
MANAGED BY THE AFC**

A. TRADE MARK(S)

- ❖ The AFC protects and registers various trade mark(s), including:-
 - AFC Marks;
 - Competition Marks; and
 - All Other Mark(s)

- ❖ In considering the various types of IP rights to protect, the AFC shall take into account the following:-
 - Extent of Use;
 - Commercial Value;
 - Possibility of (mis)use by third parties.

A. TRADE MARK(S)

❖ AFC MARKS

Design marks, slogans, designations, names, logos, insignias, emblems or devices relating to the AFC itself.

Examples:-



A. TRADE MARK(S)

❖ Competition Mark(s)

Design marks, slogans, designations, names, logos, insignias, emblems, mascot or devices (in any application) relating to its Competition(s) including the AFC Asian Cup, AFC Champions League, AFC Cup, etc.

Examples:-

AFC ASIAN CUP® AUSTRALIA 2015



NUTMEG

A. TRADE MARK(S)

OTHER COMPETITION MARKS



A. TRADE MARK(S)

❖ OTHER MARK(S)

Design marks, slogans, designations, names, logos, insignias, emblems or devices relating to all other matters including development programs and corporate social responsibility initiatives.

Examples:-





B. COPYRIGHTS

The AFC is the owner and controller of all copyrights relating to:-

❖ **Programming, Footage & Clips**

(i) Transmission Rights

Unilateral and Worldfeed of Broadcast to Matches

(ii) Image Rights

Still and moving images of Participating Teams and Players, coaches, referees, officials

❖ **Music**

Use of compositions/anthem during Competitions and Official Functions E.g AFC Anthem, AFC Champions League Anthem

B. COPYRIGHTS

❖ **Competition Data**

Any data generated in relation to the Competition. E.g. Match Schedules, Information and Statistics on participating teams/players performance, Match Analysis

❖ **Editorial Publications**

Official Competition Programmes, Match-Day Programmes, Official Magazines, Newsletters, etc.

Any proposed use of the above matters shall be subject to the written approval of the AFC unless such use is for a non-commercial purpose and falls within the provisions of fair dealing.



C. DOMAIN NAME(S) AND NEW MEDIA PLATFORMS

- ❖ The AFC seeks to protect all domains names and New Media Platforms (e.g. Social Media Accounts, Mobile Applications, etc) relating to its organisation and Competitions, including by way of example:-

| | | |
|-------------------------|---|--|
| Official Website | : | www.the-afc.com |
| Competition(s) Websites | : | www.afcasiancup.com www.afcchampionsleague.com |
| Facebook Account | : | www.facebook.com/theafcdotcom |
| Twitter Account | : | www.twitter.com/theafcdotcom |
| Youtube Site | : | www.youtube.com/theafcdotcom |

- ❖ On-going enforcement of rights relating to the protection of these rights against unauthorised users and cyber-squatters.

D. MERCHANDISE AND LICENSING

- ❖ Appointed Nike as its **Official Merchandise Licensee** for the **manufacture and distribution** of all **official products and merchandise** bearing the **AFC Marks, Competition Marks** together with the **Licensee Marks**.

Examples:-





APPLICATION OF IP RIGHTS BY THE AFC



A. COMMERCIAL MATTERS

- ❖ The AFC owns and controls all Commercial Rights relating to its Competitions including without limitation, Sponsorship Rights, Broadcasting Rights, Advertising Rights and Merchandise Rights.
- ❖ In building and capitalising on its Commercial Rights, the AFC has entered into exclusive partnerships with some of the world's leading corporations as Official Licensees, for the grant of rights and entitlements in respect to the use and license of its IP Rights.



B. SPONSORSHIP AGREEMENT(S)

- ❖ Granting of the right of association to the AFC and its Competitions.
- ❖ The Official Rights and Entitlements accorded to Sponsors, include:-
 - use of the Official Competition Mark(s);
 - use of the Official Designation (E.g. Official Supporter of the Competition; Official Soft Drink of the Competition, etc);
 - use of Images and Clips;
 - promotional and Marketing Exposure (E.g. Pitchside advertising, In-stadia commercials, commercial signages, product display, etc).



C. Broadcast License Agreement(s)

- ❖ Grant of right and license to **broadcast/transmit** the programming of the Matches and rights to **exploit** any **commercial opportunities** arising in connection with the grant of such license.

- ❖ The Official Rights and Entitlements accorded to Broadcast Licensees, include:-
 - use of Title, Marks and Music of the Competition;
 - use of the Official Designation
 - use of Clips/Footages;
 - sale of Commercial Airtime.



D. Licensing and Merchandising Agreement(s)

- ❖ Grant of right and license to manufacture and distribute the sale of _____ products relating to the Competition.

- ❖ The Official Rights and Entitlements accorded to Merchandise Licensee(s) include:-
 - use of the AFC Marks and Competition Marks;
 - use of the Official Designation;
 - promotional and Marketing Exposure;
 - operation of retail outlets / online platform; and
 - revenue share from the sale of merchandise.



E. AFC's RIGHTS PROTECTION PROGRAMME

- ❖ The AFC has developed a comprehensive programme to provide for the successful implementation and enforcement of its commercial and intellectual property rights in relation to the organising, hosting and staging of its Competition(s).

- ❖ The Programme is aimed at safeguarding the rights and interests of the AFC, Official Licensees and the Competition Brand as a whole by serving to combat and curb:-
 - any unauthorised use of the Official Marks relating to the AFC and its Competition, including rights accorded to the Official Licensees;
 - any unauthorised association to the AFC, its Competition and/or Official Licensees; and
 - ambush marketing activities.



E. AFC'S RIGHTS PROTECTION PROGRAMME

IMPLEMENTATION AND ENFORCEMENT

❖ Support from Government and Local Authorities

1. Enactment of special purposes legislation

Major Sporting Events (Indicia and Images) Protection Act 2014

- regulating the commercial use of indicia and images associated with the upcoming AFC Asian Cup Australia 2015 competition;
- serves to supplement exiting legislation which does not provide for the protection of common words, titles and short expressions;
- provides for potential remedies against unlicensed commercial use of the indicia and images related to the Competition (e.g. injunctions, damages, corrective advertisements).



3. APPLICATION OF IP RIGHTS



E. AFC'S RIGHTS PROTECTION PROGRAMME

IMPLEMENTATION AND ENFORCEMENT

2. Inspection and Seizure of Counterfeit Products

- seizure of any counterfeit products by Australian Customs and Border Protection based on Notice of Objection submitted by the AFC;
- enables AFC to identify potential infringers and initiate the appropriate proceedings against such third party infringers.



E. AFC'S RIGHTS PROTECTION PROGRAMME

❖ Pre-Event Education and Public Relations Initiatives

1. Public Guidelines

- document for use by commercial bodies, non-commercial bodies and the general public in recognising and identifying all rights associated to the AFC and its Competition to help combat any form of unauthorised use and association to the Competition.

[\[AFC Asian Cup Australia 2015 Public Guidelines\]](#)

2. Staff, Volunteers and Personnel

- to train and brief all staff, volunteers and personnel associated to the Competition in recognising and identifying all rights relating to the AFC and its Competition to help in the enforcement of rights prior to and during the event.

E. AFC's RIGHTS PROTECTION PROGRAMME

❖ On-Site Inspection and Policing

The AFC together with all related-personnel shall:-

- conduct on-site inspections at the Stadia and its surrounding vicinity prior to and during the event so as to enable the concealment or removal of any signage, advertisements, promotional materials and/or product displays by unauthorised third parties;
- inspect and seize any items from the public at the point of entrance to the Stadia, which may be deemed to infringe on the rights of the AFC and its Official Licensees or amount to an act of ambush marketing;
- report any such incidences to the AFC for its further action.



**IMPLICATIONS ON THE PROTECTION OF IP
RIGHTS
BY THE AFC**

1. BRAND ASSUARANCE

- provides the Official Licensees with certainty and assurance that their investments are protected.

2. MARKETING AND BRAND CAPITALISATION

- helps garner and increase our brand value through:-
 - merchandising;
 - advertisements and brand ambassadorship programs; and
 - fan-following.

3. COST EFFICIENCY

- helps save cost by avoiding having to spend an exorbitant amount in pursuing any infringement or unauthorised use of our rights.
E.g. Purchase of domain name(s).

4. EFFECTIVE EVENT ORGANISING

- helps provide a solid foundation for the effective implementation and enforcement of our rights in major Competitions.

5. DEVELOPMENT OF SPORT

- helps increase investments and profits for the overall development of football within our Member Associations.

A world map composed of small blue and white squares on a blue background. The map is centered and occupies most of the frame. The text "THANK YOU!" is overlaid in the center of the map.

THANK YOU!