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Personality Rights: New Emergence and Relation with the Sports Industry

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ABSTRACT

The right to manage or oversee the exploitation of one's name, image, likeness or any other aspect of one's personality is generally known as a personality right. Individual athletes' rights of publicity also significantly enhance the value of the sports organisations or teams with which they are affiliated. Celebrity opens up opportunities to earn money by promoting brands, creating images or using notoriety as leverage. To prevent their names or likenesses from being exploited by others without their permission, athletes now frequently register them as trademarks; Sachin Tendulkar and David Beckham are among the well-known examples. The goal is to clarify the present legal environment and to offer suggestions for striking a balance between the interests of athletes and OFS operators by examining relevant national and international case law. Furthermore, an examination of international frameworks, especially those of the US and the EU, offers guidance for creating a strong legal framework in India that recognises personality rights. The legal underpinnings and contemporary development of personality rights are examined in this study, with particular attention to their emergence and special uses in the sports sector. The case studies shed light on changing interpretations and safeguards, especially where athletes are involved.

Keywords: *Personality Rights, Sports Industry, Digital Media, Intellectual Property, Patent Law*

I. INTRODUCTION

Sport is one of the most popular forms of entertainment in the world. From games and recreation, it has grown into a billion-dollar industry. The industry's growth has been aided by marketing and promotion through franchising, advertising and the creation of brands for sports and their athletes. Popular sports such as football, tennis, golf and cricket have grown into massive international competitions with sizeable fan bases, creating new opportunities for sponsors. Events are planned to maximise their benefits, whether in terms of profit or of brand promotion, and specialised sports authorities have been established to carry out this task. In several industries, including sport, where an athlete's reputation is extremely valuable, personality rights have emerged as a crucial legal concept. Unlike traditional property rights,

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personality rights safeguard the essential components of an individual's identity and its monetary worth. The expansion of digital media has increased the reach and commercial potential of athletes' personas, giving rise to legal disputes and court challenges across the globe. By examining significant court rulings, important legislation and new developments in this growing field of law, this study investigates the origins, legal basis and use of personality rights in the sports sector.¹

The right to personality has been in the news lately because the litigation around it involves both constitutional law and publicity rights. In November 2022 the Delhi High Court issued an interim injunction prohibiting the unauthorised use of the name, image and voice of the film actor Amitabh Bachchan, restraining the defendants and others from violating the actor's personality rights.² One may ask why personality rights are significant and why they fall under the protection of Article 21 of the Indian Constitution.³ "Personality rights refer to the right of a person to protect his/her personality under the right to privacy or property."⁴ Celebrities and luminaries cherish these rights because their names, photographs or even voices may be misused in advertising by other businesses to boost sales. Celebrities and well-known individuals may therefore take legal action to protect their personality rights. In India, the right to life and dignity, which includes the rights to privacy and publicity, is protected under Article 21 of the Constitution.

In the sports world, an athlete's identity is more than simply a name or a face; it is a significant asset. Sponsorships and media attention keep athletes constantly in the public eye, but celebrity also calls for protection. The right to one's image or name is essential both for privacy and for control over how that image or name is used. Given the extensive commercial and media exploitation of professional athletes, personality rights protect athletes from the unauthorised publication and dissemination of their names or images. Sports organisations, for their part, plainly exploit and commercialise a variety of intellectual property rights that they have developed, using them as a tool to maximise profits through brand positioning and the building of goodwill. Football clubs such as Real Madrid and Manchester United are prime examples of IP capitalisation, and other sports, such as the NBA and NHL in the United States, have their

¹ Divyakshi Jain, *Personality Rights in Sports*, LEXLIFE INDIA (Apr. 6, 2021), <https://lexlife.in/2021/04/06/personality-rights-in-sports/> [<https://web.archive.org/web/20240217234550/https://lexlife.in/2021/04/06/personality-rights-in-sports/>] (last visited Nov. 9, 2025).

² *Amitabh Bachchan v. Rajat Nagi*, 2022 SCC OnLine Del 4110, ¶¶ 20–22 (India) (ad interim ex parte injunction of Nov. 25, 2022 in CS(COMM) 819/2022).

³ INDIA CONST. art. 21.

⁴ Parth Tanwar, *Right to Personality and Its Emergence in India*, LIVELAW (Feb. 8, 2023), <https://www.livelaw.in/columns/right-to-personality-and-its-emergence-in-india-article-21-221022> (last visited Dec. 22, 2025) (source of the quotation and of this paragraph's account of the Bachchan order and of Article 21).

own niches. Through brand development and IP exploitation, these sports generate a significant revenue stream.⁵

II. DEFINITION AND SCOPE OF PERSONALITY RIGHTS

Also known as the “right of publicity”, personality rights shield a person’s identifying characteristics from unauthorised commercial exploitation. Typically, the protected elements are:

1. Name: legal protection against the commercial exploitation of one’s name.
2. Likeness: protection against the unauthorised use of a person’s appearance or likeness in pictures or other media.
3. Other attributes: a person’s voice, signature or any other symbol connected with them may also be protected.

By prohibiting exploitation that may damage a person’s reputation, or that makes money from the persona without consent, these rights protect the individual’s control over that persona.

III. HISTORICAL DEVELOPMENT

Rooted in tort law and closely linked to the right to privacy, the idea gained currency in the United States from the late nineteenth century onwards through significant scholarly works and court rulings. Over time, numerous countries have enacted laws or developed case law acknowledging and defending individual rights of this kind. In the United States, courts accepted that people have a property interest in their public image, giving rise to the right of publicity as a separate claim. Increased commercialisation, public interest in prominent individuals, and advances in media and entertainment have all played a significant role in the eventual legal recognition of personality rights. Personality rights, which have their roots in privacy law, have gained particular importance recently as social media and digital technology have increased the exposure and economic potential of individual identities.⁶

In the well-known case of *Zacchini v. Scripps-Howard Broadcasting Co.*, the U.S. Supreme Court held that the First Amendment did not protect a television station that had broadcast a performer’s entire act without his consent. Zacchini, a “human cannonball”, argued that broadcasting his whole performance damaged his ability to earn money from live engagements. The Court sided with him, recognising that in certain circumstances the right of publicity may

⁵ Jain, *supra* note 1.

⁶ See Samuel D. Warren & Louis D. Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193 (1890); *Haelan Lab’ys, Inc. v. Topps Chewing Gum, Inc.*, 202 F.2d 866 (2d Cir. 1953); see generally WORLD INTELL. PROP. ORG., *Intellectual Property and Sports: Tracing the Connections* (2019), https://www.wipo.int/web/ipday/2019/ip_sports (last visited Nov. 9, 2025).

prevail over First Amendment safeguards. California codified publicity rights in its Civil Code in 1971, and California and New York became the two states with the strongest legal frameworks for publicity rights. Following New York, several other states offered differing levels of protection for the right of publicity.⁷

A. Codification and expansion of publicity rights (1980s to 2000s)

By the 1980s many U.S. states had, through statute or case law, acknowledged personality rights, with a focus on giving people control over the commercial use of their identities. During this period these rights were also extended to protect the deceased, especially in California, where they pass to a person's heirs, preserving that person's legacy after death.

In *White v. Samsung Electronics America, Inc.* (1992),⁸ the television personality Vanna White sued Samsung over an advertisement for its video-cassette recorders that showed a robot, dressed to resemble her, beside a set recognisable as that of the game show "Wheel of Fortune". The Ninth Circuit reversed the summary judgment entered against her on her common-law right of publicity claim, emphasising that the right of publicity can extend to likenesses or distinctive portrayals of individuals.

B. International recognition and variations in personality rights (1990s to the present)

The recognition of personality rights spread beyond the United States as other countries began to grapple with similar issues. Different jurisdictions developed their own approaches:

1. United Kingdom: Although personality rights as such are not recognised in the UK, the law of passing off, which prohibits falsely implying endorsement, protects against the unauthorised use of a person's likeness. When the Formula One driver Eddie Irvine sued a radio station that had used a manipulated photograph of him, without his consent, in a promotional brochure sent to potential advertisers, the court in *Irvine v. Talksport Ltd.* (2002) held that the station had falsely represented that he endorsed it.⁹
2. Europe and the GDPR: Although there is no unified legislation on personality rights in the European Union, the General Data Protection Regulation (GDPR), which has applied since 2018, indirectly supports these rights by safeguarding personal data,

⁷ *Zacchini v. Scripps-Howard Broad. Co.*, 433 U.S. 562, 574–75 (1977); see also Cal. Civ. Code § 3344 (added by 1971 Cal. Stat. ch. 1595); N.Y. Civ. Rights Law §§ 50–51.

⁸ *White v. Samsung Elecs. Am., Inc.*, 971 F.2d 1395 (9th Cir. 1992), *reh'g en banc denied*, 989 F.2d 1512 (9th Cir. 1993).

⁹ *Irvine v. Talksport Ltd.*, [2002] EWHC 367 (Ch), [2002] 1 WLR 2355 (Eng.).

including images and photographs.¹⁰ As a result, there are now instances in which people manage their online personas on social media and in online advertisements, which is particularly pertinent for celebrities and athletes.

3. India: Through case law, India has recognised certain facets of personality rights, especially in relation to celebrity endorsements and the use of images. Indian courts have used the common-law right of publicity, alongside copyright, to guard against the unauthorised commercial use of a celebrity's name or likeness, as in *Titan Industries Ltd. v. Ramkumar Jewellers* (2012), where the court acknowledged that celebrities have the right to control the use of their persona.¹¹

C. Digital age and new challenges (2010s to the present)

The development of digital platforms, social media and artificial intelligence has brought personality rights both new opportunities and new problems. Legal frameworks are changing to protect people against unauthorised digital manipulation in light of content such as deepfakes, digital avatars and user-generated media.

1. *Hart v. Electronic Arts, Inc.* (2013) in the U.S. addressed the unauthorised use of the likeness of the college football player Ryan Hart in a video game. The Third Circuit held that the use of his digital likeness was not sufficiently transformative to be protected as artistic expression under the First Amendment, and reversed the summary judgment that had been entered for the game's publisher on his right of publicity claim.¹²
2. The rise of social media: Social media has heightened the need for personality rights, as public figures are often tagged, reposted or even used in advertisements without their consent. Cases involving influencers and athletes have brought new scrutiny to the right of publicity in this context, with courts working to balance individual rights with freedom of expression.

D. Judicial acknowledgement of publicity rights

The common-law right of publicity, which recognises the commercial value of a photograph or portrayal of a notable person, protects that person's ownership interest in the financial success of his or her public reputation or image. Indian courts have relied on the common-law right of

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation), 2016 O.J. (L 119) 1, art. 99(2).

¹¹ *Titan Indus. Ltd. v. Ramkumar Jewellers*, 2012 (50) PTC 486 (Del), ¶¶ 15, 19 (India).

¹² *Hart v. Elec. Arts, Inc.*, 717 F.3d 141 (3d Cir. 2013).

publicity in several disputes involving the personality rights of well-known individuals. Since terms such as “publicity rights”, “famous personality” and “celebrity” have no statutory definition, it is for each judge to decide who is a celebrity and whether that person is entitled to have his or her publicity rights enforced.¹³

IV. LEGAL PROTECTIONS

Although legally distinct, personality rights frequently intersect with intellectual property law, such as copyright and trademark law. Personality rights are typically protected by the following legal frameworks:

1. Right to privacy: shields people from unauthorised public disclosure.
2. Right of publicity: prevents an individual’s identity from being used for commercial purposes without permission.
3. Trademark law: in certain situations a person’s name or likeness may be used as a trademark.
4. Copyright law: covers artistic representations of a person’s likeness, including portraits and characterisations in the media.

V. THE EMERGENCE OF PERSONALITY RIGHTS IN THE SPORTS INDUSTRY

The growing use of athletes’ identities in digital content, merchandising and endorsements has created unique legal issues around the commercialisation of sports personalities. As a result, personality rights have gained wider acceptance, and legal safeguards have been put in place that enable athletes to manage, and earn money from, their reputations.

A. Economic implications

Athletes are significant commercial assets in the sports sector, and their images support sponsorship agreements, team branding and product sales. An athlete’s image is valuable not only for their performance but also for their influence on culture and public opinion. Well-known players such as Lionel Messi, Cristiano Ronaldo and Michael Jordan, for instance, have profited from their personality rights through endorsements, licensing agreements and personal branding.¹⁴

¹³ Tanwar, *supra* note 4.

¹⁴ See Lucy Rana & Shilpi Sharan, *Protection of Personality and Image Rights in India*, S.S. RANA & CO. (July 4, 2022), <https://ssrana.in/articles/protection-personality-image-rights-india/> (last visited Nov. 9, 2025) (discussing brands’ use of the names and images of Indian Olympic medallists); see also WORLD INTELL. PROP. ORG., *supra* note 6 (noting Nike’s product ranges for Michael Jordan and LeBron James).

B. Case study: Michael Jordan's endorsements

Michael Jordan's brand value is a prime example of how personality rights can yield substantial profits. Jordan has enforced his rights in court to stop the unauthorised use of his name and identity,¹⁵ and his commercial control extends beyond the recognisable "Jumpman" logo, which Nike owns and uses for its Jordan brand, to how his name, image and other characteristics are used in product endorsements and sales.

VI. LEGAL FRAMEWORK AND KEY CASES IN PERSONALITY RIGHTS

Although the law of personality rights differs around the world, significant cases from the United States and Europe show recurring legal themes and new issues. These examples highlight the significance of personality rights in shielding sportspeople from unauthorised exploitation and guaranteeing their control over their public image.

A. United States: *Zacchini v. Scripps-Howard Broadcasting Co.* (1977)

In *Zacchini*, the U.S. Supreme Court held that the First Amendment did not give the media an unrestricted right to broadcast a performer's entire act without his consent. The Court ruled in favour of *Zacchini*, a "human cannonball" performer, who argued that the unauthorised broadcast of his whole act had violated his right of publicity. The case is important because it confirmed that, in cases of unauthorised economic exploitation, the right of publicity may take precedence over the right to free speech.

B. United Kingdom: *Irvine v. Talksport Ltd.* (2002)

Although personality rights are not formally recognised in the UK, courts have awarded damages in passing off, which occurs when the unauthorised use of a personality implies endorsement. In *Irvine v. Talksport*, the court decided in favour of the Formula One driver Eddie Irvine, who had sued a radio station for circulating promotional material that falsely implied his endorsement.¹⁶ The case illustrates the UK's adaptable approach of addressing abuses of personality rights through the existing law of tort.

C. European Union: the General Data Protection Regulation (GDPR)

By safeguarding people's personal data, especially online, the GDPR contains rules that indirectly uphold personality rights. Sports celebrities can invoke the GDPR to prevent the misuse of their personal information, including digital likenesses, and to control the digital

¹⁵ See, e.g., *Jordan v. Jewel Food Stores, Inc.*, 743 F.3d 509 (7th Cir. 2014).

¹⁶ *Irvine*, [2002] EWHC 367 (Ch).

exploitation of their photographs. This is especially important on social media, where pictures of athletes are regularly shared without permission.

D. Personality rights in digital media and emerging issues

With social media and gaming opening up new channels for the use of images, the digital era has brought significant difficulties for personality rights. The frequent use of athletes' likenesses in video games, social media posts and digital advertisements raises concerns about remuneration and control.

E. Video games and digital simulations

Lawsuits have been filed over the unauthorised use of athletes' digital likenesses in video games, from EA Sports' NCAA football titles in the United States to its FIFA World Cup 2002 game in Germany, football video games in Brazil and 2K Sports' NBA series.¹⁷ Athletes contend that video game makers ought to pay them and obtain their express consent before exploiting their images in virtual simulations. Recent lawsuits brought by former athletes have brought to light the ongoing debate about whether the use of digital likenesses violates personality rights.

Case study: *Hart v. Electronic Arts* (2013). Ryan Hart, a former NCAA quarterback, succeeded on appeal: the Third Circuit held that Electronic Arts could not rely on the First Amendment to defeat his right of publicity claim over the use of his likeness, without his permission, in its NCAA Football video games, because the game's depiction of him was not sufficiently transformative to qualify as protected expression.¹⁸

F. Social media and sponsored content

Social media networks have given athletes' personality rights both new potential and new threats. Endorsement agreements now usually cover social media, and using an athlete's image in sponsored content without permission may result in legal issues. Social media use, however, also raises the question of how much control athletes retain once their image has been made public.

Case study: Neymar's image rights on social media. Neymar, a world-famous football player, has been involved in legal disputes to protect his image rights from unauthorised use on social

¹⁷ *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013); *Football Game Banned over Player's Image Rights*, OUT-LAW NEWS (Pinsent Masons, Apr. 30, 2003), <https://www.pinsentmasons.com/out-law/news/football-game-banned-over-players-image-rights> (last visited Oct. 6, 2026) (Hamburg court ruling on Oliver Kahn's claim against Electronic Arts over FIFA World Cup 2002); *Brazilian Club Players Sue over Video Game Image Rights*, SBS NEWS (May 6, 2017), <https://www.sbs.com.au/news/article/brazilian-club-players-sue-over-video-game-image-rights/cai9g9ywe> (last visited Oct. 6, 2026) (Reuters report of suits by Brazil-based footballers against EA Sports and Konami); *Champion v. Take Two Interactive Software, Inc.*, 64 Misc. 3d 530 (N.Y. Sup. Ct. 2019) (right of publicity claim by a streetball player over NBA 2K18, dismissed).

¹⁸ *Hart*, 717 F.3d 141.

media, and he has pursued cases in which others have used his name or image for commercial gain without his permission.¹⁹

VII. COMPARATIVE ANALYSIS: PERSONALITY RIGHTS PROTECTIONS ACROSS JURISDICTIONS

A. United States

In the U.S., personality rights are well established, particularly in California and New York. Courts generally allow individuals to seek redress when their image is used without permission. The First Amendment is, however, a counterbalancing factor, protecting artistic expression that transforms or parodies public figures' images.

B. Europe

While the European Union lacks uniform legislation on personality rights, some Member States recognise these rights through tort law, defamation or trademark law. Privacy laws, particularly the GDPR, give athletes limited control over their image on digital platforms, especially with regard to consent to the processing of personal data.

C. India

In India, personality rights are still developing but are increasingly recognised through case law, often involving Bollywood celebrities and sports figures. The Supreme Court of India has indicated that the right to privacy can support personality rights claims, suggesting a potential avenue for future litigation.²⁰

VIII. PROTECTION OF PATENT RIGHTS IN THE SPORTS INDUSTRY

The sports sector is one of the most dynamic industries, encompassing fields that range from training and health technologies to equipment manufacture. As businesses and organisations work to boost athlete performance, improve fan experiences and streamline operations, innovation is constantly present in this field. The need for intellectual property (IP) protection grows with the value of the technologies involved. Among the many types of intellectual property, patents are essential for protecting exclusive inventions, designs and technologies. In the sports sector, defending patent rights promotes a competitive market in addition to

¹⁹ See Case T-795/17, *Moreira v. EUIPO*, ECLI:EU:T:2019:329 (Gen. Ct. May 14, 2019) (EU trade mark NEYMAR, registered by a third party for clothing and footwear, declared invalid for bad faith on Neymar's application); *Neymar Jr. processa sócia por uso prejudicial da imagem; entenda*, O TEMPO (July 17, 2023), <https://www.otempo.com.br/sports/futebol/neymar-jr-processa-sosia-por-uso-prejudicial-da-imagem-entenda-1.3049114> (last visited Oct. 6, 2026) (legal notice to a social-media look-alike over the use of his image).

²⁰ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India) (Kaul, J., concurring, ¶ 58).

encouraging research and development (R&D). This part examines the value of patent rights in the sports sector, the particular difficulties encountered and the tactics used to protect them.²¹

IX. IMPORTANCE OF PATENTS IN THE SPORTS INDUSTRY

A. Boosting competitiveness and innovation

By giving creators a temporary exclusive right to their creations, patents in the sports sector promote innovation. This exclusivity gives companies a competitive edge, allowing them to profit from their ideas, recover R&D costs and spur further innovation. Patented innovations in the sports sector include wearable technology, biomechanical measurement tools, sophisticated materials and equipment, and even digital platforms for fan interaction.

B. Economic impact

Manufacturers of sports technology and equipment make significant R&D investments to produce innovative goods. By stopping others from replicating their discoveries, patents safeguard these investments. Beyond helping individual businesses, patent rights also help create jobs, increase tax receipts and even spur the expansion of adjacent industries. Within the industry, patents support a robust cycle of economic activity and innovation.

C. Enhancing athlete performance

Athlete performance now depends heavily on technological developments in sport, especially those covered by patents. Athletic footwear, performance clothing, wearable technology and innovations in equipment all have a direct impact on athletes' comfort, safety and physical output. Patented advances in running-surface technology or shoe materials, for instance, can have a considerable impact on results and performance.²²

X. TYPES OF PATENTABLE INNOVATIONS IN THE SPORTS INDUSTRY

A. Equipment and gear

Thanks to patented innovations, sports apparel and equipment, from high-performance swimwear to rackets and balls, have advanced considerably. Developments in materials science have produced strong, lightweight materials that are used in the manufacture of equipment, improving its usability and longevity.

²¹ See generally Emmanuel Oluwafemi Olowononi, *Patent Rights in the Sports Industry*, 1 EUR. J.L. & POL. SCI. 9 (2022), <https://doi.org/10.24018/ejpolitics.2022.1.4.30>, also available at https://www.researchgate.net/publication/364942888_Patent_Rights_in_the_Sports_Industry (last visited Nov. 9, 2025).

²² See Olowononi, *supra* note 21, at 14 (design patents on athletic shoes).

B. Wearable technology

Athletes increasingly use wearable technology, such as sensors, smartwatches and fitness trackers, to measure health information, evaluate movement and monitor performance indicators. These devices use proprietary algorithms that give users useful insights, and patented technology to ensure accurate data collection and interpretation.

C. Training and performance analytics

Advanced analytics platforms examine player movements, team dynamics and health measures using software algorithms that are protected by patents. These insights are useful for preventing injuries as well as for enhancing performance. Sports teams and franchises depend on patented software for real-time data analysis, which makes it an essential part of strategic planning and decision-making.

D. Apparel and footwear

Sportswear companies invest in innovative designs and materials to enhance the functionality, comfort and support they offer athletes. Patents are used to stop rivals from replicating innovations such as ergonomic designs, thermal insulation and moisture-wicking textiles.

XI. CHALLENGES IN PROTECTING PATENT RIGHTS IN THE SPORTS INDUSTRY

A. Imitation and counterfeiting

Imitation is one of the main obstacles to patent protection. As items gain popularity, other companies may try to create cheaper, comparable models without spending money on R&D. Sports clothing and equipment in particular are vulnerable to counterfeiting, which damages brand value and undermines consumer confidence. It can be difficult to ensure that patents are actionable and enforceable in many jurisdictions.

B. Rapid technological evolution

The sports sector is highly dynamic, and new developments and trends appear regularly. Because of the speed of innovation, it may be challenging for businesses to obtain patent protection before rivals release comparable goods. Furthermore, the short lifespan of some sports technologies, with ideas becoming outdated or improved upon within a few years, may limit the period during which patent protection is genuinely effective.²³

²³ See generally Kaustubh Kumar, *Role of Intellectual Property in Sports Industry*, GLOBAL PATENT FILING (Sept. 19, 2023), <https://www.globalpatentfiling.com/blog/Role-Of-Intellectual-Property-In-Sports-Industry> (last visited Nov. 9, 2025).

C. Global patent protection complexity

Because of their global operations, sports technology businesses need a multi-jurisdictional IP strategy. Obtaining worldwide protection is, however, expensive and complicated, because every country has different patent rules and enforcement practices. Navigating patent laws in areas with varying degrees of IP protection can be challenging, particularly in markets with lax IP enforcement or protracted patent infringement proceedings.

D. High cost of patent litigation

Particularly for small and medium-sized businesses in the sports sector, patent litigation can be a costly and drawn-out process. Infringement lawsuits may take years and millions of dollars in legal fees to resolve. Enforcing patent rights may be financially unfeasible for businesses with limited resources, leading to unresolved infringements and lost revenue.

XII. CASE STUDIES IN PATENT PROTECTION FOR SPORTS INNOVATIONS

A. Nike's patented Flyknit technology

Nike's Flyknit technology, a lightweight, form-fitting material used in footwear, is an example of patent protection in action. This innovative material offers better support and comfort, contributing to Nike's competitive edge in athletic footwear. Nike holds multiple patents related to Flyknit, which have helped the company prevent competitors from duplicating the technology and maintain its market leadership.

B. Wilson Pro Staff racket series

Wilson's Pro Staff racket series, used by players such as Roger Federer, incorporates patented technology that optimises power, control and feel. Wilson's focus on patenting innovative racket features has allowed it to differentiate its products in a crowded market, setting a high standard for quality and performance.

C. Fitbit's wearable technology patents

Fitbit, a major player in the wearable technology market, has patented algorithms and hardware innovations integral to its fitness trackers. By securing these patents, Fitbit not only safeguards its technological edge but also gains leverage in a competitive market where other companies may attempt to produce similar health-monitoring devices. Fitbit's patent portfolio has been instrumental in enabling the company to defend its market share and to sue infringers where necessary.

XIII. INTERNATIONAL EFFORTS FOR PATENT PROTECTION IN SPORTS

A. World Intellectual Property Organization (WIPO)

WIPO facilitates international cooperation in protecting patents through treaties and initiatives. The Patent Cooperation Treaty (PCT), administered by WIPO, allows inventors to file a single international patent application that can eventually lead to patents in multiple countries. The treaty is invaluable for sports companies operating globally, as it streamlines the process and secures a single international filing date that has effect in each designated country. The European Patent Office (EPO) offers a centralised procedure for granting patents across Europe, making it easier for sports companies to obtain patents covering multiple European nations. The Unified Patent Court (UPC), a new framework in Europe, has since 1 June 2023 allowed companies to enforce patents across the participating EU Member States through a single court decision.²⁴ This development simplifies patent enforcement and may encourage more sports companies to file patents in Europe. In the United States, the U.S. Patent and Trademark Office (USPTO) and the U.S. Court of Appeals for the Federal Circuit play significant roles in protecting patents. Given the size and importance of the U.S. sports market, robust examination by the USPTO and patent enforcement through the federal courts are critical. Sports companies, particularly those in technology-driven fields, rely on these institutions to uphold patent protection and address infringement.

B. Expansion of patentable subject matter

As the boundaries of patentable innovation expand, new areas such as biomechanical sensors, biofeedback technology and augmented reality (AR) may become eligible for patent protection. The sports industry will probably see more patents in areas related to fan experiences, such as AR-enhanced broadcasts and virtual interactions, pushing the industry towards more immersive experiences.

C. Enhanced cross-border collaboration

In response to the complexity of international patent enforcement, cross-border collaboration is expected to increase. Countries already cooperate through instruments such as WIPO's PCT to facilitate patent applications and enforcement. In the future, additional bilateral and multilateral agreements may emerge, making it easier for sports companies to protect their patents across global markets.

²⁴ Agreement on a Unified Patent Court, Feb. 19, 2013, 2013 O.J. (C 175) 1 (entered into force June 1, 2023).

XIV. CONCLUSION

With athletes becoming better known and their images increasingly used for commercial purposes, personality rights are becoming more and more important. Clear, enforceable personality rights matter more than ever in light of the growth of digital platforms and virtual reality. Legal systems around the world will probably keep adjusting to these changing issues, possibly enacting new laws or international agreements to deal with the global reach of digital media. Athletes will increasingly employ personality rights to manage and profit from their image while preventing unauthorised use. This pattern shows how crucial personality rights remain for maintaining individual identity, protecting business interests, and striking a balance between these interests and the public's right to free speech and information.

Future court disputes will probably centre on digital uses and cutting-edge technologies such as artificial intelligence and virtual reality, in which athletes' likenesses are altered and replicated in new ways that call for legal adjustments to safeguard their rights. From privacy-based safeguards, personality rights have evolved into a separate legal field with numerous applications in business and technology. As courts deal with emerging technological issues, such as the unlawful exploitation of digital likenesses in augmented reality and virtual worlds, the protections continue to change. Personality rights remain essential in the twenty-first century for safeguarding a person's capacity to maintain, control and profit from his or her identity on both traditional and digital platforms. The protection of patent rights in the sports industry is likewise critical for encouraging innovation, safeguarding investments and promoting economic growth. As companies continue to develop new technologies that enhance athlete performance, enrich fan engagement and streamline operations, patents provide a valuable tool for securing competitive advantages. While challenges such as high litigation costs, the complexity of global enforcement and rapid technological evolution persist, proactive patent strategies and robust legal frameworks offer solutions. The future of sports patent protection will probably see an increased reliance on AI technologies, expanded patentable subject matter and enhanced international cooperation, shaping a vibrant and dynamic landscape for the global sports industry.
