

Abstract

Sports and Intellectual Property Law

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Copyright Focus

Intellectual property affects with bigger or lower intensity almost all areas of modern society, sports not being an exception. Inventions of new technologies allow sportsmen and sportswomen to reach better results and to compete in new sports disciplines. Impact of broadcasting rights and branding of teams and their sponsors were detrimental to financial growth of sports and allowed sports to become a quasi-religion for many people round the world. Audience is attending sports for mental satisfaction and other reasons similar to those for visiting theater. In ancient Greek Olympics were sportsmen in direct competition with poem writers or rhetoricians.

This thesis focuses on copyrightability of “Sports” itself (term “Sports” is used in this thesis as including sports moves/complexes of sports moves and sports events).

In “Part 1 – Introduction” is discussed the role of intellectual property in sports and the role of sports in modern society in general but yet with more details. Further, in part 1 are set forth definitions of terms used later in the thesis.

Part 2 examines the legal possibility of copyrighting sports first from the U.S. point of view - where this matter was already brought to attention by several scholars and several papers have focused in part or fully on this topic - and later from Czech point of view – where this thesis counts as very first in this area.

Part 2 continues with assessing the impact of awarding sports copyright protection for sports policy and its existence as well as basic role and function in society.

“Part 3 – Conclusion”, based on previous parts, and is taking the position that many sports could from legal point of view reach copyright protection. Though many other sports, primarily the basic ones, will not satisfy requirement for creativity and subject matter and will be considered mere ideas, eventually will prevail their functionality and being considered as f. ex. a system.

This conclusion can be made for both the U.S. a Czech law; however, due to the lower demands of U.S copyright for creativity (originality in the U.S. vs. result of unique creativity in Czech) there will be “less sports” satisfying all legal requirements in Czech than in the U.S.

Final consideration taking into account (sports) policy however shows that in most of the cases issuing of copyright for sports would have a prevailing negative (detrimental) effect.

In some sports and under special circumstances (f. ex. ice-skating routine as a whole) this prevailing negative impact can be diminished in so far that awarding a copyright in such cases becomes possible.