

**Statement to the TRIPS Council
On Intellectual Property and Sports
10 October 2013**

Mr Chair,

Jamaica is pleased to join the European Union, Mexico, the United States and Trinidad & Tobago in sponsoring the agenda item on IP and Sports. As a small developing country Jamaica is fortunate to be a significant player in international sports. Jamaica is seeking to advance its work in IP, which, along with Sports, are vital pillars of the country's national development agenda.

Mr Chair,

In the last thirty years, sport has become one of the fastest growing global industries. The magnitude of the sports industry can be measured by the revenue generated by sports and the earning power of top international athletes. It is estimated that the global sporting industry is valued at over USD400 billion. At the individual level, international athletes such as Tiger Woods, Roger Federer, Kobe Bryant and our very own Usain Bolt, earn millions of dollars in endorsements. Sports is, therefore, no longer just an enjoyable activity, it is big business.

Jamaica and Sports

Jamaica is now ranked among the top sporting nations of the world. From our sterling achievements at the 1948 Olympics Games to the historic and awe inspiring performances by our teams at the last two Olympic Games and World Championships, Jamaica has demonstrated its outstanding athletic prowess on the international arena. In the wake of Jamaica's dominance on

the tracks, several books have been written and published about track and field and the country has also hosted several seminars on sport. Sport has therefore significantly enhanced ‘**Brand Jamaica**’ in diverse spheres.

JIPO and IP and Sports

The Jamaica Intellectual Property Office (JIPO) is the official agency that is responsible for legislation pertaining to the protection and administration of IPRs in Jamaica. It has seen the critical need for our sporting professionals to become aware of any potential IP opportunities from early in their careers. This is particularly important for those who evolve into elite athletes, achieving significant international recognition.

As the saying goes, ‘to be forewarned is to be forearmed’. Therefore, having a good support team, knowing how best to protect one’s interests and being able to seize various business opportunities during the short career lifespan of an athlete is not only a prudent aspect of retirement planning, but a vital defense against unfair exploitation of their celebrity appeal.

An illustration of not having this foreknowledge is the sad experience of Jamaica’s first bobsled team. Many people around the world were enamoured with the movie ‘*Cool Runnings*’ and were in awe at the feats of the Jamaican Winter Olympics team, given that one snowflake is yet to fall on our warm and beautiful island. Sadly, however, the members of the team received little benefit from the proceeds accruing to the movie. Various factors including insufficient knowledge of their IP and other rights, contributed to this unfortunate turn of events. Sports persons at every level

of development are therefore strongly encouraged to arm themselves with information in order to protect their IPRs.

Jamaica's Usain Bolt is undoubtedly one of the most famous personalities in the world of sports. Regrettably, some entities have sought to cash in on his name without permission. Although Bolt's management team has trademarked his name, we've seen several trademark infringement cases. Recently we were asked to respond to a trademark application in a certain country seeking to register a silhouette of Usain doing his famous lightning pose. We have also received several reports of persons trying to register Usain's name or image on products for example the Bolt Energy Drink.

Seminars/Workshops/Outreach

As part of its strategic operational plan, JIPO actively encourages all sports industry members, especially well-known national and international athletes, to register their names, pseudonyms, nicknames, images, brands, poses, or other insignia for which they are well-known, as trademarks and domain names.

In April 2011, Jamaica took the lead in hosting the first ever Conference on IP and Sports, organised by WIPO and JIPO, in association with a local law firm. It was held over two (2)-days in Kingston. The aim of the seminar was to sensitise Jamaican sports practitioners, both upcoming and current athletes, as well as sports administrators, media and other sports-related business, on how to benefit and earn from the proper protection and management of IP rights in the sports industry. In particular it sought to

demonstrate how IP rights can assist athletes to earn more from their careers both before and after retirement. Speakers included WIPO Deputy Director General Mr. Geoffrey Onyeama as well as professionals in the sports industry both locally and internationally.

Continuing Research

JIPO's activism in the area of IP & Sports includes conducting public education initiatives with various stakeholders on the importance of IP protection to the commercial viability of the sports industry. Jamaica is currently implementing a voluntary copyright registration system which will also facilitate the registration of images, photographs and other sports-related copyright works. JIPO has also been involved in raising awareness about the impropriety of businesses publishing congratulatory advertisements to athletes using the athletes' images without consent.

On a related subject, JIPO has also been doing research on personality rights and the desirability of personality rights legislation in Jamaica. In September 2013 JIPO hosted a forum on Image and Personality Rights, looking at the 2011 Image Rights legislation in Guernsey, United Kingdom, and the potential application of similar legislation in Jamaica. This was aimed at providing increased levels of protection for our sporting personalities, alongside the existing common law principles applicable to misappropriation of personality. Very recently also there have been discussions on the need for Policy Guidelines to regulate how the country engages with foreign interests who want to exploit the country's brand and reputation in sports.

Mr Chair,

Like most companies which are founded with a name and an idea, great athletes are developed by a combination of natural ability, effective training and competition and strong promotion in the form of compelling names or brands. The nexus between IP and sports is a dynamic and exciting enterprise and Jamaica fully intends to be at the forefront of initiatives in this area, in the years ahead.

Thank You