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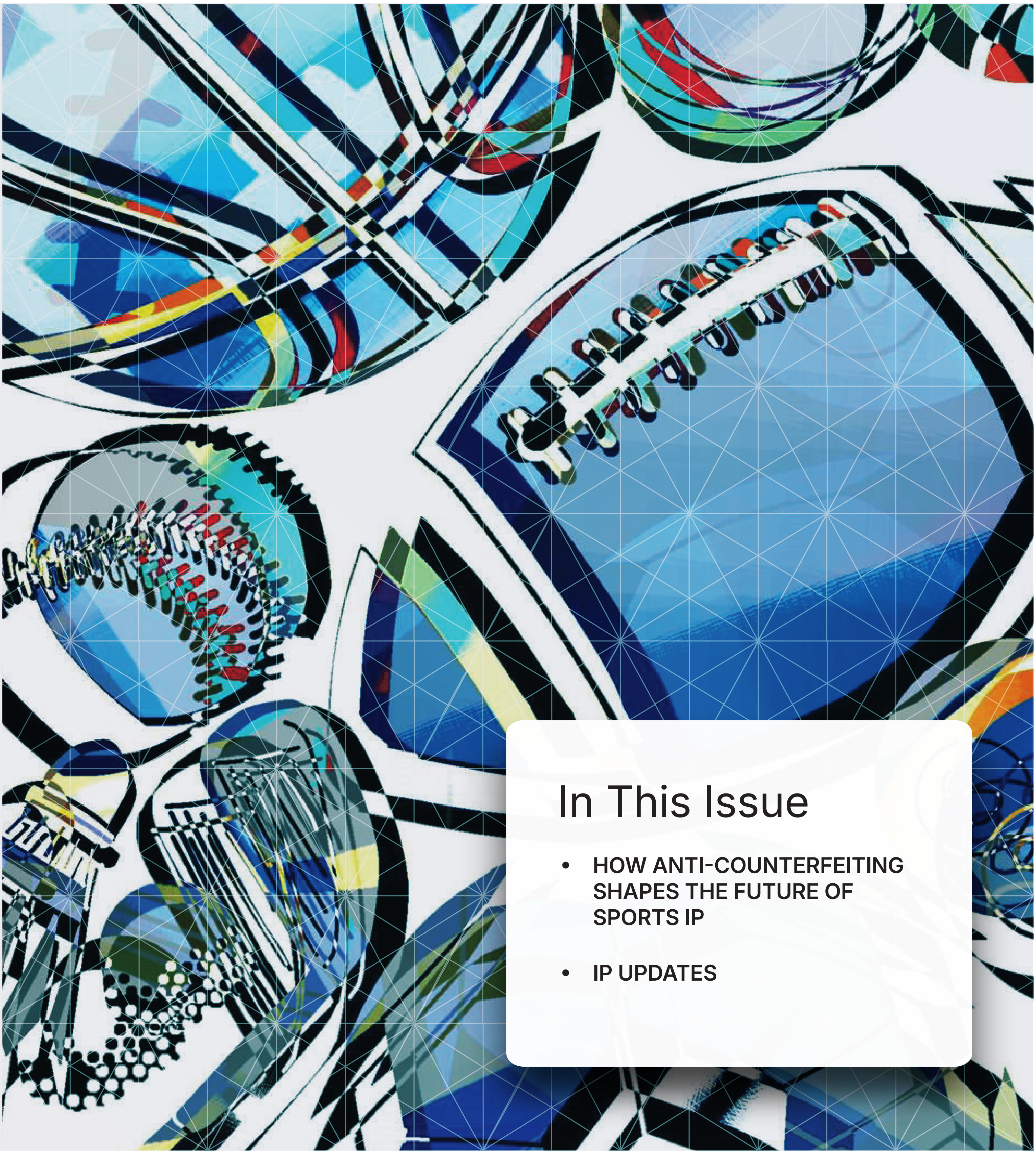

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HOW ANTI-COUNTERFEITING SHAPES THE FUTURE OF SPORTS IP

When innovation meets the playing field

"IP and Sports: Ready, Set, Innovate" is a fitting theme for World Intellectual Property Day. Modern sport extends far beyond competition on the field. It operates as a multifaceted commercial ecosystem built on branding, broadcasting, data, technology, and fan engagement. At the core of this system lies intellectual property.

This same ecosystem, however, faces increasing pressure from counterfeiting and piracy. Fake merchandise, substandard equipment, and unauthorised streaming are no longer peripheral concerns. They affect revenues, consumer trust, and the integrity of sports as a commercial enterprise. For jurisdictions seeking to position themselves as global sports hubs, effective IP protection is therefore not simply a legal issue, but a strategic economic priority.

The United Arab Emirates sits squarely within this landscape. As it continues to expand its sports offering and attract international events, the question of how to address sports-related IP risks becomes more pressing. In this context, the UAE's IP SPORT initiative provides a useful lens through which to consider how a modern IP framework can respond to counterfeiting in the sports sector.

The global counterfeiting challenge in sports

Counterfeiting and piracy are widely recognised as significant global challenges. International studies have consistently identified counterfeit and pirated goods as representing a meaningful share of global trade, with consumer goods, fashion, and sports merchandise among the most affected categories.

Within sport, these issues take several forms. Unlicensed jerseys and accessories circulate in physical and online markets, often making unauthorised use of team logos and event branding. Imitation sports equipment, particularly protective gear, may fail to meet safety standards, creating potential risks for users. At the same time, the misuse of trademarks and designs can dilute brand value and undermine official licensing programmes. In the digital environment, unauthorised streaming of live events continues to challenge broadcasters and rights holders by eroding the value of media rights.

Taken together, these practices have broader implications. They disrupt legitimate markets, reduce public revenues, and weaken the commercial foundations on which modern sport depends. Perhaps most importantly, they undermine the trust and authenticity that are central to fan engagement.

Why IP matters in modern sport

The relationship between intellectual property and sport is both extensive and fundamental. Trademarks underpin the identity of clubs, leagues, and events, while copyright protects broadcasts, highlights, and other media content that drive significant revenue streams. Industrial designs play a role in the appearance of kits and equipment, and patents support technological developments ranging from performance analytics to sports infrastructure. In addition, athletes' names, images, and likenesses are commercially exploited through endorsements and licensing arrangements.

Innovation across these areas depends on the existence of a predictable and enforceable IP framework. Where protection is weak or inconsistently applied, investment in new technologies, products, and experiences becomes more uncertain.

The UAE's position: growth and exposure

In recent years, the UAE has expanded its presence in the global sports sector, hosting and supporting a diverse range of events and activities. This growth has been accompanied by increased commercialisation, including sponsorship arrangements, merchandising, sports tourism, and media rights.

As these activities expand, exposure to IP-related risks also increases. The UAE's legal framework, which includes trademark, copyright, and related protections, provides the basis for addressing counterfeiting and piracy. Enforcement is carried out by a range of authorities, including economic departments, customs, and law enforcement bodies, which have taken action against counterfeit goods across sectors.

IP SPORT: a sector-focused approach

The UAE's IP SPORT initiative can be understood as a step towards more specialised engagement with IP issues in the sports sector. Its focus reflects the particular vulnerabilities of sport, including counterfeit merchandise, misuse of event-related branding, and unauthorised exploitation of athlete identity.

The initiative also signals an emphasis on awareness and coordination. By promoting a better understanding of IP rights among stakeholders such as clubs, event organisers, sponsors, and consumers, and by encouraging cooperation between rights holders and authorities, it aligns with broader trends in IP enforcement that favour collaboration alongside formal legal measures.

Anti-counterfeiting through a sectoral lens

Approaching counterfeiting through a sector-specific initiative offers several advantages. It allows enforcement priorities to be more clearly defined and communicated, which in turn can influence market behaviour. Closer cooperation between sports organisations and enforcement bodies can also improve the identification of infringing goods and activities, whether at points of entry, in physical marketplaces, or online.

Such an approach may also strengthen deterrence, particularly where enforcement actions are visible and supported by clear messaging. In the context of sports equipment and apparel, it contributes indirectly to consumer protection by addressing the risks associated with substandard products. For rights holders, it provides a more structured environment in which their IP can be recognised and enforced.

Transparency and its role

IP enforcement often operates out of public view. Investigations and actions are not always disclosed in detail due to confidentiality or operational considerations. As a result, limited public reporting on a specific initiative does not necessarily indicate a lack of activity.

At the same time, there is value in a degree of transparency. Periodic publication of aggregated data, general enforcement outcomes, or illustrative case studies can help demonstrate impact, build confidence among stakeholders, and support voluntary compliance. Over time, such measures can also inform more targeted and effective policy development.

Looking ahead

The theme "IP and Sports: Ready, Set, Innovate" highlights the importance of aligning protection with progress. In the sports sector, this involves not only safeguarding existing rights but also supporting the conditions for future innovation.

Further development in this area could include deeper engagement with sports stakeholders to identify emerging risks, increased attention to digital enforcement challenges, and continued use of data to inform policy decisions. Given the cross-border nature of counterfeiting and piracy, cooperation beyond national boundaries may also play an important role.

Conclusion

The intersection of intellectual property and sport is central to how the modern sports industry functions. Counterfeiting and piracy pose ongoing challenges that affect not only rights holders but also consumers and the broader economy.

In this context, targeted initiatives such as IP SPORT reflect an evolving approach to IP protection, one that recognises the specific dynamics of individual sectors. As the UAE continues to develop its position in the global sports landscape, the effectiveness of such approaches will depend on sustained enforcement, stakeholder engagement, and a continued commitment to transparency and best practice.

Ultimately, protecting IP in sport is not only about enforcement. It is about maintaining the integrity of a system that supports innovation, investment, and the continued growth of the sports economy.

IP UPDATES

QATAR:
FULL TRADEMARK CLASS COVERAGE NOW AVAILABLE, INCLUDING CLASS 33.

The Qatar Trademark Office has confirmed that, following the adoption of the Nice Classification (13th Edition) (effective February 2026), all 45 classes are now available for trademark registration in Qatar.

A key development is the acceptance of Class 33 (alcoholic beverages), which had previously been restricted. In addition, beer is now clearly recognized under Class 32, providing greater certainty for applicants in the beverage sector. These updates eliminate the need for workaround filing strategies and allow for more accurate alignment of specifications with global practice.

The opening of all classes significantly expands filing opportunities across industries, particularly for brand owners who previously faced limitations in securing protection. It is anticipated that there will be increased filing activity especially in Class 33 as businesses move to take advantage of this change.

Trademark owners are encouraged to review their portfolios and consider filing in newly available classes where relevant. Implementing trademark watch services is also advisable to monitor potential conflicts or opportunistic filings.

This development also brings Qatar in line with other GCC jurisdictions such as Bahrain and Oman, which already permit trademark registrations in Class 33, further strengthening regional harmonization in trademark protection.

PATENT CASES

NEC CORPORATION (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 486/2022
DECIDED ON: 28th March, 2026

The appellant filed an appeal challenging the impugned order passed by the respondent, refusing the appellant's subject application under the ground of lack of inventive step under section 2(1) (ja) of the act. The appellant argued that the subject application is not anticipated by 'prior claiming' in view of the prior arts. The appellant states that the respondent did not even apply ant test for the assessment or novelty and inventive step of the present invention. The respondent countered that the appellant failed to provide any arguments regarding 'prior claiming', and from the publication it was clear that invention was related to the subject matter of the 'prior claiming'. Also, the subject application does not have any inventive step considering the prior arts independently.

The Hon'ble Delhi High Court observed the following matter that the subject application failed to satisfy the requirement of inventive step under section 2(1) (ja) of the Patent Act, 1970. The Hon'ble Court also stated that the subject matter was obvious and had no difference in technical features when considering the prior arts. Therefore, the Hon'ble Court upheld the respondent's decision to finalize the refusal of the subject application.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE (Appellant) vs CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADEMARKS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 493/2022
DECIDED ON: 28th March, 2026

The appellant filed an appeal against the respondent for rejecting the appellant's patent application under Sections 3(j), 3(e), 10(4) and 10(5) of the Patent Act. The appellant states that the 'non-native' cells are well defined in the specification and are also novel and inventive and do not occur in nature. The appellant clarifies that the subject application solves the technical problem of the prior art and constitutes patentable subject matter, therefore is excluded from the prohibitions of section 3(j) of the Act. The respondent states that microorganisms isolated from nature cannot be considered to be patentable under section 3(c). The respondent countered that section 3(j) prohibits patentability of an animal or plant as a whole. The respondent also states that in the subject application the terminology 'native', 'non-native', and 'gene expression profile that is different' is unclear.

The Hon'ble Delhi High Court observed that the amended claims alter the nature of the claims from a composition to a non-native pancreatic β cell, and the same should have been addressed by the controller. The respondent considered the original claims while objecting to the subject application and passing an impugned order. The Hon'ble Court concluded by setting aside the impugned order and directed fresh consideration of the subject application in view of the amended claims.

SCIPHARM SARL (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS AND ANR (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 159/2022
DECIDED ON: 27th March, 2026

The present appeal was filed against the respondent by the appellant for rejecting their patent application under the ground of non-patentability under Section 3 (i) of the Patents Act, 1970. The respondent stated that the deletion of original method claim referring to "obtaining the sample containing Haematopoetic Stem Cells" was an essential part of the subject application, this essential part involves surgical method which is prohibited under section 3(i) of the Act. The respondent further states that if the appellant agrees to delete claim no. 1 of the subject application, the objection may be considered to be resolved, and the matter can be considered further with the amended set of claims.

The Hon'ble Delhi High Court examined the matter and permitted the appellant to amend the subject application by deleting claim 1 and retaining claims 2-5 for further consideration. The Hon'ble Court directs the respondent to consider the amended set of claims of the subject application and decides the matter on merits uninfluenced by any observations made in this order.

TRADEMARK CASES

DELHIVERY LIMITED (Plaintiff) vs ASHOK KUMAR AND OTHERS (Defendants)

CASE NO.: CS (COMM) 61/2026
DECIDED ON: 6th April 2026

In the present suit, the plaintiff filed an action seeking injunction against the defendants for infringement of trademark, copyright and passing off in respect of its mark **"DELHIVERY / DELHIVERY"**. The plaintiff argued that the defendants were abusing its trademarks and proprietary materials by preparing counterfeit franchise offers, documents, emails, and domain names, and thus defrauded innocent members of the population and cashed in the goodwill and reputation of the plaintiff.

The Hon'ble Delhi High Court observed that the plaintiff had established a prima facie case, and that the balance of convenience lay in favour of the plaintiff. The Hon'ble Court also believed that such activities could not be done without restraint because it would cause irreparable harm to the goodwill and reputation of the plaintiff as well as to the general population.

As such, the Hon'ble Court granted the injunction in favour of the plaintiff and ordered the defendants not to use the mark of **"DELHIVERY"** in any form including in emails, domain names, franchise documents, agreements, etc. in any manner, which constituted infringement, copyright violation and passing off. The Hon'ble Court also instructed intermediaries and interested parties to reveal KYC information, close bank accounts, block telephone numbers, and shut down infringing domain names by the defendants. Thus, the interim application was allowed and injunction granted in favour of the plaintiff.

SANGEETHA CATERERS AND CONSULTANTS LLP (Plaintiff) vs M/S RASNAM FOODS PVT LTD AND OTHERS (Defendants)

CASE NO.: C.S (COMM DIV) NO. 116/ 2023
DECIDED ON: 25th March 2026

In the present suit, the plaintiff filed a suit before the Hon'ble Madras High Court seeking permanent injunction for trademark infringement and passing off, restraining use of the marks **"GEETHAM", "GEETHAM VEG /** geetham " and **"SANGEETHA"**, alleging similarity with its established marks **"SANGEETHA /** Sangeetha VEG " and **"SANGEETHA VEG RESTAURANT"**. The plaintiff contended that the defendants, being former franchisees, dishonestly adopted similar marks and trade dress to mislead consumers.

The defendants argued that "**GEETHAM**" was independently coined, not deceptively similar, and that after modifying their trade dress and issuing public disclaimers, no confusion remained. The Hon'ble Madras High Court held that although "**SANGEETHA**" had acquired distinctiveness, the defendants' mark "**GEETHAM**" was not deceptively similar, and thus no infringement was made out. However, the Hon'ble Court found passing off for the period between 01.06.2022 and 02.11.2023, as the defendants used identical trade dress and operated from the same premises, creating consumer confusion. Post modification of trade dress and public clarification, no further passing off was established. Accordingly, the suit was partly decreed, granting injunction for the earlier period, directing rendition of accounts and payment of profits and costs, while dismissing remaining claims.

BARDANA SUPER HI-TECH AGRO TONIC PVT. LTD. (Plaintiff) vs AMCONS IPL (AGRO INDUSTRIAL EXPANSION) PVT. LTD. AND OTHERS (Defendants)

CASE NO.: CM/1440/2026 IN CS(OS) 1/2026
DECIDED ON: 25th March 2026

In the present suit, the plaintiff sought permanent injunction against the defendants for trademark, trade dress and copyright infringement and passing off, restraining use of the mark **"SUPER AGRO-TECH" "SUPER HI-TECH AGRO TONIC" "HI-TECH AGRO TONIC" "BARDANA SUPER HI-TECH AGRO** TONIC". The plaintiff alleged that it had used its marks since the 2000s, as well as a trade dress featuring a distinctive apple theme, and that the defendants had used a similar mark in a deceptively similar manner and packaged the same agricultural products, which caused confusion and diversion of trade and loss of goodwill. It has also been claimed that even after the defendants receiving legal notices, they still proceeded with the infringing acts and because of the continuous damage, immediate interim relief was necessary. Thus, they could not be excused from pre-institution mediation of the Commercial Courts Act Section 12A.

The Hon'ble High Court of Jammu and Kashmir and Ladakh noted that the case pertained to a continued infringement and repeated cause of action, and that it merited the dispensation of pre-institution mediation. The Hon'ble Court believed that the plaintiff had a prima facie case and its balance of convenience and probability of irreparable harm in case of non-relief was in favour of the plaintiff. To that end, the Hon'ble Court rejected pre-institution mediation and granted interim injunction to prevent the defendants from using the impugned mark or any other deceptively similar trade dress as well as misrepresenting their goods as belonging to the plaintiff.

PARLE PRODUCTS PRIVATE LIMITED (Appellant) vs THE REGISTRAR OF TRADE MARKS & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 49/2025 & I.A.19990/2025
DECIDED ON: 10th March 2026

In the present appeal, the appellant had challenged the decision of the Registrar of Trademarks granting registration of the mark **"20-20"** in favour of the respondent for food products. The Appellant claimed that it had commenced use of the mark prior to the respondent and, therefore, should be recognized as the rightful proprietor based on the "first in the market" principle and also asserted that the respondent's prolonged non-use amounted to abandonment of the mark.

In response, the respondent submitted that it had filed its trademark application of 27th September 2007 one week prior to the appellant's application and had diligently prosecuted the application until its eventual registration in 2025. The respondent argued that priority should be determined by earlier filing date rather than subsequent commercial use.

The Hon'ble Delhi High Court observed that both parties had applied for a trademark on a **"proposed to be used"** basis, meaning that neither had actually used the trademark at the time of filing. In such circumstances, the Hon'ble Court held that priority is to be determined by the date of application, and not by subsequent use in the market. After contradictory claims of the appellants the Hon'ble Court stated *"This is a classic case of a party approbating and reprobating at the same time. This is impermissible in law".*

Therefore, the Hon'ble Court dismissed the Appellant's appeal and upheld the trademark registration in favour of the respondent, affirming **that earlier filing date beats later commercial use** when both parties had applied on a proposed-use basis under the Trademark Act.

COPYRIGHT CASES

PHONOGRAPHIC PERFORMANCE LIMITED (Applicant) vs LTC HOSPITALITY PRIVATE LIMITED AND OTHERS (Respondents)

CASE NO.: I.A. (L) NO. 33355 OF 2025 IN COMMERCIAL IP SUIT (L) NO. 32410/2025
DECIDED ON: 7th April 2026

In the present suit, the applicant sought injunction against the respondents for copyright infringement, restraining them from publicly performing or communicating sound recordings without obtaining a valid license. The applicant argued that the sound recordings are copyrighted by the owner and it has the exclusive right to license under Section 30 of the Copyright Act, 1957. They claimed that even after the license expiry/ non-renewal, the respondents still played the sound recordings of the applicant at their premises and used commercially, which was confirmed by a visit to their premises by a representative and affidavit evidence.

The Hon'ble Bombay High Court noted that the applicant had established a prima facie case and since the respondents had not yet appeared or rebutted the case, the evidence presented by the applicant was to be accepted at this stage. The Hon'ble Court, therefore, found that the unlawful broadcast of the applicant's copyrighted works constituted infringement and ad-interim injunction restraining the respondents against publicly performing, or communicating the sound recordings without license, and this injunction shall prevail until the next date of hearing.

HOME BOX OFFICE, INC. (Plaintiff) vs MOVIEBOX.PH & ORS. (Defendants)

CASE NO.: CS (COMM) 358/2026

DECIDED ON: 6th APRIL 2026

In the present suit, the plaintiff instituted an action seeking ex parte ad-interim injunction against the defendants for infringement of copyright, restraining them from hosting, streaming, reproducing, distributing or communicating to the public the plaintiff's cinematographic works, including the series **"Euphoria"** and its upcoming season.

The plaintiff argued that it had exclusive rights in the said works and that the defendant websites were rogue websites that were involved in unauthorized dissemination and piracy of the content of the plaintiff, thus causing a significant financial loss and loss of the commercial value of the said works especially at the most critical time, release. It was also argued that this infringement was systematic and it was likely to continue to grow via mirror and redirect websites.

The Hon'ble Delhi High Court observed that the plaintiff had established a prima facie case, and that the balance of convenience lay in favour of the plaintiff, as denial of relief would result in irreparable injury. In this regard, the Hon'ble Court allowed ex parte ad-interim injunction to restrain the defendants and all the related entities to infringe the plaintiff copyright. The Hon'ble Court also instructed domain name registrars to freeze infringing domains and reveal information, internet service providers to block access to such sites and allowed dynamic injunction of newly identified infringing sites. Thus, the interim application was allowed and injunction granted in favour of the plaintiff.

M/S MRT MUSIC (Plaintiff) vs PARAMVAH STUDIOS PRIVATE LIMITED & ORS (Defendants)

CASE NO.: CS(COMM) 680/2024

DECIDED ON: 28th March 2026

In the present case, plaintiff instituted suit alleging that the defendants illegally used two of its Kannada songs **"NYAYA ELLIDE"** and **"OMME NINNANU"** in the Kannada film **"BACHELOR PARTY"** without obtaining a license.

The plaintiff gained exclusive copyright ownership by virtue of Assignment Deed from Master Recording Company "Sangeetha" and asserted that the use by the defendant is not incidental or minimal. The defendants retaliated that the songs were used for merely 7 and 31 seconds respectively in incidental scenes, they also challenged the ownership of plaintiff and asserted that they lacked authority to issue licenses under Section 33 of the Copyright Act.

The Hon'ble Delhi High Court noted the plaintiff's prima facie ownership and affirmed that defendants had deliberately chosen the songs to further the films narrative, making the use descriptive rather than merely brief, thereby rejecting the minimal defense. It also held that Section 33 does not restrain individual copyright owners from licensing their own works. And granted an interim injunction restraining the defendants from exploiting the Original Works, while also directing to pay ₹20,00,000, which was already deposited by the defendants to remain with the Court and additional ₹5,00,000 penalty.

DESIGN CASES

NEC CORPORATION & ORS. (Appellant) vs THE CONTROLLER OF PATENTS AND DESIGNS AND ANR. (Respondent)

CASE NO.: IPDAID/21/2024, IPDAID/22/2024, IPDAID/1/2025, IPDAID/2/2025, IPDAID/3/2025

DECIDED ON: 09th March 2026

The appellants filed multiple appeals challenging the rejection of their Graphic User Interface (GUI) design registration application by the respondent. The appeals raise a common question **"Whether the graphic user interface (GUI) satisfies the criteria of a design making it eligible for registration under the act?"**

The appellants urged that the respondent had interpreted the definitions of "**Article**" and "**Design**" narrowly. They further asserted that the word "any" preceding "industrial process" under section 2(d) makes manual, mechanical or chemical processes merely indicative and not exhaustive, encompassing electronic and digital. They argued that neither permanence nor tangibility is mandated by the statute. The respondent countered that GUIs lack physical permanence, exist only when a device is powered on, cannot be manufactured or sold independently, and already enjoy protection as artistic works under the Copyright Act making design registration unnecessary and overlapping.

The Hon'ble Court delivered a landmark Judgement highlighting that under section 2(d) of the Designs Act 2000 nowhere contains express exclusion for GUIs. Permanence is not a statutory requirement; visibility of a design during normal use suffices. "Industrial process" must be interpreted progressively to accommodate digital and electronic means. On dual protection, the Hon'ble Court clarified that the existing statutory frameworks between the Designs Act and the Copyright Act are adequate which prevents overlapping of statutes.

The Hon'ble Court ruled in favour of the appellants and set aside all orders and remanded the matters for reconsideration to the controller establishing that GUIs are registrable designs in India, assessed on a case-by-case basis.

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