



# Sports

Taylor Wessing LLP's sports group advises and assists clients on all sports related matters. It comprises lawyers from England, France, Germany and Brussels with the full range of legal skills.

The sports group focuses on clients engaged in the business of sport and its related sectors. Our aim is to develop a partnership with our clients, who see us as much as professional sports advisers as lawyers. We add value to any sports related business through both our technical expertise and a thorough understanding of the sports world.

As the international business of sport touches many highly technical areas of law and regulation, we adopt a multi-disciplinary approach so that we combine the right lawyers for the job at the appropriate level of experience to provide an efficient and high quality service.

## Current and emerging issues

The group is well aware of the topical and developing issues in the sports world. For example:

- the development of new innovative technology which can be used to exploit sports "rights" and associated advertising.

This brings with it unparalleled opportunities both for the relevant sports concerned and advertisers.

- the growth of new technology means that a wide range of interactive sports entertainment mechanisms are now available to the public. Interactive data and gaming services are examples. The financial value of these rights means that sports businesses must ensure they have appropriate intellectual property and contractual protection in order to prevent unlawful exploitation by others. The Group's aim is to ensure that clients can exploit the full value of these rights in a tax efficient manner.
- competition authorities throughout the world are watching over the sports industry with a much keener eye than in the past. The role of national and EU competition authorities in the governance and administration of sport will inevitably increase over the next few years. The referral in the 1990's by the OFT to the Restrictive Practices Court of the exclusive broadcasting contract between

BSkyB, the BBC and the Premier League highlights how important it is for those engaged in the sports industry to ensure their agreements and arrangements comply with national and international competition rules.

- the development of strategic alliances between sporting bodies, the media and infrastructure owners brings with it both huge opportunities and difficulties. The bid by BSKyB for Manchester United is just one example of the technical and complex legal issues which sport now faces and which require innovative solutions.
- the likely development of Internet broadcasting as opposed to digital television may change the way that rights in sports events will be negotiated from the traditional territory by territory to a worldwide basis.
- the increase in the number of challenges made to decisions of sports' governing bodies, whether by way of litigation, arbitration or other forms of dispute resolution.
- the development and financing, using innovative techniques, for major sporting and leisure infrastructure and the complex issues that arise dealing with conflicting interests, sponsorship, land and operating issues.

## Our services

### Sponsorship, merchandising, endorsement and brand management

Our thorough understanding and substantial experience of the legal protections necessary for both sporting entities and sponsors to be able to capitalise on the sporting "brand" or event concerned enables us to identify and resolve the important issues which arise in the context of sponsorship, merchandising, endorsement, licensing and other brand management arrangements. Our role is to ensure that the parties reach an agreed, clear and effective contractual arrangement, so as to underpin a successful ongoing relationship. Often this places reliance on intellectual property rights protection. Accordingly, we are pro-active in advising our clients on intellectual property protection plans. These cover the whole range of potential rights throughout the world, including copyright, trade marks, patents, database rights, personality and privacy rights, rights in confidential information and more. We also advise on effective international strategies and practices to help combat and defeat counterfeiting, ambush marketing and unofficial event association techniques used by unlicensed "freeloaders" who are

unwilling to contribute financially to the successful sporting event or organisation concerned.

### Broadcasting and virtual technology

The "global audience" of the New Millennium has a voracious appetite for viewing sports. The development of internet broadcasting, digital and "virtual" technology provides yet more ways of generating revenue from sporting events and occasions. We combine our knowledge of sport, IP and technology to add value in this new world. It is our role to ensure that clients set up the right mechanisms and vehicles to exploit these opportunities to the full. It is vital that all media and ancillary "rights" are properly protected, managed and exploited. Our advice and the work we do reflects this understanding.

### Media convergence and interactive media platforms

The proliferation in the development of new technologies in the media world has increased the vehicles available to the sports industry to enable it to maximise revenue generation. We help businesses to address both the legal and practical issues which arise from these new technologies through providing constructive solutions. By having lawyers who understand the business and the technology, as well as being experienced in the relevant fields of law, we are able to ensure that our advice fully reflects our clients' needs.

### Internet and e-commerce

All businesses engaged in the sports industry can benefit from the opportunities and new business models offered by the Internet. Successful implementation and use of Internet-related methods and strategies requires a clear understanding of the legal issues and advice on practical strategies to avoid potential problems. We advise on all aspects of Internet-related law, including advice on e-commerce, m-commerce, advertising and marketing online, online gambling, domain name and trade mark protection and taxation issues relevant to trading online.

### Competition and restraint of trade

As the sports industry grows and exploits its true commercial value it is finding itself under increasing investigation by both national and international competition authorities. The concepts of exclusive broadcasting rights and collective negotiating and bargaining by sporting leagues and governing bodies have already come under scrutiny by certain national competition authorities and courts across Europe and by the EU Commission. The

Taylor Wessing sports group can identify and resolve potential competition and restraint of trade difficulties which arise in sporting contexts. By identifying these issues, ensuring they are dealt with and advising on suitable structures to be adopted, we can help to put together arrangements which achieve the parties' commercial requirements in a clear and practical manner, without breaching the requirements of the competition authorities.

### Sporting infrastructures, financing and event management

The recent growth in the popularity of sport has encouraged organisations and clubs to build and invest in new infrastructures and stadiums to meet the expectations of players, spectators and sponsors. Careful consideration needs to be given to the building, financing and ownership arrangements for these infrastructures. Taylor Wessing's sports group can advise on funding, construction and other property related issues, both from a technical and legal viewpoint. We have substantial experience in project finance and development agreements, land acquisition and planning applications, construction contracts and investment and lending arrangements.

The firm also has experience in advance funding of football player transfers, securitising season ticket sales and the provision of bonds for FIFA agents.

We can also help in assisting the organisers of sporting events by putting in place contractual arrangements for the proper management of events, including agreements dealing with ticketing arrangements, food and restaurant facilities and corporate hospitality requirements.

For those sports businesses which seek to raise finance, we can assist with our extensive experience of the differing range of corporate finance transactions which are available to suit the needs of a varied sports client base.

## The Team - Sports (London)



**Charles Lloyd**  
Intellectual Property  
E-mail [c.lloyd@taylorwessing.com](mailto:c.lloyd@taylorwessing.com)



**Ted Mercer**  
Broadcasting and IT  
E-mail [t.mercer@taylorwessing.com](mailto:t.mercer@taylorwessing.com)



**Simon Lovell**  
Banking and Finance  
E-mail [s.lovell@taylorwessing.com](mailto:s.lovell@taylorwessing.com)



**David Greig**  
Litigation and Arbitration  
E-mail [d.greig@taylorwessing.com](mailto:d.greig@taylorwessing.com)



**Niri Shan**  
Defamation, Privacy and Human Rights  
E-mail [n.shan@taylorwessing.com](mailto:n.shan@taylorwessing.com)



**Daniel Rosenberg**  
Corporate  
E-mail [d.rosenberg@taylorwessing.com](mailto:d.rosenberg@taylorwessing.com)



**Tony Ghee**  
Broadcasting  
E-mail [a.ghee@taylorwessing.com](mailto:a.ghee@taylorwessing.com)

### Dispute resolution

Because of the increasing amounts of money at stake for all those involved in sport, from the broadcasters to the sports men and women themselves, parties are more and more prepared to assert and defend their rights.

Many sports governing bodies have introduced arbitration clauses into their rules, with the intention of, where possible, excluding resort to the courts, and several have final appeals to the Court of Arbitration for Sport in Lausanne. On the domestic front it is likely that in the future many sports bodies will try to have disputes referred for resolution by the Sports Dispute Resolution Panel.

Human rights, including the right to a fair hearing and a reasoned decision, are playing an increasing role in legitimising the internal disciplinary procedures of sports governing bodies.

The growth in the popularity of sporting personalities has also seen an increase in privacy and defamation claims being brought by these personalities against the media and those involved in the administration of sport.

The Taylor Wessing sports group can call on the firm's expertise in international arbitration, litigation and other forms of dispute resolution to advise and represent parties on a wide range of problems.

**Berlin**  
Ebertstraße 15, 10117 Berlin  
Tel +49 (0)30 88 56 36 0  
Fax +49 (0)30 88 56 36 100

**Brussels**  
Trône House, 4 Rue du Trône  
B-1000 Brussels  
Tel +32 (0)2 289 6060  
Fax +32 (0)2 289 6070

**Cambridge**  
24 Hills Road, Cambridge, CB2 1JP  
Tel +44 (0)1223 446400  
Fax +44 (0)1223 446401

**Dubai**  
P.O. Box 33675  
28th Floor Al Moosa Tower II  
Sheikh Zayed Road  
Dubai, United Arab Emirates  
Tel +971 (0)4 332 3324  
Fax +971 (0)4 332 3325

**Düsseldorf**  
Königsallee 92a  
D-40212 Düsseldorf  
Tel +49 (0)211 83 87 0  
Fax +49 (0)211 83 87 100

**Frankfurt a. M.**  
Senckenberganlage 20-22  
D-60325 Frankfurt a. M.  
Tel +49 (0)69 971 30 0  
Fax +49 (0)69 971 30 100

**Hamburg**  
Hanseatic Trade Center  
Am Sandtorkai 41, 20457 Hamburg  
Tel +49 (0)40 36 80 30  
Fax +49 (0)40 36 80 3280

**London**  
5 New Street Square  
London, EC4A 3TW  
Tel +44 (0)20 7300 7000  
Fax +44 (0)20 7300 7100

**Munich**  
Isartorplatz 8  
D-80331 Munich  
Tel +49 (0)89 2 10 38 0  
Fax +49 (0)89 2 10 38 300

**Paris**  
42 avenue Montaigne  
75008 Paris  
Tel +33 (0)1 72 74 03 33  
Fax +33 (0)1 72 74 03 34

**Representative offices:**  
**Alicante**  
Paseo Explanada de España No. 1  
4-Izda E-03002 Alicante, Spain  
Tel +34 (0)96 51 42 805  
Fax +34 (0)96 52 00 248

**Beijing**  
Unit 1503, Prosper Center, Tower 2  
No. 5, Guanghua Road, Chaoyang  
District, Beijing 100020, China  
Tel +86 10 8587 5886  
Fax +86 10 8587 5885

**Shanghai**  
15th Floor United Plaza, Unit 1509  
No. 1468, Nanjing West Road  
200040 Shanghai, China  
Tel +86 21 6247 7247  
Fax +86 21 6247 7248

[www.taylorwessing.com](http://www.taylorwessing.com)

## A legal force for Europe

Based in the UK, France, Germany, Brussels and Dubai, as well as representative offices in Alicante, Beijing and Shanghai - Taylor Wessing LLP provides the full range of legal services to major corporations, financial and public institutions, growing enterprises and wealthy private clients.

Taylor Wessing has an enviable track record in serving knowledge-based and technology-orientated businesses. A market leader in intellectual property, the firm also has a strong market presence in corporate finance, private equity, real estate finance, inward investment and sport.

## Our services

- **Corporate** - M&A, IPOs, Private equity, Tax, Commercial law, Inward investment, Funds
- **Intellectual property** - Patents, Copyright, Trade marks, Confidential information
- **Finance & projects** - Banking, Structured finance, Major projects
- **Dispute resolution** - Litigation, Arbitration, Mediation
- **Reconstruction and corporate recovery** - Restructuring, Work-outs, Formal insolvency
- **Real estate** - Investment, Development, Finance, Planning and environment

- **Employment & pensions** - Employee benefits, Human resources, Pensions, Pensions litigation
- **Competition** - EC law and anti-trust
- **Regulatory** - Public law, Financial services
- **Private client** - International asset protection, Tax and succession planning

## Specialist services

- Sponsorship and endorsement
- Brand management, advertising and marketing
- Merchandising, franchising and other licensing arrangements
- Ambush marketing and unofficial event association
- Intellectual property protection strategies and rights enforcement
- Radio and television broadcasting and other media rights
- Virtual technology
- E-commerce issues
- Internet broadcasting
- Media convergence and interactive media platforms
- Encryption and conditional access platforms
- Internet gaming and gambling
- Electronic publishing
- Competition and restraint of trade
- Event management
- Lending, IP asset - specific funding and securitisation
- Lending, advance funding for player transfers and FIFA bonds
- Project finance and capital finance
- Strategic alliances between sporting bodies, media and infrastructure owners
- Rules, regulations and corporate governance of sports bodies
- Player contracts
- Mediation
- Arbitration and dispute tribunals
- Litigation
- Property and construction, land acquisition, site assembly, planning and development agreements
- Tax planning
- Players' rights
- Rights in events, competitions, venues and teams
- Computer games and sports rights
- Player agents and sports representative bodies
- Inter club joint ventures
- Human rights
- Defamation
- Image rights
- Personal injury
- Privacy



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