



SLW CONTINUING LEGAL EDUCATION

Playing by the Rules: What Every IP Practitioner Needs to Know About Branding and Advertising During Major Sporting Events

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slw. A Comparison of the Four Major Events

FIFA World Cup

Federal trademark protection and common law rights for a variety of FIFA and WORLD CUP marks

NCAA March Madness

Federal trademark protection for MARCH MADNESS

The Olympics

Statutory protection, meaning no need to prove likelihood of confusion under Lanham Act

The NFL Super Bowl

Federal trademark protection for SUPER BOWL

Arguably the most aggressively enforced (by the NFL) among the 4 events

Why do the organizations putting on these events (FIFA, NCAA, NFL, IOC) enforce their IP so aggressively?

Because sponsorship revenue only exists if sponsors get exclusivity — the moment any brand can associate with the event(s) (FIFA World Cup, The NFL Super Bowl, NCAA March Madness, The Olympics) for free, the sponsorship rights lose their value, and the event organizer (FIFA, NCAA, NFL, IOC) loses the funding needed to stage the event(s).

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FIFA World Cup

inside.fifa.com



What FIFA Owns

FIFA WORLD CUP™

FIFA WORLD CUP 26™

"WORLD CUP"

WE ARE MIAMI™

WE ARE MEXICO CITY™

WE ARE TORONTO™



FIFA®



The Official Slogan

English	Spanish	French
WE ARE 26™	SOMOS 26™	NOUS SOMMES 26™
WE ARE 26™	SOMOS 26™	NOUS SOMMES 26™

The Official Typeface "FWC 2026" has been specifically created for the Tournament and is protected by copyright where applicable and in various jurisdictions by design registration:

3 Key Guidelines

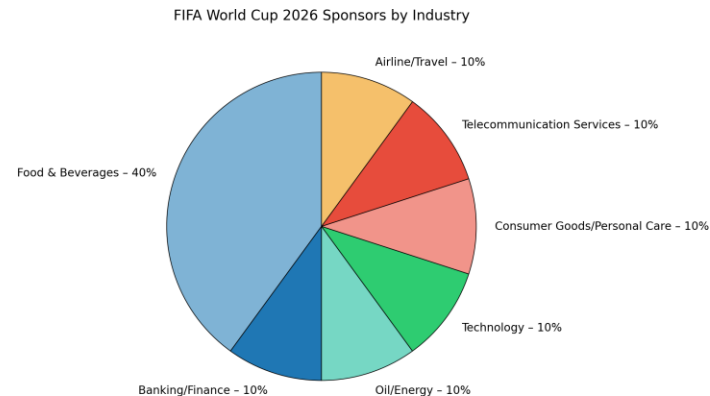
Guideline 1: Only “Rights Holders” May Use Official IP Commercially

Guideline 2: Do Not Create Unauthorized Commercial Association — Even Without Using Official Marks

Guideline 3: Celebration Is Permitted/Encouraged — Using Generic Imagery Only

Guideline 1: Only “Rights Holders” May Use Official IP Commercially

Tier	IP Rights
FIFA Partners	Worldwide, across all FIFA competitions
World Cup Sponsors	World Cup only
Regional / Host City Supporters	Within designated territory only



Guideline 1: Only “Rights Holders” May Use Official IP Commercially

✓ : t-shirts sold by VISA (one of FIFA's official partners) is selling these shirts:



✗ your client, Sample Ltd. (not an official sponsor) is selling the same shirt:



✓ What Sample Ltd. could sell instead:



EXAMPLE

Guideline 2: Do Not Create Unauthorized Commercial Association — Even Without Using Official Marks

- Unauthorized association is established when a company "makes it appear as if it is associated with FIFA or the Tournament" — meaning the overall consumer impression controls, not whether official marks were explicitly used
- **Impact > intent:** celebration becomes unauthorized association the moment it creates that impression, regardless of intent
- Consequence of unauthorized commercial association: “subject to legal measures”

Guideline 3: Celebration Is Permitted/Encouraged — Using Generic Imagery Only

Generic 	FIFA Protected IP, including: 	Third-Party Protected IP, including: 
- National flags - Country names - The score of a game - Generic imagery of a soccer ball, soccer field, trophy, etc. - “FOOTBALL WORLD CHAMPIONSHIP” - “SOCCER WORLD CHAMPIONSHIP”	- “FIFA” - “WORLD CUP” (in <u>all</u> languages, ie “COPA MUNDIAL” in Spanish) - Depiction of the world cup trophy	- Player names, images and likeness - Official soccer team logos (and other team-specific branding or related assets)



NCAA March Madness

www.ncaa.com/_flysystem/public-s3/files/Advertising_Promotional_Standards_2025.pdf

NCAA Trademarks

March Madness®

The Big Dance®

Final Four®

Women's Final Four®

Elite Eight®

The Road to the Final Four®

Four It All®

And Then There Were Four®

NCAA®

National Collegiate Athletic Association®

College Cup®

NCAA Sweet Sixteen®

NCAA Sweet 16®



NCAA Trademark Variations

March Is On®

More Than March®

March Matchness®

March Muttness®

Midnight Madness®

Spring Madness®

Frozen Four®

Selection Sunday®

OneTeam®

NCAA Fast Break®

March Madness Live

March Madness Music Festival

Final Four Fan Fest





Trademark Sports Trivia

The NCAA did not originate the use of **March Madness**

A CBS broadcaster is credited with first using “March Madness” in 1982

The NCAA claims that as its date of first use

The NCAA was not the first to register **March Madness**

A company called Intersport, Inc. registered the mark in 1989 (which is still active today)

Having invested so much in its trademark ownership, the NCAA takes policing its trademarks rights very seriously.

Example Uses

		
Advertising	Buy A New Big Screen TV in Time to Watch March Madness	It's Tournament Time
Name of an event or show	The Big Dance Podcast Episode	This Month's Craziest Happy Hour Event
Sponsorships	March Madness, brought to you by Apple	College Basketball playoff update
Ticket giveaways	Ticket giveaways of any kind, regardless of whether using any NCAA trademarks as NCAA has language on their tickets prohibiting the use or give away	
Congratulatory messages	Apple wishes Duke success in the NCAA tournament	Apple wishes Connecticut a Win in the College Basketball Playoffs
Tournament brackets	Used in office or personal pools placing of advertising within a bracket	Keeping advertisements outside of any bracket pools

NCAA Trademark Infringement Claims

- The NCAA filed a trademark infringement claims against a company that ran online sports-themed promotions and sweepstakes under the marks **April Madness** and **Final 3**. The NCAA was granted \$463,211.
- The NCAA sued a car dealership that had registered and was using the mark **Markdown Madness** in advertising.
- Seven years after the Big Ten Conference started using the mark **March Is On!**, the NCAA opposed an application to have that mark federally registered. The mark was registered and assigned to the NCAA.



The Olympics

Protected Olympic IP

USOPC INTELLECTUAL PROPERTY

The United States Olympic & Paralympic Committee owns or has the right to control many trademarks or logos in the United States, including the trademarked words and phrases and the logos below.

TRADEMARKED WORDS AND PHRASES

The USOPC owns many trademarks including, but not limited to:

- OLYMPIC, OLYMPIAD, OLYMPIAN, and FUTURE OLYMPIAN
- GO FOR THE GOLD and GATEWAY TO GOLD
- LET THE GAMES BEGIN
- OLYMPIANS MADE HERE and PARALYMPIANS MADE HERE
- PARALYMPIC, PARALYMPIAD, and PARALYMPIAN
- LOS ANGELES 2028, LA 2028, LA28
- ROAD TO LA, ROAD TO LOS ANGELES
- TEAM USA
- JUST ONE OF US CAN DO IT FOR ALL OF US

LOGOS



The “Super” Trademark Legal Framework

1) Olympic IP Protection Under Traditional Trademark Law

- The Lanham Act (15 U.S.C. 1051)
- The USOPC holds approximately 160 live pending trademark applications and active registrations in the USPTO

2) The Ted Stevens Act 36 U.S.C. 220506 (1978)

- Grants the USOPC absolute, broad exclusive rights over all protected Olympic properties in the U.S.

Comparison of Lanham Act vs. Ted Stevens Act

Attribute	Traditional Trademark Law (Lanham Act) Applies to NCAA, NFL and FIFA	Ted Stevens Olympic & Amateur Sports Act
Primary Statutory Evidentiary Burden	Must prove the unauthorized use is likely to cause confusion, mistake, or deception among consumers	No likelihood of confusion required; unauthorized commercial use itself constitutes an actionable violation
Available Infringer Defenses	Standard statutory defenses apply (e.g., nominative/descriptive fair use, abandonment, functionality)	Traditional statutory defenses are strictly unavailable to unauthorized commercial users
Scope of Goods & Services	Rights are bound to specific categories/classes of goods or services derived from active commercial use	Grants an absolute, broad exclusive right to use protected assets across all commercial goods, services, or trade
First Amendment Boundaries	Protects various expressive, artistic, or non-commercial commentary via fair use or parody exceptions	Severely limits non-sponsor expressive use in trade; the Supreme Court ruled that banning the word does not stop the underlying message
Commercial Protection Triggers	Triggered by localized commercial or brand infringement within overlapping competitive markets.	Triggered instantly by the unauthorized use of protected words (Olympic, Olympian, Team USA) or visual designs (the 5 rings)

The Only Two Legal Defenses

The Grandfather Clause:
Continuous, documented,
lawful commercial use of
names or symbols predating
September 21, 1950

The Geographic Exception:
Localized commercial use of
the term "Olympic" when
explicitly and exclusively
referring to the physical
Olympic Mountains located in
Washington

Permitted Use and Boundary Lines

Permitted Journalistic Use:

Authentic media outlets may use Olympic IP strictly to provide real-time news context

Journalistic Limit:

Media cannot use IP for self-promotion (e.g., placing the five rings permanently inside newspaper headers)

Banned Commercial Pretext:

Non-media companies are strictly prohibited from publishing "current news" or recap-style blogs on their commercial websites as a legal cover for unearned brand association



Supreme Court Landmark Ruling:

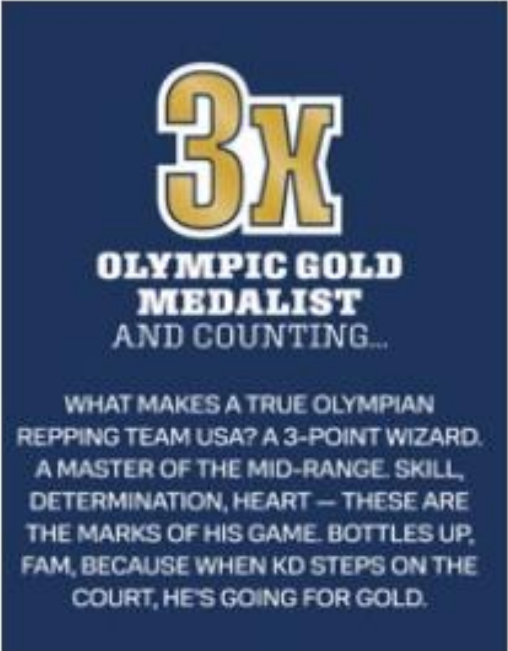
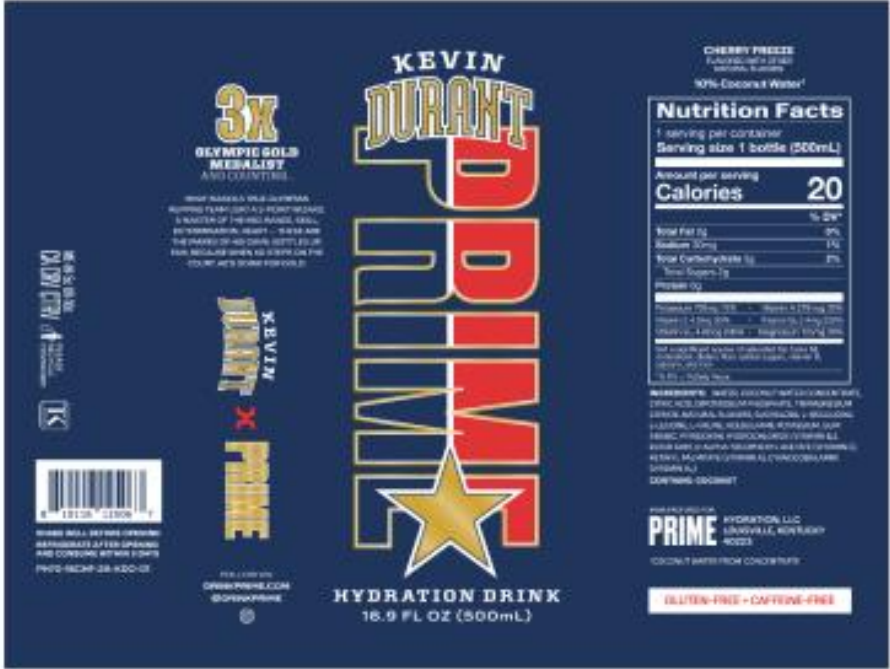
San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522 (1987)

Tom Waddell organized a multisport competition under the title "Gay Olympics"

The Ruling: The Supreme Court rejected First Amendment free speech challenges, ruling that preventing the specific name did not block the group's underlying message

Precedent Established: Cemented the USOPC's absolute statutory right to halt unauthorized usage without needing to demonstrate a likelihood of confusion and rejected First Amendment challenges

United States Olympic & Paralympic Committee (USOPC) v. Prime Hydration, LLC (D. Colo. 2024)



False Association

Subway (2010): Featured Michael Phelps swimming through winter elements with the tagline "*where action is this winter.*" Condemned by USOPC for triggering a "false association" via themes and timing



Small Business Crackdowns

- Zero tolerance policy
- ***Olympic Meat Packers:*** A small family-owned Chicago butcher shop was forced to legally shift its corporate identity to "Olympia Meat Packers Inc."
- ***iO Theater:*** The highly prominent "Improv Olympics" comedy clubs in LA and Chicago were forced to change their name to "iO Theater" after receiving a strict cease-and-desist letter



NFL SUPER BOWL



National Football League

Owner of about 100 United States trademarks



NFL NETWORK



TNF



MNF



MONDAY NIGHT FOOTBALL

NFL



United States Patent Office

882,283
Registered Dec. 9, 1969

PRINCIPAL REGISTER
Service Mark

Ser. No. 321,005, filed Mar. 7, 1969

SUPER BOWL

National Football League and American Football League
(joint owners)
410 Park Ave.
New York, N.Y. 10022

For: ENTERTAINMENT SERVICES IN THE NATURE OF FOOTBALL EXHIBITIONS, in CLASS 107 (INT. CL. 41).
First use Jan. 15, 1967; in commerce Jan. 15, 1967.

DAVID A. WEINSTEIN, Examiner



SUPER BOWL week creates tremendous economic opportunity

Many businesses want to create events or promote their products around the game

- Super Bowl Watch Party
- Sale on Super Bowl Snacks
- Super Bowl Sunday Specials
- Super Bowl Fan Contest

NFL is known for its aggressive enforcement of its trademarks

- Enforcement practices are well known
- Regularly issue cease and desist letters
- Routinely takes the position that any unauthorized commercial use may be treated as infringement
- Deterrent effect on others



A 2026 article published on the Broadcast Law blog summarized the NFL's approach to trademark enforcement as follow:

“Simply put, the NFL views any commercial activity that uses or refers to the “Super Bowl” to draw attention as a violation of its trademark rights. Many of the activities challenged by the league undoubtedly deserve to be penalized. However, the NFL’s rule book defines trademark violations very broadly. If anyone were willing to throw the red flag to challenge the league’s position, a review from the booth might reverse some of those calls, but seeking review of the NFL’s play may be risky and would almost certainly be time-consuming and expensive.”

TM

Key Guidelines for Advertising Related to the SUPER BOWL

✗	✓
Avoid using SUPER BOWL, SUPER SUNDAY, or SUNDAY NIGHT FOOTBALL Avoid using team names, logos, uniforms, player images Disclaimers will not eliminate liability <i>“Not an Official Sponsor of the Super Bowl”</i>	Use THE BIG GAME or FOOTBALL CHAMPIONSHIP, instead Use general football terms and general football imagery A close-up photograph of an American football, showing the brown leather texture and white laces. A top-down view of a green football field with white yard lines and numbers.

Thank You!

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