

The **i**NTERPATENT newsletter



JUNE 2024

THE WINNING POWER OF INTELLECTUAL PROPERTY IN TENNIS

Our Manuela Bruscolini has recently moderated a table topic on the relationship between IP and tennis called **GAME - SET - MATCH - The Winning Power of Intellectual Property in Tennis** on the occasion of the INTA annual conference held in Atlanta from 18 May 2024 to 22 May 2024.

It has been a very interesting discussion in which the **participants shared their views and experience on how IP protection can be a major key to success in tennis business**, making a roundup of the most famous IP examples in tennis, from Wimbledon's purple green signature colours to famous tennis star Serena Williams' dozen of trademarks worldwide for her name or various logos like



or the most recent



just to name a few.

Why tennis? And why are we at INTERPATENT so interested in this subject? Why here? Why now?

With the choice of **Turin, our hometown, as current official host city of the ATP finals** we can pay closer attention to this field full of interesting branding and innovation protection opportunities and advise our clients active in the field to take appropriate steps to benefit from the IP opportunities that this sport gives them.

After the great success of Jannik Sinner and his very recent ascent to the top of men's tennis, the first Italian ever to become the TOP 1 player, tennis has become Italians' favourite sport, even in this period so dense of sporting events in Europe like the UEFA European Football Championship in Germany or the upcoming 2024 Summer Olympics in Paris.

After the French Open Roland Garros and the great success of our Jannik Sinner at the ATP Halle Open, now all eyes of tennis lovers are on Wimbledon, which is around the corner and of course to the US open, too.

Like other sports, tennis industry greatly relies on efficient protection of IP rights.

Have you ever considered how much IP there is in tennis?

From players' apparel to balls, from rackets to score keeping systems, from line calling technology to broadcasting rights and even tennis players' names themselves, they all are fertile grounds for patents, trademarks, copyright, designs and other IP related rights.

The world of tennis is a vibrant and captivating world embraced by enthusiasts globally, forming a very intriguing fusion of athleticism, entertainment, business, and culture.

In this dynamic domain, Intellectual Property rights play a pivotal role, weaving through various facets of this sport.

Trademarks and industrial designs establish the unique identity of tennis events, logos, players, and gear, fostering a sense of distinction and appeal.

Patents in tennis fuel innovation in sporting equipment, elevating the game with cutting-edge technologies.

Copyright plays a significant role in generating revenue for broadcasters, facilitating the international broadcast of tennis events to a vast audience.

By safeguarding these Intellectual Property rights, the tennis industry ensures protection against disputes that may arise, thereby nurturing a conducive environment for growth and competition. The tennis world has evolved into a global sporting spectacle, attracting a massive fan base and unlocking immense marketing potential for organizers and athletes alike.

Like with other sports, protection of Intellectual Property rights in tennis has opened doors for franchises to harness the power of branding, merchandising, and licensing, leading to enhanced brand value, increased reputation, and substantial profits.

Considering trademarks in particular, tennis entities, from teams to individual players, have capitalized on trademarks by creating branded logos, slogans, and merchandise, fostering commercial success and fan engagement.

In tennis, trademarks play a crucial role in branding events, teams, players, and merchandise, establishing a strong connection with fans and amplifying brand recognition. The popularity of tennis stars and their unique brand endorsements result in revenue generation and brand loyalty.

trademark in 2008 by the sportswear giant Nike, to which the former tennis star Roger Federer (called the King) had been linked by a sponsorship contract since 1994, in the most diverse countries of the world, including Italy, the European Union and the United States. The "RF" brand acquired worldwide reputation in a very short time, becoming one of the most recognizable and distinctive signs in the world of tennis and sports in general and reaching a market value of 27 million dollars according to the American magazine Forbes. With the termination of the Nike-Federer sponsorship contract in 2018 and the new contract with the Japanese company Uniqlo, any use of the brand ceased for almost two years (except for footwear worn by Federer in tournaments, for which a separate sponsorship contract continued to be in force) until when, in February 2020, the involved parties managed to find an out-of-court solution – which led to the assignment of the renown brand from Nike to Tenro AG, a Swiss company controlled by Federer.

Individual tennis players, like other sports celebrities, can protect their names and slogans through trademark registration, ensuring control over their personal brand and commercial partnerships. Just to come to our Italian tennis celebrities, let's think of the recently retired WTA player Camila Giorgi and her line of clothing and underwear sold under the



trademark **GIOMILA** protected in

Europe and in many countries worldwide in international classes 3, 4, 9, 14, 18, 21, 25, 28 by Giomila Corporation S.r.l., her family fashion house.

Our young Jannik Sinner, too, has proved to be very forward-looking, having registered as trademark both his name JANNIK SINNER and his logo in Italy and worldwide in international classes 9, 18, 25, 28, 35, 41, already back in 2021 when he was still far from being a worldwide known tennis star.



Obtaining an appropriate and timely protection of trademarks is always a winning decision and even more so in the tennis field, but it requires a careful strategy, the need for thorough trademark availability searches and due considerations on distinctiveness and scope of protection, also in consideration of local legislations and practice.

We at INTERPATENT would be happy to assist your clients in finding the best approach to an efficient trademark protection in Italy and in Europe. Tennis lovers, please do not hesitate to contact us!

Let's think of the



logo, registered as a

WHERE ARE WE AT WITH THE UNITARY PATENT?

The **Unitary Patent (UP)** system came into force on 1 June 2023 and since then the European Patent Office (EPO) has been receiving a significant, steadily increasing, flow of requests for unitary effect by patent proprietors wishing to benefit from this new form of protection.

The EPO have made available on their website an interactive dashboard (see <https://www.epo.org/en/about-us/statistics/statistics-centre#/unitary-patent>) offering an overview of the current situation with regard to the UP, providing information on several trends thereof, including, among others, the most active patentees and their countries of origin, the technology fields with the largest number of UP requests, and the preferred languages for translation.

The **over 29,000 UP requests filed to date** clearly indicate worldwide innovators' strong interest in the new system, Germany and the United States being the leading countries in choosing the path of unitary effect. In this respect, Italy ranks fifth with 699 UP requests (5.6 %) filed as of 21 June 2024.

It should be noted that the **uptake rate**, i.e. the percentage of requests received with respect to European patents granted, in 2024 is approximately 24%.

As could be expected, the highest percentage of UP requests (over 50%) come from large enterprises – the top ones being Johnson and Johnson, Siemens AG, Samsung Group, Qualcomm, Inc., L M Ericsson AB and Volvo Group – followed by SMEs, individual inventors, universities and public research organisations.

The requests for unitary effect come from **different technology areas**, but the most represented are medical technology, civil engineering, measurement, transport, special machines, and digital communication, these areas together covering almost 40% of all said requests.

As far as the **translation language** is concerned, Spanish is the most chosen, a foreseeable choice, indeed, considering that Spain is not party to the UP system and still requires national validation, whereby the Spanish translation can be used both for requesting unitary effect and for validating the patent in Spain.

English comes second as preferred language, and this, again, is not surprising, because all European patents whose language of proceedings is French or German,

must be translated into English for requesting unitary effect.

Italian is the fourth selected UP translation language, with nearly 2,000 translations.

In this respect, in a recent circular letter of ours we have explained that translation into Italian can be of particular advantage for patent proprietors who are interested in protecting their granted European patents also in the Italian-speaking **Republic of San Marino**, which does not adhere to the UP system.

Simultaneously with the coming into force of the Unitary Patent, the **Unified Patent Court (UPC)** also started operations.

As of 31 May 2024, the Court of First Instance – central and local divisions – has received a total of 373 cases.

More detailed information about the type of actions brought before the Court and the corresponding competent courts can be found at <https://www.unified-patent-court.org/en/news/case-load-court-start-operation-june-2023-update-end-may-2024>.

In conclusion, the UP system has been a success so far, and the number of UP requests is expected to keep on growing in the near future.

However, whether this positive trend will continue in the long run will depend on how the patent proprietors will be satisfied with the orientation of the decisions of the Unified Patent Court.

We will keep you regularly updated on the progress of the UP system and UPC decisions.



SME FUND – VOUCHER 3 (PATENTS) IS NOW CLOSED

The SME Fund established by the European Intellectual Property Office (EUIPO) for the year 2024 offers European and Ukrainian small and medium enterprises the opportunity to benefit from **cost reductions in several fields of Intellectual Property** and is articulated in four parts.

The third part, the so-called **Voucher 3** for patent-related activities, including patent searches and patent fees for national patent protection as well as for European patent applications, was **closed on 10 June 2024** for exhaustion of funds allocated thereto.

The remaining three parts (Vouchers) are still in place, namely

- Voucher 1 concerning IP scan services aimed at

assisting SMEs in identifying their most valuable IP assets that are worth to be protected,

- Voucher 2 for protecting trademarks and designs at national, regional and EU levels, and
- Voucher 4 for protecting plant varieties in the EU, i.e. before the Community Plant Variety Office (CPVO).

Italy does not offer services related to Voucher 1, but our patent and trademark attorneys would be happy to assist you in **navigating the procedure for obtaining Vouchers 2 and 4** and using them to obtain protection before the Italian Patent and Trademark Office, the EPO, the EUIPO and the CPVO.

A CELEBRATION OF DIVERSITY AND INCLUSION

June is the Pride month in many countries all over the world, dedicated to celebrations of the struggles and achievements of LGBTQIA+ individuals and the European Patent Office has also paid tribute to the importance and beauty of diversity by displaying its rainbow logo on its website and social media as well as on their headquarters throughout June.

We at Interpatent have always considered **diversity** in all its forms as a **primary source of enrichment and**

growth, and we are proud to include in our staff more women than men, people of different nationalities and cultures, people of different sexual orientations and people with disabilities.

Let us hope that the future will see a more and more inclusive world!

The aim of this newsletter is to keep our Clients and Associates updated about developments in the sector of Intellectual Property in general and our firm in particular. In this way, we wish to provide a broader view of the tools that the field of trade marks, domain names, patents, designs and related rights offers to entrepreneurs to enhance and protect their efforts in researching and developing new solutions and ideas.



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