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FIFA CHAMPIONSHIP IN RUSSIA. SPECIAL REGULATION ON IP AND ADVERTISING.

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The wide range of amendments was introduced into Russian legislation due to Russia hosting the FIFA Worldwide Cup in 2018. These amendments cover various fields of law, including, in particular, advertising and IP.

The Federal Law On carrying out the FIFA World Cup in 2018 and FIFA Confederations cup in 2017 acknowledges the exclusive rights deriving from hosting the sport events by FIFA. It includes the right to use symbols of the Cup, the right to exercise control over the stadiums and other sport venues, as well as the right to place advertising and provide services at the locations where sport events take place. The said exclusive rights of FIFA can be exercised by organizations authorized by FIFA or other third parties upon agreements with FIFA.

New provisions of **advertising law** coming into force for the period of FIFA World Cup are as follows:

- **For the period of World Cup FIFA receives the right to control and approve advertising and product placement.** Placement of advertising during sport events and balloting during the FIFA World Cup within 2,000 meters from the position where such events take place and in the air space above may be exercised only with the consent of FIFA. Placement of advertising on sport outfit, sport equipment and facilities used during FIFA sport events should strictly adhere to FIFA requirements.
- Advertising of wine and beer during FIFA World Cup by placing the individualization means of advertisers is permitted for commercial partners of FIFA at FIFA's sport venues only.

New provisions of **intellectual property** regulation in respect of FIFA World Cup are as follows:

- For the period of the Championship, the FIFA symbols would have a priority in respect to other exclusive rights of the third parties despite the date of registration. Legal protection of trademarks and other individualization means of third parties that are identical to symbols of FIFA are temporarily ceased until December 31, 2018.
- Usage of designations similar to symbols of FIFA by unauthorized companies is prohibited if such usage misleads consumers and gives false impression that these companies are the FIFA sponsors. This provision also covers designations and symbols registered as trademarks or protected as business names of such companies.
- In the short term, the new easy procedure for registration of FIFA intellectual property rights is to be appeared. The Russian patent office is obliged to set up a simplified short-term procedure for registration of the FIFA trademarks as well as registration of licenses for the period of FIFA World Cup. We consider such procedure would lead to increasing of FIFA trademark registrations including trademarks recognized as well known.

We would also like to stress that usage of tickets or invitations to FIFA events for promotional purposes or holding events targeted at FIFA primary audience without its authorization shall be acknowledged as unfair competition act.

The abovementioned provisions were adopted to protect the rights of FIFA and its authorized partners and sponsors from the ambush marketing activity of third parties, with due to the international experience in that field and the administrative and legal practice of Olympic Games 2014 in Sochi.

The new regulations leave many questions: Is it possible to use trademarks related to sports during the FIFA Cup?; Is a commercial with the sportsman during the Cup considered legal?; Which slogans can be acknowledged as being misleading?; etc. Such issues should be carefully analyzed from the legal perspective based on the Russian legal practice.