

FROM SOCCER KITS TO DESIGNER FITS: HOW INTELLECTUAL PROPERTY RIGHTS INFLUENCE REAL MADRID'S FASHION LINE

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ABSTRACT

In the present era of sports and fashion, the intersection of these two areas have resulted in important as well as prominent legal considerations, specially pertaining the jurisdiction of intellectual property rights. Notably, celebrity endorsements have not failed to capture the attention of the crowd and mark its presence in major corporate dealings. Real Madrid, one of the world's most legendary football clubs, has made significant advances into the fashion business in addition to dominating sports.

Image rights management is a major legal challenge in celebrity endorsements. Real Madrid players' image and likeness carry significant commercial value due to their high profile and global familiarity. Image rights agreements are rigorously structured to guarantee that athletes retain control over how their images are used commercially, notably in fashion endorsements. These agreements usually specify the extent of usage, length, geographical location, and monetary compensation. The complexities of such contracts are critical in protecting the interests of both the player and the club, ensuring that the image is not used in a way that could harm reputations or conflict with other endorsements.

This article aims to explore the legal aspects of celebrity endorsements, focusing on Real Madrid players as fashion symbols. The relationship between sports celebrities and fashion labels is mutually beneficial; while sportsmen build their personal brands and income streams, fashion companies use the athletes' fame to increase their market presence and brand value.

INTRODUCTION

In today's world of sports and fashion, intellectual property (IP) rights are extremely critical in creating brand identification as well as financial success. This particular article investigates the complex relationship between intellectual property rights, fashion along with sports branding, with a particular focus on Real Madrid, one of the world's most iconic football clubs. Real Madrid is well-known not only for their on-field skill but also for their broad global brand, and they have efficiently used intellectual property rights to safeguard and develop their brand value. This study also

navigates and aims to analyse and acknowledge Real Madrid's strategic use of trademarks, copyrights, and licencing agreements to demonstrate how the club explores the complicated convergence of sports and fashion.

PLAYER ENDORSEMENTS AND BRAND ASSOCIATIONS

Many international brands reach out to football players who play at the highest level of football in major clubs known for their popularity around the globe. These superstars are an inspiration to a vast number of people around the world for their play, but we will focus on their style and how many brands try to leverage them in their

campaigns as brand ambassadors to gain global recognition for their brand and make brand value.

There are many relevant instances under this segment. For example– Cristiano Ronaldo is a global phenomenon known worldwide and is the most followed person on all social media handles. When Ronaldo posts anything minutely related to a particular brand, a huge amount of audience is exposed to it in an instance. The company CLEAR Shampoo⁴⁷⁵ approached Ronaldo with a deal for him to feature in the commercials for the business which resulted into more players like Antonio Griezmann and Gianluigi Buffon also being involved by the brand Head and Shoulders.⁴⁷⁶ These players helped them gain a huge amount of exposure in personal care products and moreover, it must be noted that this deal helped them gain credibility for their product around the world and to be seen as something being used by professional athletes which will supposedly be of great use.

Another example to be noted is of Lionel Messi. He has a lifelong contract with Adidas⁴⁷⁷ as a brand ambassador for the company and he is also the most popular superstar so imagine how much trust in quality and performance he brings into the minds of the customers. Belonging to a South American country, this transaction between the brand and player moreover helps them gain an access to wider range of population in terms of their brand recognition and value. The influential aspect of these athletes is unmatched as these brands cater around the persona and challenges faced by these athletes in their commercials and

marketing campaigns to touch the emotional side of the people which in turn gathers great amount of attention to the brand. The sport of football is a sport that stirs up intense feelings. Supporters develop strong emotional relationships to their favorite athletes. Brands that work with these performers may profit from this psychological connection⁴⁷⁸, resulting in a more meaningful and enduring relationship with the consumers they are targeting. Psychological advertising is effective because it influences customer behavior and fosters loyalty to the company. Brands can build distinctive and effective marketing by tapping into the emotional relationship among followers and athletes.

The symbolic relationships between these brands and players proves to be of great impact in terms of brand value, since targeting these football players turns out valuable as football is the most followed sport in the world. When people look at their favorite players using brand products it encourages them to follow their idols and thus, in turn helping the brand gain huge number of sales and most importantly, customers loyalty, which is of utmost advantageous to these brands while using these techniques of using football stars as brand ambassador's.

FASHION ENDORSEMENTS AND FOOTBALL COLLABORATION

The world of sports and fashion have never been more closely linked. Despite the perpetual nexus between football players and fashion, we are now witnessing this admiration turning the other way, as the fashion industry is embracing the impact of the beautiful game.

PSG has always had an influential presence at Paris Fashion Week, which has helped establish the club's position as international football's streetwear and lifestyle leaders. Whether it's star

⁴⁷⁵ Ronaldo's endorsements: With which companies does he have sponsorship deals? (no date) All Football. Available at: <https://m.allfootballapp.com/news/All/Ronaldo%E2%80%99s-endorsements-With-which-companies-does-he-have-sponsorship-deals/2984573#:~:text=Currently%2C%20Ronaldo%20receives%20around%20%2445,shampoo%2C%20Abbott%2C%20and%20Unil> ever. (Accessed: 26 June 2024).

⁴⁷⁶ (No date) Thefashioninsider.com. Available at: <https://thefashioninsider.com/2017/03/09/head-shoulders-names-antoine-griezmann-as-ambassador/> (Accessed: 26 June 2024).

⁴⁷⁷ Lawless, J. How Nike missed out on Lionel Messi to adidas in move that cost company £6 Billion, SPORTbible. Available at: <https://www.sportbible.com/football/mls/lionel-messi-adidas-nike-inter-miami-039370-20230814> (Accessed: 26 June 2024).

⁴⁷⁸ Montijo, S. (2022) *The Psychology of Advertising: 5 surprising techniques*, Psych Central. Available at: <https://psychcentral.com/blog/the-psychology-of-advertising#:~:text=What%20is%20The%20Psychology%20of%20Advertising%3F&text=To%20encourage%20you%20to%20buy,us%20to%20take%20certain%20actions>. (Accessed: 26 June 2024).

players attending shows, designers and models wearing PSG-branded clothing on their runways in PFW, or separate fashion events held in the capital. Indian fashion designer Manish Arora's collection in 2018⁴⁷⁹ and Koche's unique appearance in the away kit launch in the summer are just two examples of the club's influence. Neymar is a regular at Paris Fashion Week, having previously attended a Louis Vuitton presentation alongside David Beckham and an Off-White event with Brazilian teammate Dani Alves.⁴⁸⁰

The authenticity that some players are able to communicate through their image on social networks is the real key to understanding how brands try to transform players into fashion icons. In other words, speaking to an audience of 150 million followers is becoming less important than the messages and values contained.

In a feature by Vogue Business, Lucy McGuire explains how soccer players have replaced actors in the fashion chessboard. In the title "Forget actors, footballers are the new fashion icons" there is the whole transformation of value composed not only of goals, assists and results.⁴⁸¹

The examples that McGuire cites are the most famous: Depay x Valentino, Rapinoe x Loewe, Rashford x Burberry, Bellerín x Louis Vuitton, Bakayoko x Études.. Names that represent the tip of an iceberg that is emerging more and more, testifying to the fact that the new fashion icons come from a football field and no longer just from Hollywood sets.⁴⁸²

⁴⁷⁹ Author joe.andrews, Author and Joe.andrews (2018b) *PSG X manish arora collection at Paris Fashion week*, SoccerBible. Available at: <https://www.soccerbible.com/lifestyle/clothing/2018/09/psg-x-manish-arora-collection-at-paris-fashion-week/> (Accessed: 27 June 2024).

⁴⁸⁰ Author joe.andrews, Author and Joe.andrews (2018a) *Neymar & Dani Alves at the off-white paris fashion week show*, SoccerBible. Available at: <https://www.soccerbible.com/news/2018/09/neymar-dani-alves-at-the-off-white-paris-fashion-week-show/> (Accessed: 27 June 2024).

⁴⁸¹ Pagano, A. (2021) *The new role of footballers in the fashion industry*, nss magazine. Available at: <https://www.nssmag.com/en/sports/24806/new-footballers-in-fashion-industry> (Accessed: 27 June 2024).

⁴⁸² Pagano, A. (2021a) *The new role of footballers in the fashion industry*, nss magazine. Available at: <https://www.nssmag.com/en/sports/24806/new-footballers-in-fashion-industry> (Accessed: 27 June 2024).

Real Madrid player's personal fashion choices considerably influence their image as style icons, both favorably and adversely. This phenomenon involves a wide range of legal issues relating to image rights, endorsements or intellectual property.

Speaking about image rights, they apply to people's ability to regulate the commercial use of their name, likeness, and persona.

In Spain, image rights are protected by the Spanish Civil Code and the Spanish Sports Law. Players often give their club the rights to benefit from their image. With their impeccable style, many Real Madrid players acquire high-paying endorsement contracts and end up serving as brand ambassadors. These contracts frequently include terms mandating players to wear specific apparel or accessories during public appearances.

Conflicts can also arise if a player's personal fashion brand competes with the club's sponsors.

Real Madrid players have significant social media followings as well, with Ronaldo having the greatest number of followers in the world⁴⁸³ which magnify their fashion statements. To maintain transparency, players must disclose sponsored collaborations and endorsements on social media, as per legal laws. Players must be aware of their public image, as any controversial choices may result in legal and reputational consequences. They must also consider cultural sensitivities when making fashion statements, as offensive choices can lead to public backlash and legal issues.

Promoting diversity and inclusion through fashion can enhance their image positively as well as align with modern ethical standards.

CELEBRITY ENDORSEMENTS AND IMAGE RIGHTS

Image rights management can be considered as a major legal challenge in celebrity endorsements. Particularly speaking about the

⁴⁸³ *The 10 most followed Instagram accounts in the world in 2024* (no date) Forbes India. Available at: <https://www.forbesindia.com/article/explainers/most-followed-instagram-accounts-world/85649/1> (Accessed: 27 June 2024).

developing times, it must be noted that with the invention of AI technology into existence, it has had a whole new outlook and impact on image rights⁴⁸⁴. Speaking about football, Real Madrid players' image and likeness carry significant commercial value due to their high profile as well as global familiarity. Image rights agreements are rigorously structured to guarantee that athletes retain control over how their images are used commercially and specially in fashion endorsements. These agreements usually specify the extent of usage, length, geographical location, and monetary compensation⁴⁸⁵. The complexities of such contracts are extremely critical in protecting the interests of both the player as well as the club, ensuring that the image is not used in a way that could harm the reputation of the individual or result in conflict with other endorsements.

INTELLECTUAL PROPERTY RIGHTS AND BRAND PROTECTION

Trademark protection is another critical aspect of celebrity endorsements. Both Real Madrid along with its players own trademarks that must be protected in order to avoid unauthorised use. In the fashion business, where counterfeiting and unauthorised merchandising are common, strong trademark protection is required in order for a business to flourish and for ethical practices to prevail. Real Madrid uses a variety of legal methods in order to safeguard its brand⁴⁸⁶, including monitoring marketplaces for counterfeit products and pursuing legal action against infringers, which formulates the most basic as well as quintessential step towards legal security and infringement avoidance. This protection includes the athletes' names,

photographs, and likenesses, which are also trademarked to prevent misuse and ensure that any commercial use is properly licenced.

ENDORSEMENT AGREEMENTS AND COMPLIANCE

The negotiation and writing of endorsement agreements⁴⁸⁷ requires intricate legal skills along with extensive legal knowledge. These contracts must address a variety of legal issues which consist of exclusivity terms and prohibit players from promoting other brands. Coming to the morality clauses, it allows players to terminate agreements if they engage in behaviour that harms the brand's reputation. Furthermore, compliance with advertising rules is also considered as an essential. In countries such as the United States, the Federal Trade Commission (FTC) mandates full disclosure of sponsored endorsements⁴⁸⁸ which can be classified as a legal obligation that provides transparency and protects consumers from deceptive advertising. Ensuring compliance with such restrictions must be considered as an important obligation for both players along with fashion labels.

RIGHT OF PUBLICITY

Speaking about the right of publicity, it must be noted that celebrity endorsements rely heavily on the right of publicity, which fundamentally permits individuals to control and profit from the commercial use of their identities. Real Madrid players' publicity rights⁴⁸⁹ are protected by a variety of legal frameworks that differ depending upon location to location. These regulations allow gamers to take legal action against unauthorised commercial use of their identities, giving an important legal weapon for maintaining and monetizing their public

⁴⁸⁴ Writer, G. (2023) *Copyright law and ai: How to make sure your content doesn't infringe copyright laws.*, *Digizuite*. Available at: <https://www.digizuite.com/blog/copyright-and-artificial-intelligence#:~:text=Can%20artificial%20intelligence%20hold%20copyright,some%20protection%20under%20copyright%20law>. (Accessed: 26 June 2024).

⁴⁸⁵ Globalsportspolicy (2022) *Image rights in football*, *GSPR*. Available at: <https://www.g-spr.com/post/image-rights-in-football#:~:text=Names%2C%20photographs%2C%20autographs%2C%20personal,likeness%2C%20or%20other%20identifying%20characteristics>. (Accessed: 26 June 2024).

⁴⁸⁶ *Real madrid CF: Real Madrid CF Official website* (no date) *Real Madrid CF | Real Madrid CF Official Website*. Available at: <https://www.realmadrid.com/en-US/legal/legal-notice> (Accessed: 26 June 2024).

⁴⁸⁷ Shairwal, S. and Kumari, A. (2022) *Endorsement agreement at glance*, *Lexology*. Available at: <https://www.lexology.com/library/detail.aspx?g=33987b06-362e-4d5a-96d6-e488763cd886> (Accessed: 26 June 2024).

⁴⁸⁸ Liu, H. and Staff in the Office of Technology (2023) *Disclosures 101 for Social Media influencers*, *Federal Trade Commission*. Available at: <https://www.ftc.gov/business-guidance/resources/disclosures-101-social-media-influencers> (Accessed: 26 June 2024).

⁴⁸⁹ Srivastava, N. (2015) *How are player image rights managed in football?*, *Sportskeeda*. Available at: <https://www.sportskeeda.com/football/how-player-image-rights-managed-football> (Accessed: 26 June 2024).

personas. This is extremely vital in a world where AI and social media make the crime of 'identity threat' extremely easy to commit and a balance must be sought as well as sought when it comes to allowing the right of publicity to a secondary or a subsidiary party.

CONCLUSION

In conclusion, Real Madrid's strategic manoeuvres demonstrate the complex link between intellectual property rights, sports, and fashion. The club's expert use of trademarks, copyrights, and licencing agreements demonstrates its dedication to safeguarding and increasing brand value in a competitive worldwide market. The importance of player endorsements and brand associations amplify this dynamic, as evidenced by collaborations with big brands by icons such as Cristiano Ronaldo and Lionel Messi. The confluence of fashion and football, as evidenced by PSG's involvement at Paris Fashion Week and sponsorship deals with Real Madrid players, highlights sportsmen's growing status as fashion icons. Legal considerations, notably concerning image rights and intellectual property and play an important role in protecting the interests of both the players and the club. In an era where artificial intelligence and social media raise the stakes, strong legal frameworks are required to protect ethical practices and the integrity of celebrity endorsements. Real Madrid's approach provides vital insights on negotiating the complicated convergence of sports and fashion, establishing a model for exploiting intellectual property to create long-term brand success and influence.

