

Author's Preface

Sport is now big business—worth more than 3% of world trade and 3.7% of the combined GNP of the 27 Member States of the European Union with a population of some 500 million—and a whole new body of law and practice has grown up in the field of the commercialisation of sports events and the exploitation of the image and personality rights of elite athletes, all of which is commonly referred to—in the jargon—as Sports Marketing.

Indeed, without the considerable revenues derived from various forms of Sports Marketing, especially Sponsorship and Sports Broadcasting and New Media Rights—many major sporting events, such as the Olympic Games and the FIFA World Cup, could not be organised and staged; and likewise many athletes could not afford to train and participate in them—much to the disappointment of sports fans around the world.

The aim of this book, therefore, is to provide sports administrators and their professional advisers, especially their lawyers, marketers, media advisers, advertising, PR and sports agents, sports law students and researchers, as well as others involved in the commercialisation, marketing and promotion of major sporting events and sports personalities, with an overview of the legal, fiscal and practical aspects of drafting and enforcing a wide range of standard Sports Marketing Agreements and also particular sports-specific clauses, including so-called 'Morality Clauses' in Sports Image Rights and Endorsement Agreements, particularly relevant to the recent fall from grace of Tiger Woods and, indeed, of other sports personalities.

The book also includes many samples of these Agreements, whose structures and contents are discussed, analysed and explained in the text of the relevant chapters. This special feature of the book will be of particular interest to legal practitioners, sports administrators, agents and managers.

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- a chapter on Stadia Naming Rights Agreements, a unique and lucrative form of sports sponsorship, which, like Sports Marketing itself, originated in the States, but is proving to be popular elsewhere.¹ A General Precedent of such an Agreement is also included.
- the important aspect of dispute resolution, especially the various forms of alternative dispute resolution (ADR) methods and mechanisms, especially commercial Mediation, that particularly lend themselves to the *extra judicial* settlement of sports-related disputes, which, not surprisingly, with all the money sloshing around in world sport, are on the increase. Samples of 'Dispute Resolution Clauses' are included and discussed in the chapter devoted to this subject.
- the European Union (EU) aspects of the subject, especially the application of the EU Competition Rules to restrictive provisions, such as territorial restrictions in Sports Licensing and Merchandising Agreements.
- a chapter on some of the tax aspects of the subject, particularly in relation to the possibilities of the tax sheltering off-shore of the substantial financial benefits of the licensing of sports image and personality rights of leading sports persons.

This is a fascinating and money-spinning field of sports law and it is the author's further aim that this book will quickly establish itself as the leading work of its kind, combining as it uniquely does the theory and the practice.

The Law is stated as of 1 January, 2011 according to the sources available at that date.

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¹ For example, the Arsenal Football Club's new 'Emirates' Stadium in London.



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