



SPORTS LEGAL UPDATE

Our Sports Group has a long-established record of advising sports-related organisations including lottery distributors, sports administrators, national governing bodies, sports clubs, charities and trusts.

We work with sports organisations across numerous disciplines including tennis, shooting, ice skating, taekwondo, golf and ice hockey and represent a number of disability and Paralympic organisations.

For information on the many services we provide, please visit our [website](#).

In this issue:



[Christine Bowyer-Jones](#)
Partner

Duty of Care in Sport Report

The independent report into the Duty of Care sport has towards its participants, at both elite and grassroots level, was published by the Department of Culture, Media and Sport on 21 April. The year-long review, led by Baroness Tanni Grey-Thompson, formed part of the Sporting Future strategy published by the Government in 2015 and was carried out with the aim of ensuring that as many people as possible can engage in sport and that they can do so in a safe way, with their career and life after their career in sport supported.

The report contains recommendations for improving the welfare and duty of care for all those in sport including:

- the creation of an independent Sports Ombudsman which would hold NGBs to account for the Duty of Care provided to athletes, coaches and support staff;
- having a named Duty of Care Guardian on NGB boards to take responsibility for engaging with participants in talent pathways and community sport;
- establishing a Duty of Care Charter setting out how athletes, coaches and support staff can expect to be treated and where they can go for advice, support and guidance.

The report can be accessed [here](#).

For more information please contact Christine Bowyer-Jones

on 020 7400 5020 or [click here](#) to email Christine.



[Ben Moorhead](#)
Partner

Sports Governance Code

The Government's Sporting Future strategy also set out the requirement for a Code of Governance for publically funded sports organisations in the UK. The Code for Sports Governance (the 'Code') was published by UK Sport and Sport England in October 2016 and came into effect in April this year. The Code applies to all sports bodies and organisations receiving or wishing to receive funding from either Sport England or UK Sport, whether at elite or grassroots level.

To apply this on a proportionate basis, the Code adopts a 3-tiered approach. The Tier 1 Requirements are a minimum requirement and apply to all organisations receiving funding. Tier 2 applies to organisations receiving in the region of £250,000 to £1 million in funding, often as a one off payment. These organisations are required to comply with some but not all of the Tier 3 Requirements, in addition to the Tier 1 Requirements. The Tier 3 Requirements apply in their entirety to organisations receiving more than £1 million over a 4 year cycle.

The Code outlines 5 basic Principles of good governance. These are non-mandatory but provide the structure for and inform all the Requirements in the Code which are mandatory.

The Principles refer to:

- Structure
- People
- Communication
- Standards of Conduct
- Policies and Processes

A copy of the Code can be found [here](#).

If you are a sports body or organisation and require advice on the Code or any aspect of your governance, please contact Ben Moorhead on 020 7400 5047 or [click here](#) to email Ben.



[James Makin](#)
Solicitor

Intellectual Property in Sport

Intellectual Property rights come in a range of forms, from copyright, patents, designs and trade marks, and protect all manner of inventions, products or brands, designs, and more.

The value of these rights is undoubtedly recognised in the sporting world and considerable lengths are gone to in order to protect these assets. In the last football season, José Mourinho made a smooth transition into the top job at Old Trafford, winning a clutch of trophies, however his appointment in the summer of 2016 did not go quite as smoothly. Chelsea FC, his former club, held trade marks to his name and signature which could have restricted marketing and similar activities by Manchester United. This intellectual property entitled Chelsea to market products ranging from track suits to potpourris without the actual endorsement of Mourinho, and had significant commercial ramifications for his new club. The matter was eventually resolved but it is noted that Chelsea remain the registered owners of the trade mark rights as per the Intellectual Property Office database.

Similarly former basketball star, Michael Jordan has encountered issues surrounding the use of his name and former shirt number by a company in China. The Chinese translation of Jordan's name was for many years used by Qiaodan Sports without Jordan's permission. Eventually, in late 2016, Jordan successfully brought an action in the Chinese courts to protect the like-for-like Chinese translation of his name, although other forms of translation were not afforded the same protection.

Both episodes - holding up a multi-million pound appointment and the misuse of the name and substantial marketing pull of a high profile sports star - highlight the importance of protecting IP rights in the modern sports world and elsewhere. Issues of trade mark protection should be considered from the outset of any negotiations.

For more information, please contact James Makin on 01223 461155 or [click here](#) to email James.

Sports Publication Survey

We are interested in finding out what Sport publications our readers regularly read, both online and hard-copy.

Please could you therefore spend a few minutes to complete our very short survey listing the various sporting publications you read or check regularly.

To complete the survey please click [here](#).

For more information on the information shared in this update please contact a member of our [sports team](#).



This Sport E-Update is produced by Hewitsons for existing clients of the firm to provide them with a useful summary of recent developments, cases and matters of interest. It is not a definitive statement of the law in any area. Advice should be sought from a member of the Sports Group in respect of any information contained in this E-Update that affects any matter with which you may be concerned.

Hewitsons LLP is authorised and regulated by the Solicitors Regulation Authority. While the articles and opinions expressed in this publication are summations of current general legal matters the firm can take no responsibility for their application to specific situations in which specialist advice is required.

Hewitsons LLP is a limited liability partnership. Hewitsons LLP Reg Office: Shakespeare House, 42 Newmarket Rd, Cambridge, CB5 8EP. Reg No: OC334689