

Making Use of Sports' Enormous Commercial Potential: Futsal and Intellectual Property

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Everyone in Indonesia knows futsal. Perhaps, it is one of the most popular sports among Indonesian. Not only popular, it is also one of the sports in Indonesia that growing in a rather fast pace. In no time, people have become fans of the sport then start to build a community, and when there are many people fell in love to futsal, this means a huge commercial opportunity lies there within the sport. And here is where Intellectual Property (“IP”) enters the pitch.

To start with, let us talk about futsal apparels and its relation to IP. When we take a look at futsal apparels (shoes, jersey, etc.) one of the main questions that may arise is “what brand is it?”. Brands are the identity of futsal apparels and it is protected by trademark, which is one of the IPs (together with patent and copyright). Trademark is used to protect brands; hence it will be exclusive for the owner. Therefore, the owner can make use of its income-generating potential. As far as I concern, brands of futsal apparels (local or foreign) are mostly already registered and under protection of the Indonesian Trademark Law since they are owned by well-organized companies. Yet, it is not the same case with futsal club’s crests/logos.

Starting in a semi-professional system, the national futsal league in Indonesia now has become a full-professional league with professional clubs competing in it to win an enormous prize every season and have been drawing the attention of many local sports fan. In addition, the internet also helps local sports fan to get to know foreign futsal leagues. Similar to other sport clubs such as football and basketball clubs, they have their own fans (who then usually merge into a fan base of the club). Fans love their club and also love their club’s merchandises. These merchandises can be anything (t-shirt, mug, fridge magnet, tie, etc.) with a club’s crest/logo printed on it, although jerseys are the most popular amongst all. From here we can see how huge the potential of the club’s crest/logo as an income generator of the club really is. This potential, however, can be used by everyone since, unlike football clubs’ crests/logos, most of futsal clubs’ crests/logos are not yet registered in Indonesia and not being under the protection of the Indonesian Trademark Law. As a result, the clubs (who supposed to be the owner of the crests/logos) cannot file any sort of suit regarding counterfeiting or misuse of their crests/logos since they are not protected. But, this issue can easily be solved.

According to Article 4 Paragraph (1) of Indonesian Law No. 20 of 2016 regarding Trademark, application for trademark can be filed electronically or non-electronically in Indonesian language by applicant or his/her attorney to the Minister. Through this provision, we can see how the Indonesian Government tries to make the trademark application process to be convenience. Consequently, any futsal club’s managements or apparel manufacturers (local or foreign) have easy-access for registering their crests/logos and/or brands in Indonesia.

To conclude, awareness to the field of IP by those whom activities are in the field of futsal (or any other sports) shall be helpful to maximize the use of commercial potential of it.

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