



NBA Trademark Enforcement

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The NBA Brand – Best in Sports Entertainment





The World's Most Involved Fans





NBA Enforcement

- **NBA must enforce against the unauthorized use of its intellectual property to preserve the quality of its brand for consumers and maintain the value of its intellectual property for its licensees**
- **Enforcement has become more challenging with the globalization of our business, resulting in the increased fame and popularity of the NBA brand**



International Growth of NBA Brand

- **International NBA offices in 16 cities
15 outside the U.S.**
- **Increased number of non-U.S. players on
NBA team rosters**
 - **79 players from 35 countries and
territories 2009-10 season**
- **International television broadcasts of NBA
games in more than 200 countries in more
than 40 languages**



International Growth of NBA Brand

- More than 5 million visitors per day to www.NBA.com, more than 50% from outside the U.S. and Canada
- International grass roots and special events
 - 424 events in more than 200 cities in 28 countries: 2008-09 and early 2009-10
- Basketball Without Borders - Community service program in 11 countries, 5 continents
- Partnering with local companies and organizations



Policing NBA Marks

- **NBA employees, including offices outside the U.S.**
- **Business partners (more than 100 consumer product licensees, more than 200 broadcast partners and dozens of sponsors)**
- **Network of investigators and counsel in more than 100 countries**



Policing NBA Marks

- **Global watch service**
- **Law enforcement personnel/Customs officials**
- **Internet, including e-Bay and trade boards**
- **Media**
- **Fans**



NBA's Global Enforcement Program

- **Trademark Registrations**
- **Trademark Office Proceedings**
- **Customs Recordations/Seizures**
- **Administrative Raids**
- **Criminal Raids/Seizures**



NBA's Global Enforcement Program

- **Market Sweeps**
- **Cease & Desist Letters**
- **Civil Litigation**



What Works for the NBA

- **Comprehensive global registration program is the bedrock of protecting our IP rights, approximately 37,000 records worldwide for NBA and related leagues and teams**
- **Customs recordation**
- **Vast support network worldwide, but centralized in the NBA's New York headquarters**
 - **Cross-referencing Customs notice from one country with investigation in another**



What Works for the NBA

Anti-piracy devices (holograms) and contractual requirements imposed on licensees

➤ **Education through law enforcement training, consumer outreach, lobbying, participation in organizations, such as INTA, IACC, CAPS**



Enforcement Challenges

- **Budgetary limitations – must make choices**
- **Maintenance of trademark registrations through use**
- **Extent of hard goods counterfeiting**
 - **ICC estimates that 5-8% of world trade is in counterfeit goods**
- **Increased on-line distribution of counterfeit products**



Enforcement Challenges

- **Increased sophistication of counterfeiters**
- **Technology**
 - **Digital technology, transshipping, unfinished pieces finished in the U.S.**
- **Ineffectiveness of existing laws/application of laws**
 - **Recidivism/lack of deterrence**



NBA Legal Department

NBA Properties, Inc.

New York City

NBA Intellectual Property Group

**Trademark, copyright, advertising, right of
publicity, agreements, domain names**

**Oversees worldwide IP enforcement for all NBA
and related leagues and teams**