From FIFA to Indian Sports: Live Rights, IP Enforcement, and the Value That Goes Unclaimed



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Abstract

This paper examines the intellectual property framework underlying the FIFA World Cup and the Indian jurisprudence protecting it, arguing that the decisive variable in sports monetisation is not broadcast as such but live broadcast. FIFA converts exclusivity into revenue through two primary avenues: live broadcasting and ticketing rights, supported by a secondary layer of copyright, trademark, image and design rights. Because a live signal loses substantially all of its value within minutes, the adequacy of any protective regime turns on the speed of the remedy rather than the breadth of the right. The paper traces the Indian response, from the first John Doe order in Taj Television v Rajan Mandal (2002), through the fair dealing limits of ESPN Star Sports (2008) and the contested hot news reasoning of Akuate Internet Services v Star India (2013), to the dynamic and superlative injunctions of the present decade. It then asks why Indian federations holding an identical toolkit have built so little of comparable value, locating the answer in the absence of systematic asset creation and in the quality of federation governance.

On 14 June 2002, the Delhi High Court granted an injunction against unidentified defendants after unlicensed cable operators began retransmitting Ten Sports (the exclusive Indian rights-holder for the football World Cup) before the cup could be traced. Invoking Section 151 of the Code of Civil Procedure, Taj Television Ltd v Rajan Mandal gave India its first John Doe order for a football broadcast. Twenty-four years later, on 3 June 2026, the same court granted Zee Entertainment real-time blocking relief against websites preparing to stream the tournament. What links the two orders is the feature that makes sporting broadcasts so urgent to protect: their live and time-sensitive nature.

This paper traces the framework of intellectual property rights that allows FIFA to convert the World Cup into a commercial product and the legal machinery that Indian courts have developed to defend a foreign broadcaster's exclusivity within India. It then turns the question inward: why Indian sporting federations have not been able to build something comparable and what it would take for a sport other than cricket to own its own commercial value the way FIFA owns the World Cup's commercial value.

The audience is the asset

The commercial logic behind all of this is simpler than it looks. A broadcaster that buys tournament rights, like Sports for instance, then sells the two things advertising slots at premium rates and subscription packages through cable and DTH operators. Both are priced in advancebased on an estimate of how many people will watch. If India is knocked out in the quarter-finals, that estimate collapses. Viewership can fall from around ninety per cent of its peak to thirty because very few Indian viewers will sit through Australia against Pakistan in the semi-final or England against Australia in the final. Sponsors react at once. A car manufacturer that has committed ten crore rupees or an e-commerce company that has paid to be the official delivery partner, begins renegotiating the moment India goes out. What the broadcaster paid for was never the football. It was the audience.

The right to exclude as a negative right

The right on which this whole structure rests is a negative one. It does not entitle its holder to exploit anything; it entitles him only to stop others from doing so. The entitlement to exploit comes from a contract with the organiser or from control of the venue. A broadcaster's right under Section 37 of the Copyright Act, 1957 is therefore a power to exclude the world, not a permission to transmit, and that permission arrives separately from the sporting body that owns the event.

What FIFA actually sells: live and non-live

FIFA's revenues across the 2023-2026 cycle approached $13 billion, roughly $9 billion of it in the tournament year alone. Very little of this is earned from football as such. It is earned from exclusivity, and it is best sorted by timing: what is live, and what is not.

Two revenue lines are primary, capturing value as the event happens and losing it almost entirely afterwards. The **first is the live broadcasting right**, implemented in Indian law as the broadcast reproduction right under Section 37. The **second is the ticketing right** which rests on the same proposition: outside the stadium the event cannot lawfully be watched. Admission is conditional and those conditions are contractual as much as proprietary. A spectator who films the match from his seat and streams it live therefore raises a real question of infringement, since unauthorised fixation and communication of the signal engage Section 37(3) directly.



Around this core sits a secondary layer of rights. The **first is copyright,** which protects the expression of the contest rather than the contest itself. A football match is not, in this sense, a work at all. It has no predetermined expression and no identifiable author. The broadcaster's work because discretionary choice of camera selection, replay, commentary and graphics all involve genuine authorial choice. FIFA takes assignment of the match footage from its production partners.

The **second is the trademark,** which carries the brand itself. FIFA holds registrations over marks such as FIFA World Cup, World Cup 2026 and MUNDIAL 2026, together with host-specific variants like CANADA 2026 and MEXICO 2026. Doctrinally these marks exist to distinguish the source of goods and services. Commercially they do something rather different. They allow FIFA to sell a sponsor the assurance that no competitor can buy the same association, so that goodwill works less as reputation earned over time and more as inventory sold outright.

The **third is the image right**, which attaches to individual players whose names, likenesses and signatures carry a commercial value quite independent of any club they represent. In India this right is entirely judge-made, grounded in the constitutional right to privacy, and it belongs to individuals alone rather than to any organisation. In ICC Development (International) Ltd v Arvee Enterprises, Kaul J held that the right of publicity evolves from the right to privacy and can therefore inhere only in an individual, never in an event or in the body that organises it. The fourth and final right is the design right, which covers the appearance of the ball, the boots, the jerseys, the trophy and the mascot. A country bidding for the 2036 Olympics is asking to stage the world's most intellectual-property-intensive event.

The live signal and the hot news doctrine

Broadcasting is the largest single revenue line and its defining feature is how quickly it decays. It is like live news: valuable at the moment of broadcast but stale within an hour. A sporting signal behaves the same way, only faster. The question is not whether the rights-holder has a right but for how long it can meaningfully be asserted, and it is here that the hot news doctrine enters Indian law.

Two decisions define the position of this doctrine. In ESPN Star Sports v Global Broadcast News (2008), the Delhi High Court considered how much of a live broadcast a competing news channel might use before fair dealing under Section 52, applied to broadcast reproduction rights through Sections 39 and 39A, ceased to protect it. The Division Bench declined any across-the-board cap of thirty seconds or seven minutes, holding fair dealing a question of fact, aggregate duration a vital component of it, and repeated telecast amounting to commercial exploitation of another's signal outside the exception. This became a judicially supervised window of exclusivity.

The second decision addressed the same problem in digital form. In the litigation between Star India and Akuate Internet Services, Idea Cellular and OnMobile Global, the question was whether ball-by-ball score updates sold by SMS infringed the mobile rights the BCCI had assigned to Star. A single judge, relying on International News Service v Associated Press, granted a limited interim injunction in March 2013. A Division Bench of Bhat and Wazir JJ set it aside that August, holding that the hot news doctrine could not override the Copyright Act or curtail Article 19(1)(a) as match information technically amount to facts occurring in public. The Supreme Court stayed that order in October 2013, directed status quo, and required each defendant to deposit ten lakh rupees per match. The appeal remains undecided.

The medium at issue has since disappeared. SMS is no longer how match information travels; encrypted channels such as Telegram and Signal, unauthorised streaming applications and AI-assisted audio-to-text capture and redistribution have replaced it. The principle does not fall away with its medium. The reasoning of the Supreme Court that time-sensitive information generated at substantial cost deserves protection during the narrow window in which it holds value, is the protection that live signal should now be built on.

Locus, enforcement, and the limits of safe harbour

Doctrine works only through a plaintiff with standing. In a John Doe action,the plaintiff is not the publisher of the event, which FIFA, the BCCI or a hockey or kabaddi league owns; its locus rests entirely on the exclusive licence to rebroadcast conferred under Section 37, and without pleading that grant the suit fails at the threshold.

After Taj Television, the shift of practice explored the limits of naming defendants at all. In UTV Software Communication Ltd v 1337X.to (2019), Manmohan J introduced the dynamic injunction, identifying flagrantly infringing sites by a qualitative test and extending blocking to mirror sites through the Joint Registrar. Universal City Studios LLC v Dotmovies Baby (2023) added the dynamic+ injunction, reaching works not yet created. Star India Pvt Ltd v IPTV Smarters Pro (2025) added the superlative injunction, allowing rights holders to notify intermediaries directly without returning to court. JioStar obtained relief on this model in early 2026, and Zee's June order follows the same design.

Enforcement mechanics matter as much as doctrine. Internet service providers (ISPs), the Department of Telecommunications (DoT) and the Ministry of Electronics and Information Technology (MeitY) are joined as proforma defendants, not because any has infringed but because the order needs parties able to execute it, and they direct registered providers to block the sites, sometimes within forty-eight hours. Liability and duty are kept apart: the intermediary keeps its safe harbour under Section 79 of the Information Technology Act while carrying a separate, licence-based duty to execute the block.

That separation is narrowing. Section 79 is decreasingly available to entities that are intermediaries in form but publishers in substance. Platforms such as Google, Facebook, YouTube and X do more than simply transmit content: they curate, recommend, monetise and control what users see. As a result, it is difficult to treat them as purely passive intermediaries and extend them the safe-harbour protection designed for simple transmission.

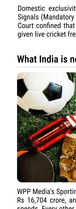
Revenue leakage and the ninety-minute window

The urgency is clearest in fiscal terms. Suppose a broadcaster expects a hundred crore rupees from its broadcast reproduction rights and loses ten crore of that to piracy. It does not earn a hundred crore reduced by a loss; it earns ninety. Sports and entertainment attract goods and services tax at the highest slab of twenty-eight per cent, so the exchequer also loses that tax on the leaked ten crore, along with tax deducted at source. Piracy is therefore not a private injury but a direct subtraction from public revenue, which should inform both the urgency of enforcement and the balance of convenience.

Timing governs everything else. A football match lasts ninety minutes, and unless an injunction is granted and executed within that window the remedy is worthless, since damages against defendants nobody can identify are illusory. Ticketing abuse is more acute still, because it must be stopped before the match rather than during it, and India has no dedicated instrument for it: petitions before the Delhi and Bombay High Courts on bot-driven scalping have drawn notices to platforms including StubHub and Viagogo, with the State pointing to Section 112 of the Bharatiya Nyaya Sanhita 2023. Other jurisdictions have moved faster like the United States criminalising the circumvention of ticket purchase limits in 2016 and the United Kingdom in 2017.

Domestic exclusivity also faces a grave-out FIFA never had to negotiate: the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act 2007. In Union of India v BCCI (2017) the Supreme Court confined that sharing to Prasar Bharati's own networks, since must-carry would otherwise have given live cricket free to every paying subscriber.

What India is not monetising



WPP Media's Sporting Nation 2025 report puts cricket's share of Indian sports revenue at 89 per cent, or Rs 16,704 crore, and finds the sport takes 87 per cent of endorsements and 95 per cent of media spends. Every other sport divides the remainder. The gap is usually blamed on popularity alone but that is not precise. What drives commercial value is audience interest, and audience interest depends on the quality of the competition on offer. Hockey, football and kabaddi each had large followings and each lost ground as organised domestic competition declined, not because the sport stopped appealing. In Narinder Batra v Union of India, the Delhi High Court held that national sports federations, though private societies, discharge public functions amenable to writ jurisdiction and upheld the binding character of the government's governance guidelines.

The absence of monetisable assets is really an absence of record-keeping. Federations running sports across tens of thousands of affiliated clubs have often held no reliable register of their players, no performance statistics, and no written account of how the game is played. Kabaddi is the instructive example: before its commercial reinvention the sport was run without player data of any kind, without statistics distinguishing raiders, defenders and all-rounders, and without rules codified precisely enough for statistics to be derived. The remedy was sequential and unglamorous: a register of each player's name, age and position, then rules precise enough to generate measurable events, then statistics, and finally archival footage.

Each stage creates property. Player databases and statistical records are protectable as compilations, codified rules generate copyright, archived footage is a copyright asset with a long exploitation tail, and the competition's name and emblem become registrable marks. A federation that had built these would today hold a real copyright and trademark portfolio.

Why the same toolkit produces nothing

What separates FIFA from an Indian federation is not the law. The machinery described above is a remedy, and a remedy presupposes something to protect. FIFA obtains a blocking order against piracy because it holds a documented chain of rights in a live signal. A hockey or kabaddi federation holding the same statutory toolkit has nothing to put before the court.

The National Sports Governance Act 2025 is the first legislation to notice this, contemplating recognised sporting bodies and their affiliates holding broadcasting, merchandising, data licensing and sponsorship rights. What it does not do is give athletes rights in their own appearance, publicity or performance data.Instead, the Act disciplines federations through election norms, tenure limits, financial accountability and anti-corruption safeguards. And itis this rather than any provision about rights that will decide whether Indian sport becomes valuable. We can make a comparison with company law here. A company kept compliant by its in-house counsel does not merely avoid penalties; the discipline compounds into revenue because counterparties contract on better terms with an entity whose affairs are in order. A federation that keeps proper records can prove what it owns and only then license it.

The answer to the question with which this paper began: why Indian federations have built nothing comparable, is because intellectual property decides who is paid for sport but protects only what somebody first troubled to create and record. FIFA's position is not the product of a stronger statute. It is the product of decades of documentation and Indian federations have had the same law available to them throughout. Taj Television and the Zee order bookend twenty-four years of judicial ingenuity, almost all of it spent protecting businesses belonging to somebody else. That is not a failure of the courts, which have built remedies fast enough to matter inside ninety minutes. It is a failure to bring them anything worth protecting. Until federations register their players, codify their rules and keep their footage, India will go on litigating other people's property with great skill while owning very little of its own.

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