

**MAKING A CASE FOR SPORTS, SPORTS RIGHTS AND  
MEDIA RIGHTS IN NIGERIA: CONCEPTUAL  
PERSPECTIVES IN MEDIA RIGHTS AND INTELLECTUAL  
PROPERTY FRAMEWORK**

**Kenneth Nwannebuike Udeh<sup>1\*</sup>, Uche Ebeze<sup>2</sup>, Benjamin Kelechi Obioha<sup>3</sup> &  
Onyeka Uwakwe<sup>4</sup>**

<sup>1,2</sup>Department of Mass Communication, Nnamdi Azikiwe University, Awka, Nigeria

<sup>3,4</sup>Department of Mass Communication, Federal Polytechnic, Oko, Nigeria

kn.udeh@stu.unizik.edu.ng

**ABSTRACT:** Phenomenological evidence reveals that there is fervent passion for sports among Nigerians across diverse socio-economic, religious and political strata. However, this avid hunger has mainly been in favour of foreign football competitions organized by prominent football leagues in Europe and America, such as: the Spanish LaLiga, Bundesliga, Serie A, UEFA Champions League, Premier League, etc., and foreign football clubs: Chelsea, Manchester United, Arsenal FC, Manchester City, Liverpool, Tottenham Hotspur, etc. The concern is that the manifest degree of passion in sports, has, probably, not attracted genuine and commensurate interest in overall sports development in Nigeria. It appears that prolific investments in sports and sporting activities, for economic and commercial purposes, are rare; thus, current statistics indicates that the sports sector in Nigeria account for a meagre 0.005 percent of Nigeria's Gross domestic product (GDP), much less than what is obtained in developed climes. Sports and sporting activities do not only serve the psychological, physiological and physiotherapeutic needs of mankind, for infotainment, relaxation, withdrawal from boredom and improvement in physical health; but also, investments in sports guarantee national development, through jobs creation and revenue generation; thereby, positively influencing the cultural, social and economic life of people across the globe. Anchored on Personality-based, Utilitarian and Natural Right theories of Intellectual Property, this paper examines the concept of sports, sports-media nexus and why sports, sports right and media right, should be enhanced in Nigeria, within the framework of Media Rights and Intellectual Property. We argued that sports production, organization and management are herculean tasks, involving money, time, energy and human intellect, and recommended, among others, that public-private partnership should be fashioned between government and popular private broadcast organizations, such that media or broadcast rights fees are subsidized, to aid public craving for and wide promotion of local sports. Similarly, to boost curiosity in local sports competitions, leagues and clubs, the government should concentrate more on improving sports technologies and evolving sports culture that could stand the test of time.

**Keywords:** Sport, Media, Media Rights, Sports Rights, Intellectual Property

## INTRODUCTION

Commonly, sports and sporting activities have remained major socio-cultural phenomena that facilitate what could be described as '*heterogeneous human convergence*'- the conscious clustering of people of different races, religions, sexes, ages, occupations and social strata, at viewing centres, or homes, in front of a television set, around a radio set, at a newsstand, or outside the homes, primarily, at sport's stadia, in hundreds, thousands and millions, with a view to watching, listening to, and reading about sporting actions, as they unfold live, or after the actions had been completed. This assertion does not, literally, entail that an individual cannot, independently, access and enjoy sporting events.

The uses of and gratifications from sports and sporting activities to sports lovers and consumers, in their enjoyment of life, cannot be overemphasized; such that, while some enthusiasts converge on sports' stadia, physically, with their families and friends, and pay for tickets to watch sporting actions, live; others access sports through various media platforms: via daily, weekly, monthly, quarterly or annual subscriptions on Pay-TV channels (DSTV, StarTimes, Free-to-Air channels, Go-TV, etc.).

Also, some consumers of sports access live and sports highlights by means of YouTube channel, and other social media platforms, often available, on demand, using personalized Internet-compliant digital media or ICT devices (desktop computer, iPhone, laptop, Smartphone, iPad, tablets, etc.). Indeed, sports fans are, invariably, interested in different aspects of sports, with football, as the most popular and widely participated (see Uwakwe, 2005, p. 156), as well as, Badminton, Cricket, Field Hockey, Volleyball, Basketball, Rugby, Tennis, Baseball, Table Tennis and Golf, etc.

These consumers, comprising men and women, young and old, do not only want to read textual depictions or see dramatic pictorial portrayals or motionless imageries of players on newspapers, magazines, blogs and social media or merely listen to the sounds and melodious voices of some sports analysts and commentators doing sports renditions on radio; but also want to know more than the score (Itule & Anderson, 2007, p. 378); observe actions, live, on television and other audio-visual digital media, how the scores ensued, who scored, when the scores took place, why the scores occurred or why not, and what might have happened before (sport highlights) or after the actions (delayed sport). Hence, Uwakwe (2005) argued that, "In reporting sports, the essentials of sport reporting, which every sport reporter strives to place before their audience, include: the score, type of sport, names of teams, venue or place of game including the capacity, whether it is league or knockout, scorers and scoring chances, key players and performances" (p. 157).

Other essentials, as proposed by Uwakwe (2005) are: strategies adopted by both sides, the effects of result on the tournament, infringements, bookings and financial implications, crowd and behaviour of fans, injuries, duration of game, including the indication of any extra times, post-game comments, and a survey of past performances, etc. To meet the demands of society and media, it is also stressed in Uwakwe (2005, p. 156) that "No modern media can afford to do without sports reporting". Undoubtedly, the effect of sports on media and society is staggering; from participation to sports consumption, consumers are fuelling a thriving sports industry in the United States (Itule & Anderson, 2007, p. 379). Nevertheless, in Nigeria, Nlebem (2021) opined that the sports industry, especially, football, has witnessed a decline, regarding its prospects over the years. Many have blamed the decline on lack of investments

in the sector. Nlebem (2021), while quoting the Statistician-General of Nigeria's National Bureau of Statistics, underscored that sports are valued at 500 billion US Dollars globally; but, the sector accounts for a meagre 0.005 percent of Nigeria's Gross Domestic Product (GDP).

Generally, enthusiasm, investments and improvement in sports and sporting activities across the world, especially, in developed countries of Europe and America, could have been necessitated and blatantly propelled by the principles contained in Articles, 22, 27 (1) and 29 (1) of the United Nations Charter on Universal Declaration of Human Rights (UDHR), regarding rights to economic, social, cultural, artistic and scientific life; as proclaimed by the United Nations General Assembly in Paris, on December 10, 1948, thus:

1. *Article 22: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality".*
2. *Article 27 (1): "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits".*
3. *Article 29 (1): "Everyone has duties to the community in which alone the free and full development of his personality is possible" (see, UN Report on Universal Declaration of Human Rights, 1948).*

Whereas Articles 22 and 27 (1) tersely imply that everyone, as a member of society is bestowed with a right to an indispensable enjoyment of economic, social and cultural life of the community where they belong, as well as, relish the artistic creations of the community and benefit from the community's scientific progress; Article 29 (1) vividly denotes that the enjoyment of such right comes with responsibilities- duties to use one's mind or intellect, to invest time, energy and pecuniary resources, to plan, think, rethink, generate, create and invent artistic, industrial, cultural, architectural and scientific products and discoveries, of which, not only the survival of the inventors and their personality development are dependent on; but also, the development of human society at large, is possible.

As a result, the importance of sports and sporting activities to mankind and national development cannot be overstated. There is, therefore, a necessity to strengthen sports and ensure adequate protection to all forms intellectual property elements involved in sports creation and management. The focus of this paper is to discuss the concept of sport and why local sports, sports right and media right should be reinvigorated, within the framework of Media Rights and Intellectual Property.

### **Defining Sports, Media and Sport-Media**

The term, 'sport' originated from the Old French word '*desport*', meaning 'leisure', with the oldest definition in English from around 1300, being "anything humans find amusing or entertaining" (see, BBC Teach, 2023). Guttmann (1978) cited in Nicholson (2007, p. 4), posited that sport is best understood as having three core dimensions; first, it has a physical dimension; second, it is competitive; third, it must be structured and rule-bound.

Likewise, the European Sports Charter (ESC), cited in BBC Teach (2023) defined sport thus: "Sport means all forms of physical activity, which through causal or organized participation, aim at expressing or improving physical fitness and mental well-being, form social

relationships or obtaining results in competition at all levels”. Succinctly, sport could mean any activity that involves physical actions, effort and skills, in which team or individuals compete against others, usually, for entertainment, and such activity must have a body that is responsible for its organization and operational regulations, such as: the FIFA (Federation Internationale De Football Association), Nigerian Football Association (NFA), Nigerian Professional Football League (NPFL), etc.

Nicholson (2007) categorized sports as follows:

- i. Spontaneous sports: these include ‘pick-up’ sport that occurs by chance and often formalized as recreational sport.
- ii. Recreational sports: these are extreme sporting activities, as well as, informal exercises.
- iii. Exercise sports: this category of sports typically occurs in formalized settings, such as an aerobics class, or a gym workout, swimming, etc.
- iv. Competitive sports: these comprise competitions below the elite sports; this category of sports receives media coverage and is used to increase participation and financial capacity. For instance, sports played by amateurs at clubs, associations, and community levels, through to high level school and university (college) sports.
- v. Elite sports: Elite sports are the real target for media coverage and major players in the sport-media relationship. Elite sports comprise professional and semi-professional competitions and major events, from state and national championships, thorough to the Olympic Games and FIFA (Federation Internationale de Football Association) World Cup. Other forms of elite sports are high profile sports tournaments organized by sports bodies such as: Spanish LaLiga, Serie A, Bundesliga, English Premier League, European Champions League, Super 14 Rugby, Commonwealth Games, Wrestling champions, African Cup of Nations by Confederation of African Football (CAF)), etc., usually, on global level.

On the other hand, media refer to tools or channels of communication (in this context, mass communication); they are vehicles of communication, through which sports activities and events, are transmitted or distributed, live or delayed, to sports consumers or audiences, at local, regional and global levels. However, in order to clearly understand the term, ‘media’, in the real sense of mass communication, it can be approached from two different perspectives:

- i. The perspective of content creators and institutions under which these creators operate and
- ii. The perspective of technology or technological adaptation, through which the creators and their institutions are able to cascade information or content to the final consumers or receivers.

Consequently, Dominick (2002) stated that mass medium will include not only the mechanical devices that transmit and something store the message (TV cameras, radio microphones, printing presses), but also the institutions that use these machines to transmit messages. The mass media of television, radio, newspapers, magazines, sound recording and film, refer to the people, the policies, the organizations and the technology that go into producing and distributing mass communication. “A media vehicle is a single component of the mass media, such as a newspaper, radio station TV network or magazine” (Dominick, 2002, p. 24).

In addition, Nicholson (2007, p. 5) also underlined that, in contemporary usage, the term media, typically, apply to two separate, yet related elements. First, media refers to the means of mass communication, such as: television, radio, newspapers, magazines and the Internet (social media). Second, media refers to those people employed within media organizations or institutions, such as: television station, magazine and newspaper industries, as gatekeepers, editors, sportswriters, proofreaders, reporters, freelancers, presenters, and journalists.

In the same way, 'sport-media' can be defined as the technological devices, communication tools or channels through which sporting activities or events are transmitted, live or delayed, to the public and sports consumers (e.g. television, radio, newspaper, magazine, social media or the Internet). It also includes the institution or organization and people who work together and effectively employ sport-media technologies to ensure that sporting activities are transmitted to the public (e.g. television and radio stations, magazine and newspapers industries, sports analysts, bloggers, sport-writers, editors, presenters, announcers, commentators, etc.).

Moreover, Seiter (2023) explained that sports media refers to the broadcast and reporting of sporting events, teams and sports news. Jobs in the sports-media field are: print journalism, photography, broadcast reporting (TV and radio), sports information analysis and program production, whereas major employers in the sports-media arena include: the MLB Network, ESPN and NBC Sports Regional Networks.

### **Understanding the Concepts of Sports Rights and Media Rights**

Sports rights are lucrative intangible assets which encompass the legal entitlements linked to the commercial exploitation of live sporting events and their associated content (Prashant, 2023). These rights extend to, but are not limited to, broadcasting rights across television, radio, online and streaming services; sponsorship rights linked to branding and marketing; rights to merchandise; licensing rights for logos, trademarks, or team names; digital rights for content distribution on digital platforms; image rights involving a sportsperson's likeness; and venue rights including stadium or arena naming and usage. Simply put, sports rights are intellectual property rights enjoyed by sport's governing bodies, such as, FIFA, sports clubs, and leagues, which confer on them, the exclusive right to manage, control or authorize media coverage of sports, as well as, regulate, prevent, or monitor illegal sports coverage, streaming and broadcasting of sporting events, by unauthorized persons and sport-media outlets, for economic advantage, at the expense of sports organizers and governing bodies. Prominent on these rights are, sponsorship rights and broadcast rights.

Regarding sponsorship rights, sport's governing bodies have rights to benefit from sponsors of sporting events; these sponsors pay money or donate sponsorship equipment, for effective organization of sports, so that their products could be advertised and marketed during sporting competitions. Also, sport's governing bodies have rights to benefit from media organizations who pay media or broadcast coverage right fee for coverage, publication, broadcasting or airing sporting activities.

Media rights, also known as broadcasting rights, refer to the rights (usually calculated in monetary terms) which a broadcast or media organization negotiates with sports organization, sports' governing bodies or film producers, for commercial purposes, and in order to show,

broadcast or transmit sporting events or films on sports-media channels, either live, delayed or highlights, on payment of an agreed media or broadcast rights fees.

### **Sports and Sporting Activities in Nigeria: An Overview**

Historically, the *ComeToNigeria Report* (2023) underscored that Nigerian sports, though always exercised, were noted first in the 1950s. Nigeria had its first appearance in the Helsinki Olympic Games in 1952, and its first victory in 1954, when Emmanuel Ifeajuna won a gold medal in the high jump at the Commonwealth Games in Cardiff. Meanwhile, sports organization and management in Nigeria could be traced to 1962, when the National Sports Council (NSC) was set up, and in 1971 when the National Sports Commission was set up. Today, National Sports Commission coordinates the organization of national sports festivals. On the other hand, the aim of the National Sports Council is to develop an active, healthy and fit society, through sports and physical activities, in line with the overall efforts of the government in nation building. Specifically, the National Sports Council has the following responsibilities:

- a. To coordinate and integrate efforts to raise the standard of performance in sports in Nigeria,
- b. To encourage the development, organization and participation of sports in Nigeria,
- c. To make any arrangements on behalf of the States' Sports Councils for Competitions, technical assistance, recruitment of coaches and for any other matters as the Commission sees fit, and
- d. To promote physical fitness and general well-being of all persons in Nigeria.

In Nigeria, there are key national sports' teams that represent the country in regional and global sports: athletics championship, boxing, wrestling, football, basketball, among others. They include: the Super Eagles (Nigeria's senior male football team), the Flying Eagles (U-20 football team), the Super Falcons (Nigeria's senior female football team), and the Falconet (Nigeria's junior female football team). Other are: the *D'Tiger* (Nigeria's male Basketball team), and the *D'Tigress* (Nigeria's female basketball team), etc. These teams, made up of active sports men and women, have not only participated actively in regional and global sporting events, but also won laurels for Nigeria.

For instance, in 1996, Nigeria won the Olympic Gold in Atlanta USA (football), and in boxing, Duncan Dokiwari (+91kg) won a bronze medal in Atlanta. In 1992, Nigeria also won the 4×100 men's relay in Barcelona, and two silver medals in boxing in the Olympics, by David Izonritei (91 kg) and Richard Igbineghu (+91kg), in Barcelona, Spain. Nigeria has made its mark in global sports competition.

In professional boxing, Nigeria has produced three world champions (Hogan "Kid" Bassey (featherweight, 1957-1959); Dick Tiger, (middleweight, 1962-1963) and Massachusetts resident, Bash Ali (cruiserweight, 1987). Nigeria's athletes have also won Olympic medals in long jump, 400 x 4 relay and several other track and field events, and dozens of Nigerians are today professional athletes in Europe and America. As a result, following Nigeria's performances in local and global sports, particularly in football, the world football governing body, FIFA, in April, 1994, ranked Nigeria fifth in her global ranking of football nations.

In terms of football, the Nigerian Football Federation (NFF) was created in 1945. It was the first year that a competition was organized, bringing together clubs from Lagos, Port Harcourt and Calabar. The championship was also renamed the Challenge Cup, replacing the Governor's Cup as it had been known under the British colonizer. Nigeria emerged on the international football scene in 1960, when it first entered the World Cup. The Nigerian National League began in 1972 when five teams entered the league; this grew to 12 teams by 1978. Besides, in football, Nigeria has notable sports clubs, owned by private individuals and government across the states of the federation; some of them are:

- i. Enyimba International Football Club, Aba, Abia State, Nigeria,
- ii. Rangers International F. C. Enugu,
- iii. Gombe United F. C., Gombe State,
- iv. El-Kanemi Warriors of Maiduguri, Borno State
- v. Bayelsa United F. C. Yanegoa, Bayelsa State
- vi. Akwa United F. C. Uyo, Akwa-Ibom State
- vii. Bendel Insurance F. C. Benin-City, Edo State
- viii. Kano Pillars,
- ix. Lobi Stars of Bauchi State,
- x. Nasarawa United,
- xi. Warri Wolves F. C. etc.

Also, in Nigeria, the commonly enjoyed sports include: Athletics (track and field), Badminton, Basketball, Baseball, Boxing, Chess, Cricket, Cycling, Football (the most popular sport in Nigeria), Gymnastics, Golf, Handball, Hockey, Judo, Lawn Tennis, Rowing, Shooting, Squash rackets, Swimming, Table Tennis or Ping-Pong, Taekwondo, Volleyball, Weight-lifting and Wrestling.

However, on June 29<sup>th</sup>, 2023, Nigeria's FIFA ranking status became 39<sup>th</sup>, an indication of downward performance in football. The implication of this discourse is that, despite the high level of fanaticism in sports and sporting activities, as well as, the humdinger of performances of Nigerian sports teams, locally and internationally; the quantity and quality of investments towards the development of the sports sector, in Nigeria, are yet not encouraging. In other words, participation and enthusiasm in sports among Nigerians, especially, football, are likely high, in favour of foreign sports- football clubs and leagues, for purposes of personal relaxation and entertainment; but, there are less supports, enthusiasm and financial investments in local sports and sporting activities, clubs and leagues, in Nigeria, as obtained in Europe and America. This assertion could be why the Statistician-General of the NBS, in Nlebem (2021), argued that, "Sports remain a small business in Nigeria, but have the potential to be much bigger..."

### **Sports Management as a Component of Intellectual Property**

To make a clear sense of this section, it is germane to, first, understand the concept of Intellectual Property (IP) which refers to 'intangible private' assets, products or services that are created through human intellect, human labour or the mind (ideas expressed), for public use. IP is *intangible* because it lacks physical substance, and cannot be seen or touched; it is *private* because an individual, known as an 'inventor or creator' puts his or her intellect to work, so as to come up with a product or service that satisfies human needs; hence, the utilitarian value of IP. Intellectual Property is broadly categorized into two, namely:

1. **Industrial Property:** this covers mainly patent right for invention, trademarks or service marks, business logos, symbols, registered brand names, trade secrets or confidential information, and geographical indications used in commerce and for economic advantages.
2. **Copyright:** this genre of intellectual property covers literary works (prose, poems, plays, films, stage drama and performances), artiste performances and musical works, excluding religious songs and music which are derived from the Holy books. Copyright also covers artistic works- architectural designs, drawings, paintings, sculptures, photography, etc.

Liu (2004) identified under Intellectual Property, based on the stipulations of the World Intellectual Property Organization (WIPO) Convention, issued in July 1967, the following:

1. Literary, artistic and scientific works,
2. Performances of performing artists, phonograms, and broadcast,
3. Inventions in all fields of human endeavour,
4. Scientific discoveries,
5. Industrial designs,
6. Trademarks, service marks and commercial names and designations,
7. Protection against unfair competition,
8. All other rights resulting from intellectual activity in industrial, scientific, literary or artistic fields.

The scope of Intellectual Property in the Trade-Related Intellectual Property Statement (TRIPS) of the World Trade Organization (WTO) also cited in Liu (2004), include:

- i. Copyright and related rights,
- ii. Trademarks,
- iii. Geographical indications,
- iv. Industrial designs,
- v. Patents for invention,
- vi. Layout-designs (topographies) of integrated circuits,
- vii. Protection of undisclosed information (trade secrets).

Therefore, bearing in mind that IP encompasses products or services that are created through human intellect, human labour or the mind, for public use, it could be argued that sports planning, administration and overall management are components of IP. Seiter (2023) defined sports management as the management of various business functions in sports and recreation organizations. Depending on their specific job title, sports management professionals plan, direct, organize or prepare sports budget, within sports-related organizations.

Sports event management comprises planning, coordinating, organizing and leading events for sports organizations. For example, preparing sporting events, from marathons to minor league baseball games, requires relentless attention to detail, human intellect and quick decision-making skills. Among other key responsibilities, sports event managers must manage budgets, negotiate with vendors and coordinate day-of-logistics, all of which require human intellect and ideas. From the above viewpoints, it is argued that sports industry, regarding the nature of sports organization and management, with a view to producing unique sporting events for human consumption and enjoyment of life, is labour-intensive.



That is, sports event management behoves private individuals (sports managers, designers, players, coaches, broadcasters, manufacturers or inventors of sports technical equipment, organizers of sporting events, corporate sponsors, etc.), to experiment and put their intangible assets, intellectual capacity, creative planning potentials, time, energy and humongous pecuniary resources to use in order to serve sports lovers and consumers.

Tracing the connection between sports management and Intellectual Property, and perhaps, why sports and sports managers should enjoy adequate IP protection in developing climes, such as Nigeria, *WIPO* report (2019) highlighted thus:

- a. **Patents and Inventions:** Technology has always had a role to play in the sports landscape, but the advent of digital technologies has fuelled technological development like never before. Innovative technologies (such as *Video Assistant Referee*, VAR) - typically protected by patents (or as trade secrets) – are taking sports to new heights. These technologies are transforming the sports experience and are opening the way for new sports to emerge. Today, sports tech is experiencing huge growth. Smart sports equipment embedded with sensors and other sophisticated information and communication technologies are now widespread. Strong, durable, light-weight innovative composite materials, such as those used in sports shoes and other protective gear like helmets for cycling and skiing, make sports safer and reduce the risk of injury for athletes and sport's lovers at all levels. Sports organizations are teaming up with tech companies to ensure that sports content is social (i.e. shareable via social media), accessible (on multiple devices), interactive (customizable) and engaging. Inventors of sports technologies can protect the investment they make in coming up with new, attractive designs in sports, by obtaining industrial design rights or patents.
- b. **Trademarks and Branding:** Staging sports event is a costly undertaking. Strategic use of trademarks- an IP right that enables businesses to build up their reputation and stand apart from competitors in the marketplace- can generate significant revenue streams to cover the costs of organizing these events. A trademark is a sign that is capable of distinguishing the goods or services of one entity from those of another. Trademarks are powerful and indispensable marketing tools. In the world of sports, their strategic use opens up significant commercial opportunities to generate income. Sports fans have a deep emotional connection with the teams, leagues and competitions they follow.

Sports clubs, like Manchester United, leverage their brand and the loyalty of their fans to increase the club's revenue and profitability, through sponsorship deals and new digital media and content opportunities. Trademarks help inventors of sports kits, gears, and equipment, to differentiate their products from others, and enjoy competitive economic advantage in sport business.

- c. **Copyright and Broadcasting:** Sports organizations depend on broadcasters to transmit coverage of their events and engage fans worldwide, and indeed, to attract sponsors. Copyright and related rights, especially those relating to broadcasting organizations, underpin the relationship between sports, television and other media. Sports events, per se, do not generally qualify for copyright protection. Copyright protects and ensures that media companies that pay huge sums of money, as media coverage right, enjoy the exclusive right to broadcast top sports events live. The sale of broadcasting and media rights, the value of which has sky-rocketed in recent years, is now the largest source of revenue for most sports organizations. The funds they generate off-set the costs of

financing major sports events, refurbishing stadiums and also contribute to the grass-roots development of sports. Copyright ensures that broadcasters earn royalties from the sale of their exclusive footage to other media outlets, and possibly invest same in the technology and logistics involved in broadcasting events to millions of fans across the globe.

### **The Role of Sports in Enjoyment of Life and National Development**

The functions or uses of sports can be defined in the same context as to how people use the mass media, often expressed in the general principle of uses-and-gratifications theory. Dominick (2002, p. 43), while describing the uses-and-gratifications theory, posited that audience members are active and have certain needs or drives that are satisfied by using both 'none-media' (sports) and media sources. Researchers have classified the various uses-and-gratifications into a fourfold category system; the category system are: cognition (seeking information and knowledge), diversion (seeking relief from boredom, relaxation, and emotional release), social utility (seeking contacts and relationships, interaction with friends) and withdrawal (seeking barriers from other people and for avoiding certain chores) (Dominick, 2002). Sports promote self-esteem and the value of increasing person's mastery and exerted effort (see, White, Duda, & Keller, 1998).

Writing about the role of sports as development tools, *USAID report* (n.d.) described sports as vehicles for development and peace, and further stated that the use of sport to promote peace and development is not entirely new; the Olympics are a historic example of sports used for a higher purpose. Beyond what sports contribute to physical, psychological and emotional well-being, sports also play a significant role in healthy social development and interaction. Sports help people learn how to set and achieve goals through discipline and hard work; sports nurture the development of decision-making and leadership abilities, while teaching people to manage both success and failure.

Indeed, people who participate in sport have the opportunity to improve in their communication skills and gain valuable experiences in collaboration and teamwork. Sports coalesce people, those who might not otherwise have a chance to meet, and allow them the opportunity to share their experiences and work towards a common goal. These social skills and experiences are readily transferable to other aspects of life and may improve a person's ability to succeed as a student, employee, community member, or advocate for particular cause. Sports also provide an alternative to risky or anti-social behaviour; thereby, creating sufficient structure, discipline, and incentive to keep some people away from drugs, violence, or criminal activity.

Moreover, the *USAID* supplied six categories of the primary areas in which sports are used to advance a broader development agenda thus:

- i. Physical education, to improve body awareness and development of healthy habits in a child at an early age,
- ii. Humanitarian responses, to relieve stress and healing emotional wounds during war, humanitarian crises,
- iii. Rehabilitation and integration of persons with disabilities,
- iv. Advocacy and social cum policy change (such as promotion of policy on gender inclusiveness in politics),
- v. Awareness raising and education, and

vi. Economic development.

In the area of economic development, Kriek (2021) emphasized that sports in modern society are billion-dollar business that have massive impact on local economies. Sports also supply millions of jobs across the world, from athletes, coaches, and referees to vendors, company employees and front office personnel.

Economists believe that investments in the sports industry could boost national revenue, GDP and generally, spur economic development". Speaking at the 26th Nigerian Economic Summit pre-summit webinar titled, "Re-categorization of Sports as a Business Sector of the Economy: Partnership Imperatives", Sunday Dare, former Nigeria's Minister for Youth and Sports Development, in his keynote address, cited in (Nlebem, (2021), stated:

The sports industry which is a labour-intensive growth industry is being re-categorized as a business venture beyond recreation, based on its capacity to spur economic growth. This move prioritizes the industry and fosters its eligibility for incentives, development of metrics for impact measurement, consideration for special funding by the Central Bank of Nigeria, creation of jobs and tax rebate, the sports industry can deliver N2 trillion revenue in the next 5 to 10 years for Nigeria and this can help to drive the largest real estate and infrastructure development in the country; however, \$500 million annual investment is required to advance sports infrastructure.

Furthermore, *WIPO* (2019) added:

Staging sport events, whether at grassroots, national or international levels, can enrich the social and cultural fabric of communities, making them more attractive locations for investors and tourists. The business of sports requires a solid legal framework to support the exploitation of and trade in IP rights, as well as a well-trained workforce to create a favorable policy and regulatory environment and to manage the operational and logistical issues associated with organizing sports events.

Recognizing the huge potential of IP and sports to drive social and economic development, many countries are now integrating IP and sports-related objectives into their national development strategies. By supporting the development of a thriving and sustainable sports sector, and becoming an attractive location for major sports events to take place, these countries seek to create additional opportunities for social and economic development and wealth creation. The strategic use of IP rights in global sports, as also put by *WIPO* (2019), has significant potential to support economic development in a variety of ways, namely:

- 1) Generating income from the sale of sports-related goods and services;
- 2) Supporting innovation and business growth, entrepreneurship and job creation;
- 3) Enhancing a country's reputation and boosting foreign exchange earnings;
- 4) Boosting international trade;
- 5) Transcending national differences and fostering universal values of fair play, mutual respect and friendship; and
- 6) Improving health, social-well-being and social cohesion and encouraging discipline, teamwork and a competitive spirit.

Significantly, sports and sporting activities, probably, integrated into ‘none-media’ sources, do not only serve the psychological, physiological, physiotherapeutic needs of mankind and provide succour for the overall improvement in physical health; for infotainment, relaxation, withdrawal from boredom, cognition, as well as, social utility; but also, investments in sports guarantee a progressive infrastructural and economic development, through jobs creation and revenue generation; thereby, positively influencing the cultural, social and economic life of people; pursuant to *Article 27 (1)* of the Universal Declaration of Human Rights.

### **Sports-Media Nexus: What it Means and How it Works**

Nicholson (2007, pp. 7-8) while adopting the term, ‘sports-media nexus’, explained that the notion refers to the relationship between sports and the media industry generally; the relationship between sports and specific media institution, such as television, the relationship between sports and media employees such as journalists; and finally, the ways in which sports are presented in specific media texts, such as a radio broadcast or newspaper article. Describing how sports-media connection works, Nicholson (2007) further stated:

The relationship between sports and media has become the defining commercial and cultural connection for both industries at the beginning of the twenty-first century. The media has transformed sports from an amateur pursuit into a hyper-commercialized industry, while sports have delivered massive audiences and advertising revenues to the media. The coverage of sports on television in particular has created a product to be consumed by audience, sold by clubs and leagues, bought and sold by media organizations and manipulated by advertisers. (p. 10)

In modern society, sports and media seek inseparable relationship, where both exert endless and continuous influence on each other. Media generate profit through sports, while sports and sports content are transmitted through media. It is clear that sports and media are developing in and expanding through this symbiotic relationship (Kim & Park, 2017). In other words, to define the relationship between sport and media, the following are the likely sports functions to media:

- i. Sports gather large crowds or fans, and thus, transform such crowd to become massive audience to media organizations,
- ii. During sporting events, advertisers and sponsors manipulate the situation to advertise their products and services to sports fans and large audience; therefore, sports help media organizations to generate advert and sponsorship revenues,
- iii. Sports fan who cannot go to sports stadia to view sporting events want to enjoy all the information, actions and drama about a sporting event, through different sports-media platforms; as a result, sporting events become products or content of coverage for media organizations,

Conversely, the following functions are likely performed by media to sports, namely:

- i. Media, through coverage of sports, package sporting events as products to be consumed by sports fans, confer status on sports, transmit sporting events, live, to audience by means of sports-show, analysis, sports news, highlights, commentaries, articles, columns, documentaries, as well as, market and promote sporting events to

the outside world. That is, media provide visibility to sports and create awareness about sporting events, sports teams, clubs, leagues, players, athletes, and help sports industries sell talents and make gains.

- ii. Media help sports organizations generate huge revenues, through the purchase of media or broadcast rights, and
- iii. Media also help sports organizations generate sponsorship revenue; sponsors pay money to sponsor sporting events, for the purpose of promoting their products or services, during sports-media coverage.

Tersely, sports, especially professional sports, cannot do without the media, and the media cannot also do without sports. Hence, the existing connection or relationship between sports and media is that of an interdependent or ‘symbiotic-commercially-driven connection’; whereby sports and media perceive each other as commercial products for mutual benefits.

### **The Necessity for Sports Rights Protection: A Theoretical Justification**

Unarguably, the quintessence of sports rights protection, within the context of intellectual property rights, could be hinged on the established fact in literature, that the sports industry, as regards sports organization and management of sporting activities, is a labour-intensive industry; requiring sport inventors, innovators, managers, creators, designers, players, coaches, broadcasters, manufacturers of sports equipment, organizers of sports events, corporate sponsors, to use their intellect, creative planning potentials, time, and resources, for enhanced cultural and economic development.

Thus, the intellectual inputs of these individuals ought to be safeguarded, based on the general philosophy of protecting the products of human intellect, exactly the same manner tangible assets, such as land, cars, building, economic trees, and their owners, are protected from abuse, theft or undue advantages cum exploitation; such protection would encourage further researches, investments and more innovations in the sports sector. To aptly understand the need and justifications for sports rights protection, under intellectual property laws, this paper, specifically, reviewed three schools of thought, principles, philosophical perspectives and theories of IP, as follows:

#### **a. Utilitarian Theory of IP**

The Utilitarian theory was first espoused by an English philosopher, political thinker and economist, Jeremy Bentham (1748-1832), and later, another British philosopher, political thinker and economist, John Stuart Mill (1806-1861), with emphasis on the maxim, “*the greatest happiness for the greatest number*”. The term “utilitarianism” signifies “social welfare”; that is, for the good of all (Banerji, 2021). This theory, essentially, is based on the fact that industrial progress and cultural goods can promote a better and more significant economic impact on the society at large. The theory calls for a need to encourage innovations and creations. The utilitarian theory is also known as the *incentive theory* because the theory endorses society’s duty to respect the innovator’s right to ownership of his or her creation, which is not only a source of profit for the creator alone, but for the society as a whole.

Generally, utilitarian theorists simply argue that, since the society’s cultural, economic, technological and scientific development, creation of product and service varieties, as well as, growth in all ramifications, depend on the strength of IP and IP owners, for the sustenance of

a live-able and prosperous homeland for all; it is, imperative that intellectual property, such as sports rights, must be adequately protected, with a view to encouraging more inventions, innovations and investments. In other words, although IPs are personal or private property, the fact that these so-called private property, creations and innovations benefit the entire mankind, is a necessity for protection. It could be argued further that without an equitable, fair and balanced intellectual property system, there cannot be advancement in the cultural, scientific, technological and economic life of the society. The main criticism of utilitarian theory is that the utility or gains from the drive of a unique creation are neutralized against the losses incurred, due to exclusive ownership of the creation; and, the benefits of IP rights can be weighed against the causalities.

However, the theory simply implies and agrees that sports organization and management are components of intellectual property, classified as private property, comprising private ideas that are ‘expressed’ by sports managers, innovators and inventors, to produce colourful sporting events for public consumption and benefits; these expressed private ideas do not only serve the private needs of the inventors or creators but also, the society in general; thereby, prompting steady advancement in the cultural, technological, scientific and economic life of the people; hence, the need for protection.

#### **b. Natural Rights or Natural Justice Theory**

Another theory that could be adopted to justify IP rights protection in Media Rights and Intellectual Property discourse is the Natural Rights or Natural Justice Theory. Propounded by philosophers, John Locke (1632-1704) and Thomas Hobbes (1588-1679), natural right simply means that individuals have certain rights- inalienable rights that are not ordinarily subject to any human customs, tradition or laws of any society. The natural rights perspective can be vividly explained using the expression, “Sweat of the Brow”, which refers to an idea that it is unfair, naturally unjust, inhumane and inappropriate. The principle is best captured in the popular axiom, “*Monkey works, while Baboon eats*”. ‘Sweat of the Brow’, which also has Biblical foundation in First Timothy, chapter five, verse eighteen (1Timothy 5:18), refers to an IP doctrine, often used in copyright, to indicate that “*a labourer deserves his wages*”- good work deserves a good pay.

Thus, it is an infringement, a misappropriation, morally wrong, and cruel for another person or group of persons to appropriate, illegally stream, use, sell, copy, reprint, reproduce, transmit and distribute, for economic advantage, the intellectual property of another, like sports productions and broadcasts, without the consent of the original IP owners, inventors, innovators, sports bodies, etc. This could signify why *Article 27 (2) of the Universal Declaration of Human Rights* reads: “*Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author*”.

#### **c. Personality-Based Theory of IP**

Personality theory or personhood is another school of thought and theoretical underpinning that explains the significance of intellectual property protection on sports and other IPs. This theory was propounded by Immanuel Kant and Georg Wilhelm Friedrich Hegel. It was Hegel who stated: “*Every man has the right to turn his will upon a thing or make the thing an object of his will, that is to say, to set aside the mere thing and recreate it as his own*”.

Hegel proposed that treating others as autonomous beings requires granting them property rights over their creations. As a result, any intellectual works are a significant reflection of the original creator's unique personality- an entitlement automatically granted from birth. The originator of ideas should then be entitled to personal rights and control over their reputation and dignity under the joint forces of law and creativity. Essentially, an individual's personality traits are further "materialized" as visual or tangible creative property (Yuan, 2020).

Psychologically, human personality or personhood is a compendium of the following cognitive elements: consciousness, reasoning, self-motivated activity, capacity to communicate and share ideas or knowledge and self-awareness. Therefore, in bringing an innovation into existence, these personality elements form part of or are inherent in an inventor's creations; implying that innovations do not exist in a vacuum, but are products of the inventor's consciousness, reasoning, self-motivation, capacity to communicate or express an idea, and self-awareness. That is, whatever an inventor invents, initiates or creates, automatically, is an extension of the inventor's personality.

Personality or personhood theory assumes that, just as human life and person are sacred, shielded or protected from abuses, assaults, and other vulnerability under the law, so also, should intellectual property elements, such as: sports organizers and inventors of sports equipment; bearing in mind that whatever these individuals invent, innovate, create or manufacture, for purposes of advancement in the sports sector and overall cultural and economic development, are all extension of their personalities. Original IP owners ought to be granted certain rights and protected from abuses, which may exist on their invented products or services, by ways of illegal copying, duplication, fabrication, unfair use, unauthorized sale, transmission and exploitation, for commercial or economic advantages, without consent, license or permission.

## **Conclusion**

The sports industry, regarding sports organization and management of sporting activities, is a labour-intensive industry. Like in other intellectual property, sports production involves private individuals (sport inventors, innovators, managers, creators, designers, players, coaches, broadcasters, manufacturers of sports equipment, organizers of sports events, corporate sponsors, etc.), experimenting their intellect, creative planning potentials, time, energy and pecuniary resources. Sports, in modern society, are billion-dollar businesses that have a massive impact on local economies.

Also, sports supply millions of jobs across the world, from athletes, coaches, and referees to vendors, company employees and front office personnel; and Economists believe that investments in the sports industry could boost national revenue, GDP and generally, spur economic development (see Kriek, 2021). Therefore, it is crucial to confer adequate intellectual property protection on local sports, local sports producers, content creators, inventors, innovators, sports club owners and managers, with a view to sustaining further research, investments and jobs creation in the sports sector, for national economic growth and enhancing enjoyment of life, within Nigeria.

Moreover, the relevance of sports rights protection cannot be overemphasized. As WIPO (2019) underscored, the main purpose of such protection is to encourage more innovation and creativity, by making sure that inventors and creators get a fair reward for their work and can

earn a living from it and to protect the goodwill that is vested in brands. Different rights protect different types of IP, such as inventions (protected by patents), brands (protected by trademarks), designs (protected by industrial design rights or design patents), and creative works, such as, sports programs and other sports-related creative outputs, and certain sports broadcasts (protected by copyright and related rights).

### **Recommendations**

The following recommendations suffice:

1. All existing IP laws in Nigeria (*the Copyright Act, Chapter C28, Laws of the Federal Republic of Nigeria, 2004, the Trademarks Act, Chapter T13, Laws of the Federal Republic of Nigeria, 2004, and the Patent & Design Act, Chapter P2, Laws of the Federal Republic of Nigeria, 2004.*), should be adequately enforced to confer ample intellectual property protection on local sports, local sports' producers, content creators, inventors and managers, with a view to sustaining further research and investments in sports, for economic development,
2. Strong and prolific public-private partnership should be fashioned between government and broadcast organizations, such that media or broadcast rights fees are subsidized, to aid Nigerian public craving for and promotion of local sports, and
3. To further boost nationwide curiosity in local sports competitions, leagues and clubs, among Nigerians, government should focus on attracting investments in sports and improving sports technologies with evolving sports culture that could stand the test of time.

### **REFERENCES**

- Banerji, O. (2021). Theories of protection of intellectual property rights. Retrieved on July 26<sup>th</sup>, 2023, from <https://blog.ipleaders.in/theories-protection-intellectual-property-rights/>
- BBC Teach* (2023, July 12). What constitutes a sport? Retrieved on July 26<sup>th</sup>, 2023, from <https://www.bbc.co.uk/teach/what-constitutes-a-sport/z4vfmfr>
- ComeToNigeria Report* (2023). Sports in Nigeria. Retrieved on July 26<sup>th</sup>, 2023, from <https://www.cometonigeria.com/investment-opportunities-in-nigeria/sports-in-nigeria/>
- Dominick, J. R. (2002). *The Dynamics of Mass Communication: Media in the Digital Age* (7<sup>th</sup> ed.). New York: McGraw-Hill Higher Education.
- Itule, B. D., & Anderson, D. A. (2007). *News Writing & Reporting; For Today's Media* (7<sup>th</sup> ed.). New York: McGraw-Hill Higher Education.
- Kim, N. I., & Park, S. M. (2017). The relationship between media sports involvement experiences and sports values and sports participation. *International Journal of Applied Engineering Research*, ISSN 0973-4562, 12 (20), 9768-9773, © Research India Publications. <http://www.ripublication.com>



- Kriek, H. J. (2021). The importance of sport in our modern day society. Retrieved on July 18<sup>th</sup>, 2023, from <https://www.thefinalpass.com/the-importance-of-sport-in-our-modern-day-society>
- Liu, W. (2004). Discussion on intellectual property's private right nature. *Nature and Science*, 2 (4). Retrieved on July 26<sup>th</sup>, 2023, from <https://www.sciencepub.org>
- Nlebem, A. (2021, August 5). Sports business: Exploring partnerships for economic growth, youth development. Retrieved on July 30<sup>th</sup>, 2023, from <https://businessday.ng/sports/article/sports-business-exploring-partnerships-for-economic-growth-youth-development/>
- Nicholson, M. (2007). *Sport and the Media: Managing the Nexus*. Netherland: Elsevier
- Prashant, J. (2023). The score of success: Unpacking the boom in sports rights deal values. *Lexology*. Retrieved on 19<sup>th</sup> March, 2024, from <https://www.lexology.com/library/detail.aspx?g=09b4cb8a-d292-4bb2-ac1b-58200bb219d3>
- Seiter, C. (2023). What is sport management? Degrees, specializations and careers. Retrieved from <https://www.forbes.com/advisor/education/what-is-sports-management/>
- United Nations Report* (1948). Universal Declaration of Human Rights (UDHR). Retrieved on July 2<sup>th</sup>, 2023, from <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2027,scientific%20advancemet%20and%20its%20benefits>
- Uwakwe, O. (2005). *Media Writing and Reporting*. Enugu: Afrika-Link Books.
- USAID report* (n.d.). The role of sports as a development tool. Retrieved on July 6<sup>th</sup>, 2023, from [https://pdf.usaid.gov/pdf\\_docs/PNADE352.pdf](https://pdf.usaid.gov/pdf_docs/PNADE352.pdf)
- White, S., Duda, J., & Keller, M. (1998). The relationship between goal orientation and perceived purposes of sport among youth sport participants. *Journal of Sport Behavior*, 21(4), 474.
- WIPO report* (2019). Intellectual property and sports: Tracing the connections. Retrieved on July 26<sup>th</sup>, 2023, from [https://www.wipo.int/ip-outrreach/en/ipday/2019/ip\\_sports.html](https://www.wipo.int/ip-outrreach/en/ipday/2019/ip_sports.html)
- Yuan, L. (2020). Personality psychology: Personality theory and intellectual property. Retrieved on July 26<sup>th</sup>, 2023, from <https://personality-psychology.com/personality-theory-intellectual-property/>