

Kluwer Copyright Blog

Premier League claims copyright on football matches shown in copyright debate

Thomas Margoni (Centre for IT and IP Law (CiTiP), Faculty of Law, KU Leuven) · Tuesday, September 2nd, 2014



“However, another aspect attracted my full attention.”

While preparing a post for this blog about the wonderful panel ‘Who owns the World Cup: The case for and against property rights in sports events’, that concluded IViR’s 25th anniversary [conference](#), something unusual stopped me.

I received an email from a colleague informing me that the videos of the conference (at least those of the panel discussions that were held in the magnificent Oosterhuiszaal) were available online on [IViR’s YouTube channel](#). Very good news, especially for all the people who could not attend the conference and who have now the possibility to watch it (or at least parts of it) online.

However, another aspect attracted my full attention. The video of the panel dedicated to sports “Who owns the World Cup” was blocked (and still is at the time of writing of this short piece, check [here](#), because ‘This video contains content from FA Premier League, who has blocked it on copyright grounds’).

An expression between a smile and disbelief appeared on the faces of the people gathered around my computer screen. For those who could not attend the conference (and who cannot watch the video): the only FA Premier League content that was shown during the panel – as far as this blogger can remember – were short excerpts of goals and penalties. All shown as part of the presentation given by prof. Lionel Bently, who generously agreed to argue in favor of ... copyright protection for sporting events.

Most of you will know by now that football matches and sports events as such are [not protected](#) by EU copyright law.

It is not the purpose of this short post to debate whether these short videos were in fact protected by copyright or any related right, and – in case of a positive answer – whether the reported use

could be covered by a copyright exception. I leave these questions to the reader, who hopefully will soon be able to see the video again: the block has been disputed. It is also not my intention to restart the debate on what rights are available to sports organizers, as this was already extensively done in the panel discussion and in the study that the IViR conducted for the European Commission ([here](#), [here](#), [here](#) and commented upon [here](#)).

It is not unlikely that the FA Premier League requested the removal on a semi-automatic basis without really watching the video (a sort of good faith mistake) and hopefully YouTube will reinstate the video soon. However, in spite of the abovementioned brilliant intervention by a leading IP scholar arguing in favor of more (copyright) protection for sporting events, I am inclined to say that right now, looking at the disconsolate face that appears instead of the video on the blocked YouTube webpage, sports organizers have enough rights as it is.

Not so much a penalty as an own-goal.

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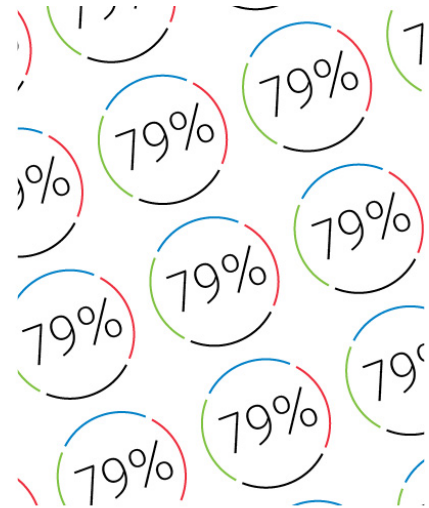
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