Intellectual Property

46th Edition | 2026

This is an informative newsletter produced by the **Intellectual Property** practice of TozziniFreire Advogados.

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EDITORIAL

In this special edition dedicated to the 2026 World Cup, we bring together the key developments from July at the intersection of intellectual property and the world's biggest sporting event. From sponsor protection to anti-piracy efforts, design disputes, and naming rights, here are the topics that shaped the past few weeks.

BRAZILIAN REALITY

World Cup and the risk of ambush marketing

Understand how major events heighten ambush-marketing risks and what brand-protection strategies can safeguard sponsorships and contracts. See here our article on this discussion.

Endrick campaign results in CBF notice to 99 over ambush marketing

The Brazilian Football Confederation (CBF) sent an out-of-court notice to 99, demanding the removal of an advertising campaign that referenced striker Endrick and the Brazilian National Team. The notice was sent before the Brazil v. Haiti match, valid for the second round of the 2026 World Cup.

The promotion offered BRL 99 in food-delivery coupons through the app using the code "Endrik," whose spelling is similar to the striker's name. CBF argued that the campaign used visual elements referencing the National Team and the player's participation in the tournament without the Confederation's authorization, creating an undue association between 99 brand and the team—which could affect the exclusivity rights of official sponsors.

In CBF's view, the initiative constitutes ambush marketing, a practice in which companies seek to associate themselves with sporting events or teams without an official commercial relationship. The advertising material was removed from the company's social media following the notice. This episode reinforces practical lessons: major events attract creative marketing campaigns, but such initiatives require surveillance and adequate legal instruments. Advertisers should integrate marketing and legal teams to assess risks, adopt prior monitoring, and consider creative adjustments or preemptive agreements to avoid sanctions and preserve investments.

Counterfeit Brazilian team shirts highlight intellectual property challenges in the sports products market

The wide circulation of counterfeit Brazilian team shirts during the 2026 World Cup highlights the challenges of protecting intellectual property rights in the official sports products market. Although economic factors help explain the demand for unofficial versions, especially given the high value of licensed shirts, the strong symbolic value of the uniforms, which represent belonging, national identity, and fan engagement, also drives the phenomenon.

In the case of shirts, the intellectual property discussion mainly involves the protection of trademarks, shields, official symbols, graphic elements, uniform design, sponsorships, and other distinctive signs used in licensed products. Producing and selling counterfeit versions may constitute trademark infringement, unfair competition, and improper exploitation of assets whose use depends on authorization from the rights holders.

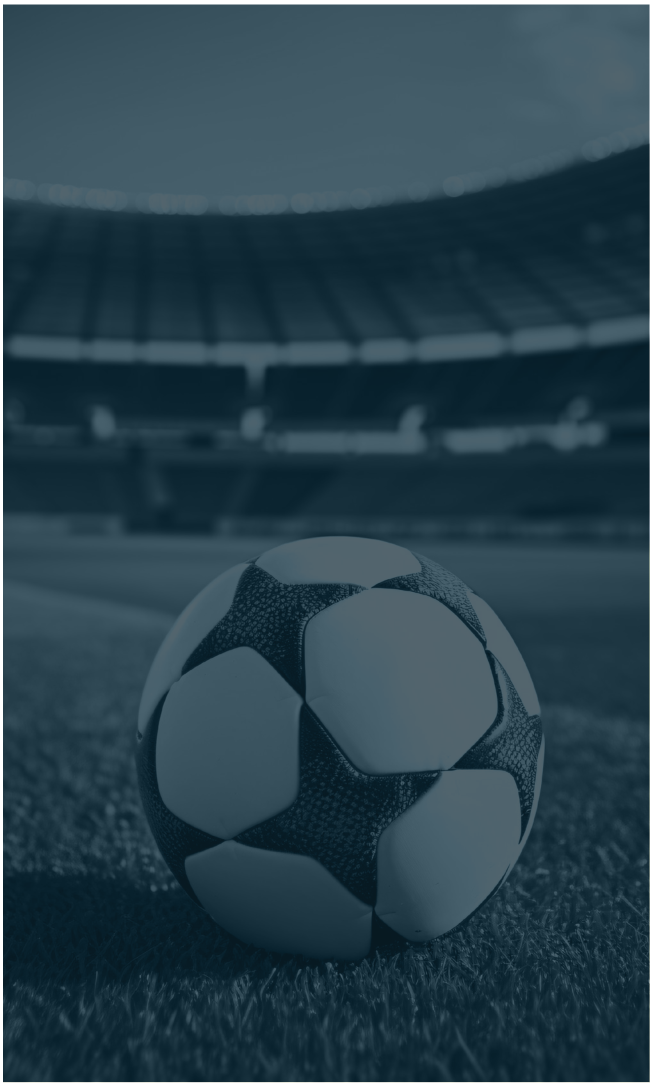
The topic also reinforces the challenges of enforcement in a high-demand market, where counterfeit products circulate both in physical points of sale and in digital channels. Beyond harming rights holders and the formal production chain, counterfeiting affects tax collection, fair competition, and consumer safety, as consumers often purchase products without guarantees of origin or quality.

Piracy of World Cup stickers reignites discussions about intellectual property in sports collectibles

The sale of counterfeit 2026 World Cup albums and stickers, as well as the circulation of print-ready digital files, reinforces the challenges of protecting intellectual property rights in collectibles associated with major sporting events. These materials offered in physical and digital environments highlight how easy it is to reproduce and disseminate unauthorized content, especially when items have strong appeal among fans and collectors.

This scenario can involve different protection fronts, including official trademarks, graphic elements, layouts, illustrations, athlete images, the visual identity of licensed products, and other event-associated assets. Furthermore, reproducing and distributing digital sticker files expands the discussion on copyright infringement, trademark infringement, and misuse of licensed materials.

The case also highlights the importance of coordinated monitoring and enforcement measures in the collectibles market, both in physical and online environments, especially on social media, marketplaces, messaging apps, and storage platforms. In high-profile sporting events, rights holders must take preventive and repressive action to mitigate the circulation of counterfeit goods and preserve the economic value of the intellectual property assets involved.



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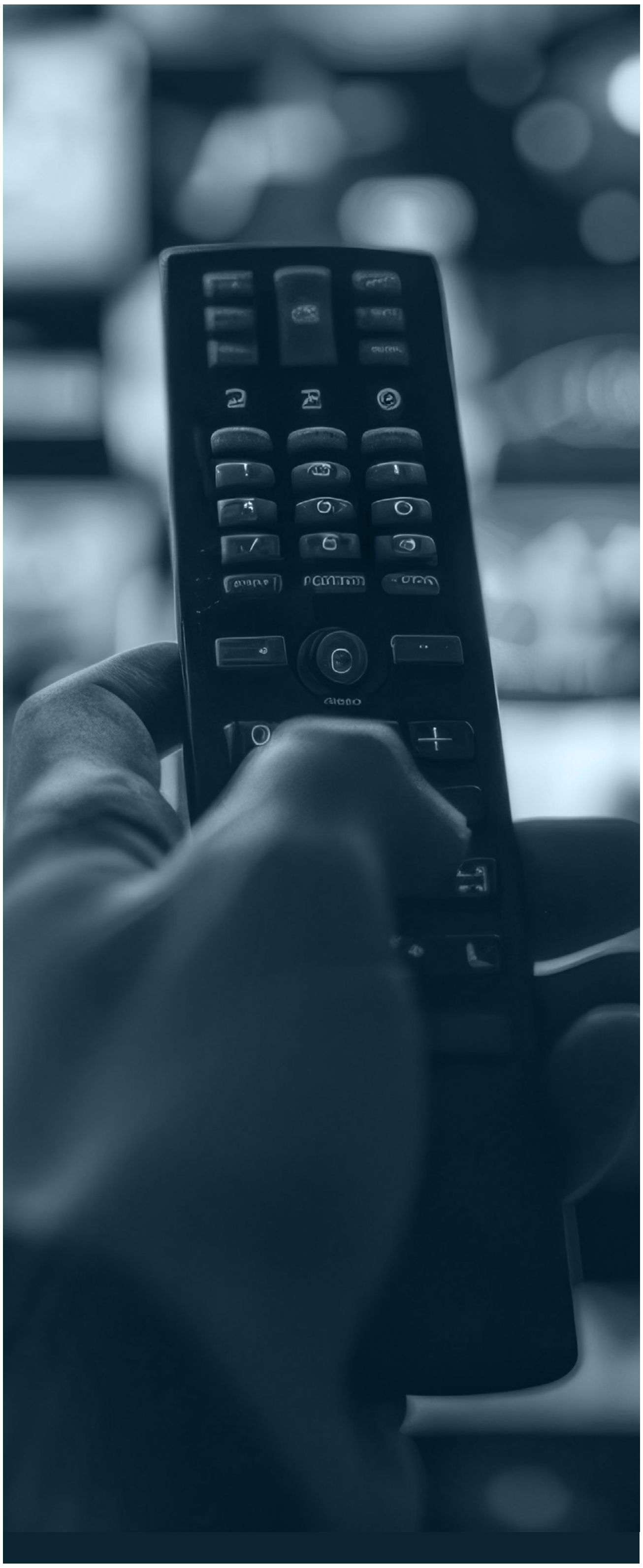
BPTO denies registration of CazéTV trademark, raising an IP alert

The Brazilian Patent and Trademark Office (BPTO) denied the CazéTV trademark application in Class 41 due to a prior registration containing the element "Casé" – a decision issued in January 2026 on an application filed in 2023. The BPTO applied the principle of specialty (similar marks within the same class may lead to consumer confusion), demonstrating that public recognition alone does not secure legal exclusivity. The owner, CazéTV Produções Ltda., may still file an administrative appeal.



This dispute is striking because CazéTV is a high-value media phenomenon, underscoring that trademarks are strategic business assets that require continuous management. For IP counsels and corporate decision-makers, the practical takeaway is clear: due diligence, audits of intangible assets, and preventive measures (appeals, coexistence agreements, or protection in alternative classes) are critical to preserving value and avoiding forced rebranding or costly litigation during key growth or transaction moments.

IP ABROAD

German designer seeks invalidation of Adidas's Trionda ball design registration before EUIPO

German designer Marius Dittmar, by means of his company 142k, filed a request with the European Union Intellectual Property Office (EUIPO) to invalidate Adidas's design registration for the Trionda ball, used in the 2026 FIFA World Cup. In documents submitted to the EUIPO, 142k argues that the registered design lacks novelty and individual character, as it is substantially similar to a four-panel football design disclosed in a U.S. patent application published in 2008. Dittmar states that he contacted Adidas in March 2025 to propose a covenant not to sue, which would have allowed both parties to market the design, but Adidas refused it, leading him to formally challenge the registration.

In its defense, Adidas argues that, although both balls have the same number of panels, the curvature of the seams, the proportions of the panels, and the directional flow of the graphic design create a distinct overall impression. The company adds that Dittmar's action concerns only the shape of the four panels and that separate protections under design and trademark law cover the ball's color scheme and texture. Adidas stated that it will retain all rights to market and sell the ball regardless of the outcome, with no commercial impact, and that it intends to use the same panel design in competitions such as the Bundesliga and Major League Soccer.

The EUIPO granted Adidas until August to file its response before issuing a decision. The outcome could have implications on the scope of protection afforded to geometric ball shapes and on the ease with which competitors may market balls of similar appearance within the EUIPO's jurisdiction. The case should be monitored to assess any potential impacts on registration and commercialization strategies for similar products.

Naming Rights and neutral venues: FIFA’s “clean stadium” policy

At the opening of the 2026 World Cup, fans watching the United States and Paraguay match encountered the so-called “Los Angeles Stadium,” the temporary name for the stadium commercially known as SoFi Stadium, home of the Rams and the Chargers in the NFL. FIFA’s “clean stadium” policy, which prohibits the display of commercial trademarks outside the tournament’s official sponsor group, drove this change. As a result, the organization renamed arenas associated with multimillion-dollar naming rights contracts, such as SoFi, MetLife, and NRG, during the competition, as Los Angeles Stadium, New York-New Jersey Stadium, and Houston Stadium, respectively. According to FIFA, the official names of the 2026 World Cup stadiums were adapted to the host cities and may differ from the names normally used locally.

This case illustrates how naming rights contracts can face visibility limitations at sporting events that enforce their own rules regarding commercial exclusivity. In the case of the World Cup, FIFA’s policy seeks to preserve the exposure of official sponsors, even if this results in the temporary replacement of well-established commercial names at certain stadiums. For trademark owners, this episode underscores the importance of considering, when negotiating such contracts, any restrictions that may apply to international competitions and other major events.

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