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Skating, Twirling And Juggling IP Risk At The Winter Olympics

By **Theresa Schliep**

Law360 (February 6, 2026, 9:04 PM EST) -- Snowboarders, figure skaters, curlers and other competitive athletes have been training for years to be ready for the unexpected at the Winter Olympics, but intellectual property issues arising from taking part in the global sporting event are probably not high on their priority list.

A Spanish figure skater who struggled to secure the right to use a song for his "Minions"-inspired routine is a reminder that IP complications can crop up during major events like the Olympics and can range from problems with sponsorship deals to headaches over the unique trademark laws that apply to the Games.

Here, Law360 explores the potential IP pitfalls that athletes confront at the world's top competition.

Skating on Copyright Thin Ice

Spanish figure skater Tomàs-Llorenç Guarino Sabaté caused a bit of a stir when he announced he was having a difficult time clearing music for his routine inspired by the "Despicable Me" movie franchise and the small, yellow, overalls-wearing, gibberish-speaking characters from the movies.

Guarino Sabaté said Friday that they had secured licenses for all four songs in Guarino Sabaté's figure skating routine, avoiding what could have been a significant complication for Guarino Sabaté, who has skated this season — in full Minion costume — to music from the franchise.

Guarino Sabaté said he sent his music requests in August through ClicknClear, a music clearance organization that works with the International Skating Union. On Feb. 2, he said on Instagram, "Just days before the Olympics begins, I was informed that I am no longer allowed to perform this routine due to copyright issues."

Chantal Epp, the CEO of ClicknClear, told Law360 that the company has a licensing platform that athletes can use to get the rights to their music, and if their songs aren't in the database, they can make requests like Guarino Sabaté did. Epp said she worked around the clock to get the rights, and Guarino Sabaté said in a statement that "without everyone's help, this would not have been possible."

While hockey players or speed skaters don't need to worry about music clearances, athletes in expressive sports like figure skating and gymnastics do. And there's precedent for figure skaters to face litigation over allegedly unauthorized music, with skating pair Alexa Knierim and Brandon Frazier settling

a lawsuit in 2022 over allegedly using a cover of "House of the Rising Sun," a folk song made popular by Bob Dylan and The Animals, without authorization at the Winter Olympics in Beijing the same year.

Guarino Sabaté's near-miss with his performance is an example of just how complicated music licensing can be, with different layers of rights and stakeholders involved. The situation gets even more complicated with a high-profile event like the Olympics.

"Any sort of music licensing is complicated enough already, but then you add the Olympics, and it gets even more tricky," Jeffrey R. Cadwell of Dorsey & Whitney LLP told Law360.

Special Rules for the Games

Trademark protections for the Olympics are some of the most rigorous in intellectual property law, and the Games' governing body, along with the countries' federations, are known to aggressively enforce them.

In the U.S., the Ted Stevens Olympic and Amateur Sports Act gives the U.S. Olympic & Paralympic Committee special protections for its trademarks, which include "Olympian," "Go for the Gold" and "Team USA."

Nominative fair use allows athletes to use these trademarks to describe themselves, but they can invite scrutiny if they're trying to, say, draw a connection between a product they're sponsoring and the Games.

An example of this scrutiny is a lawsuit by the USOPC against Prime Hydration, the sports beverage company co-founded by social media influencer and wrestler Logan Paul. The suit, filed in the lead-up to the 2024 Paris Olympics, claimed that the company sold drinks featuring Team USA basketball player Kevin Durant and used terms like "Olympian" and "Going for Gold," suggesting a false endorsement by the IOC. They've since settled the suit.

The difference between nominative fair use and infringement can be a close call, according to Preetha Chakrabarti of Crowell & Moring LLP.

"It's such a thin line that they're walking, because if you're talking about a former Olympic gold medalist and you're promoting a product, is that product connected to your performance as a former Olympian?" Chakrabarti said.

Sponsorship Opportunities and Risks

The Games are replete with business opportunities for athletes, who can use their status as the best of the best to get sponsorships.

Social media has been especially effective at helping athletes profit off of their names, images and likenesses. And some athletes will have numerous deals: for instance, one with a shoe company, another with a snowboarding brand, another with a beverage company and another with a supplements purveyor.

"That's where agents are so key," Chakrabarti said. They can look "at all the contracts together to make sure that there are no sort of incompatible clauses between sponsorship deals, that you can fulfill

promises for all the contracts you're entering."

The paperwork behind these deals will stipulate all the important details, like exclusivity clauses that can limit athletes' ability to work with other companies, or morality clauses that look to ensure they're on their best behavior. Most athletes shouldn't have any problems, according to Cadwell.

"I think athletes take these [clauses] pretty seriously, because in many cases the value of the sponsorship is perhaps more than they're making from the sport itself," Cadwell said.

Then there are the International Olympic Committee's rules governing participants' advertising. Most notably, Rule 40 imposes advertising restrictions on companies and athletes. Companies that are sponsoring athletes — but are not official sponsors of the Games — need to get permission to use images of their athletes in advertising, according to a website about Rule 40 hosted by the USOPC. Then there are special rules governing what these advertisements can look like, such as keeping the images generic and omitting the Olympic rings and other trademarks.

Despite recent changes that have loosened the restrictions, Rule 40 is still controversial for athletes, with one participant of the 2022 Winter Olympics in Beijing reportedly blaming it for her withdrawal from a snowboarding competition. According to reporting from NBC News, the IOC forced U.S. athlete Julia Marino to cover up the Prada logo on the bottom of her snowboard or else risk disqualification. She said the alterations she made degraded the quality of her snowboard, forcing her to drop out of the event.

"I'm sure the sponsors are well aware of this [rule] and don't want to step on any toes, but it's an important consideration for the athletes as well," Cadwell said.

Jason Champion of Knobbe Martens said athletes and their teams can preempt problems if they figure out if brands they're working with are also working with the IOC.

"Knowing whether or not they are already separately a sponsor and have their own deals separately with the Olympics can make it easier if Coca-Cola is sponsoring you and they're also sponsoring the Olympics," Champion said. "Presumably their licensing agreement, if they worked it out, would allow them to do co-branding."

--Editing by Alanna Weissman.
