



RF talks trade marks and endorsements

 by **Rowan Forster**

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It's been widely reported that Roger Federer has signed a 10-year, USD300-million sponsorship deal with the clothing brand UNIQLO. The new deal was announced with some style when Roger walked out on Wimbledon Centre Court in his fancy new threads on the first day of the 2018 championships.

The UNIQLO deal is interesting in a number of respects. We now know that, not only do some people not have to buy their own work clothes, they actually get given work clothes and paid loads of money to wear them. We also know that there are companies out there that are prepared to hand out long-term contracts to veritable old-timers. But the most remarkable aspect of the whole business is that Nike, the company that previously sponsored Roger Federer, has retained the rights to the famous RF logo that Roger's wife, Mirka, apparently had a hand in creating, and is apparently registered in the name of Nike. This despite the fact that Roger has retained the rights to his full name and has trade mark registrations for it.



Photo credit

Roger is quite clear that he will get the RF logo back. He's reported as saying this: "The good thing is it's not theirs forever. In a short period of time, it will come to me." And he's adamant that it must happen: "They are my initials. They are mine."

Well, I have some views on that! My name is Rowan Forster, so RF are my initials too. And that's not the only thing I have in common with Roger. For starters, I'm also South African – yes I know the Swiss like to claim Roger as one of their own, but Roger was born to a South African mother, a lady who came from Kempton Park (if you know South Africa, you know that you don't get much more South African than that). Roger's mother met Roger's Swiss father in South Africa. I have it on very good authority (Wikipedia) that Roger has dual nationality.

Like Roger, I'm also a tennis player. Quite a good one too as it happens – as a junior I was ranked in South Africa. In fact for quite some time I was the stronger player. Well, certainly for that period of time before Roger started walking. And possibly even for a short period after Roger first picked up a tennis racket. I am, I should add, a few years older than Roger!

In certain circles, the initials RF are, in fact, associated with me. When I first encountered RF clothing a few years back in a Nike Town in London, I bought a few items for myself. On my return to South Africa, a friend asked me whether I was now getting my clothes custom-made. My response: "I suspect that you're being fatuous, I'm pretty sure you know that this logo is the Roger Federer brand." Before adding: "What you might not know is that I granted Roger a licence to use my initials... I did that because I'm quite a fan of his, and I very much like the work his foundation has done in South Africa and in other parts of Africa."

Speaking as an IP lawyer, it strikes me that there are certain things that Roger has done well here, and other things that he has done less well. Clearly agreeing to a clause that allowed Nike to retain ownership of the RF logo after termination of the endorsement contract wasn't too clever. But who knows the background. Perhaps it was one of those take-it-or-leave-it situations. And if a 36-year old gets offered USD300-million, one can only imagine that there must've been real money on offer when the young and fit Roger was negotiating with Nike!

But Roger did do well to retain the rights to his full name and to get trade mark registrations for it. He could, I assume, also devise a brand new logo and get registrations for that (there's another project for you, Mirka). It also strikes me that Roger's been quite strategic in his actions and press comments. By making sure that the world knows both of his new deal with UNIQLO and the fact that Nike has retained his logo, Roger has surely put pressure on Nike to transfer it. After all, a company like Nike cannot be comfortable using the logo of a global superstar when the whole world knows that the player is now contracted to a competitor.

I'll end this piece by mentioning another interesting link between Roger and me – we both play golf. In fact, this is one game where I might actually be better – I play off a five handicap, whereas I understand Roger is an eight (it is much harder than tennis!). This makes me think that it might not be such a bad thing if Nike decides to hold on to the RF Logo. Having such a

valuable trade mark, the company may well be on the look-out for a marketable sportsman with the initials RF. A South African golfer perhaps! So, now if I can just get this trade mark stuff out of the way, I can get back to the driving range and secure my place on the seniors tour when I come of age in 2019!



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