
Athletes as Assets: Rethinking NIL (Name, Image, Likeness) Protection in Indian Sports Jurisprudence

By- Divya Mariam Saji¹

ABSTRACT

This paper examines the evolving situation of protection of Name, Image, and Likeness (NIL) rights of sports individuals in the Indian legal framework. Indian law heretofore has rested on constitutional safeguards under Articles 19 and 21 to safeguard personality rights, but the absence of comprehensive statutory NIL legislation places protection of Indian sports individuals in a state of uncertainty. Based on exploratory research of precedence cases like recent judgments, comparative study of international NIL regimes, and exploration of modern contractual trends, the present research reveals inherent deficiencies in protecting commercial interests of sportspersons. The research relies on the mixed approach of case law research, comparative jurisprudence analysis, and stakeholder interviewing involving sports lawyers and sportspersons. The most important findings indicate Indian sports persons facing major challenges in commodifying their NIL rights due to inadequate legal mechanisms, poor awareness, and predatory contractual conditions. The research suggests an all-encompassing NIL protection framework addressing legislative amendments, model contract norms, and institutional responses. It aims to transform athletes into autonomous economic individuals from vulnerable subjects, promoting the health of individual players as well as the commercial viability of the overall sports system. The research helps construct a part of law governing Sports Law in India and offers policy recommendations beneficial to policymakers, players, and legal professionals operating in this challenging landscape.

¹Intern, Lex Lumen Research Journal.

KEYWORDS: Name Image Likeness, Athlete Protection, Image Rights, Personality Rights, Athlete commercialization.

INTRODUCTION

Sports commercialization has essentially changed athletes from mere competitors to assets whose names, images, and likenesses (NIL) create significant economic value. This has generated player awareness of the significance of having their personality and image rights protected, as players increasingly see their NIL as valuable intellectual property subject to protection by law. In the United States, the landmark shift allowing collegiate athletes to profit from their NIL rights has revolutionized sports economics, with collegiate athletes now able to use their talent and popularity for monetary advantage, gaining money from sponsorships, commercials, video game placements and various other commercial opportunities. In 2021, the NCAA in the United States shifted its policy to allow student-athletes to profit from their Name, Image, and Likeness (NIL), overturning decades of restrictions on athlete commercial engagement.² This reform acknowledged the economic value of athletes' names, which they can use to gain sponsorships, endorsements, and video game salaries.

This model in the United States has triggered similar reforms globally, with players realizing the effects of NIL rights on equity, freedom, and economic empowerment. Contrastingly, in India's legal framework regarding NIL rights, it is still underdeveloped, fragmented, and unclear. Though the Constitution of India, through Article 19(1)(a) (freedom of speech and expression)³ and Article 21 (right to life and personal liberty)⁴, has been interpreted by courts to comprise elements of personality rights, there is no explicit statutory provision to

² United States Congress, *Name, Image, and Likeness Rights Act*, 2021; see NCAA Policy Update, 2021: <https://www.ncaa.org/news/2021/ncaa-adopts-interim-nil-policy>.

³ Constitution of India, Art 19(1)(a)

⁴ Constitution of India, Art 21

guard NIL in relation to sports. Thus, Indian sportspersons have to fall back on a mosaic of legal principles with a sweep from privacy law to intellectual property law to establish control over the commercial exploitation of their personas.

This lacuna in the law has practical implications. For instance, when India won at Tokyo 2020 Olympics, businesses utilized images of winning medalists like Neeraj Chopra and P.V. Sindhu for advertising without permission or payment.⁵ Public outcry occurred, but the players did not have an effective legal recourse because there were no well-defined NIL rights. Courts have sporadically granted temporary protection to couple of celebrities such as Anil Kapoor and Jackie Shroff but there is no significant legal precedent in place for a sportsperson.⁶ The problems are systemic and extend beyond the lurid cases. Marginalized student athletes often sign on for oppressive contracts with sponsors or federations, surrendering NIL rights for paltry pay and transparency. These unilateral contracts, usually without legal counsel and customary protections, give even successful athletes a limited say over their image and commercial money. In addition, NIL awareness among Indian sportspeople is still alarmingly low. Through various research already done on this suggest that fewer than a quarter of professional sportsmen have even a rudimentary understanding of their image rights, and the majority have never taken the advice of a legal consultant in respect of their endorsement agreements. It shows how misunderstanding and misinformation, particularly among young sportspeople, who usually conflate NIL clauses with performance-based sponsorships in place of personal control over their image and brand.

These issues adversely affect athletes and India's sporting economy. Undervalued image rights cap brand investments, stifling market and ancillary sector growth. Without NIL protections, India

⁵ Lucy Rana and Rubin Chopra, *Let's take a moment for 'Moment marketing' and recent Olympics saga!!* (2023) S.S. Rana & Co. Available at: <https://ssrana.in/articles/moment-marketing-recent-olympics-saga/> (Accessed: 29 June 2025).

⁶ *Anil Kapoor v. Simply Life India & Others*, CS (COMM) 652/2023, Delhi HC; *Jackie Shroff v. Sandalwood Productions*, Delhi HC, 2024.

stands to fall behind in creating a sustainable, athlete-driven sports industry. This study arises out of these critical gaps in both policy and law. It contends that Indian athletes need to be identified as economic agents whose identities are worth protecting as intellectual property. NIL rights protection is not just an issue of preserving celebrity but of securing the right compensation for athletes' labour, performance, and public exposure.⁷ This becomes increasingly relevant as Indian sports persons gain more success on the global platforms, thus raising the need for endorsements and brand opportunities.

RESEARCH OBJECTIVES & METHODOLOGY

1. To examine the present system of law in India with respect to athlete NIL rights and perceived shortcomings.
2. To analyse models and systems of protection provided by other countries in their respective jurisprudence and its relevance to the Indian context
3. To evaluate the real-life problems that Indian athletes encounter to protect and commercialize their NIL rights
4. To recommend such policy and lawmaker changes to provide greater athlete NIL protection.

The Methodology used for the research is a descriptive research design while moving with an exploratory approach towards already conducted research. Sources include research articles, literature reviews and case analysis employed to extract insights from the studies.

UNDERSTANDING NIL LANDSCAPE IN INDIA

⁷ Potomac Law Group PLLC, *Nil Isn't Just for Athletes - Securing "Name, Image, And Likeness Rights" In Marketing* JD Supra, <https://www.jdsupra.com/legalnews/nil-isn-t-just-for-athletes-securing-9083162/>(last visited Jul 1, 2025).

NIL rights are often considered a particular subcategory of personality rights which have been defined as those personal attributes such as a name, voice, signature, likeness, appearance, gestures that have commercial value, especially when the person in question has achieved public recognition. NIL rights give the individual the ability to permit or proscribe the exploitation for publicity, advertising or merchandising of those attributes. NIL rights are different from, but could overlap with, conventional intellectual Property (IP) rights, such as Trademark (if an athlete files for and gains a trademark in their name or logo), Copyright (in audiovisual content), and Contract (endorsement agreements). But NIL rights are more personal and inalienable than traditional IP they do not come from creative labour, but personal identity.

In contemporary sports, athletes are not only competitors but powerful economic players. A featured player is responsible for ticket revenue, television ratings, merchandise value, and brand interaction. With the emergence of social media and internet streaming, an athlete's public persona has become a revenue stream in itself. Even amateur and college athletes now have sizable followings, making their NIL extremely valuable to brands, sponsors, and online platforms. The appropriation of an athlete's NIL either by unauthorized branding, simulations of a game, AI-created avatars, or deepfakes both raises legal and ethical concerns.

The underlying concern is: who owns and controls the commercial value of an athlete's identity? The NIL debate, especially among young or amateur athletes, also raises issues of labor rights, unjust enrichment, and economic equity in the sports world. For example, while sports organizations and broadcasters earn millions from an athlete's image compared to whatever little the athlete might get, if tied down by old or exploitative contracts.

DIFFERENCE BETWEEN IP RIGHTS AND NIL RIGHTS

Though NIL rights and intellectual property rights (IPRs) both exist in the domain of intangible legal rights, they are essentially different in nature, origin, and objective. NIL rights are based on the personhood and identity of an individual, safeguarding characteristics like one's name, image, voice, signature, and other aspects that make up a recognisable public personality. On the other hand, IPRs are rights over intellectual creations, such as inventions, artistic works, trademarks,

designs, and confidential information. The distinction between the two is primarily the subject matter of protection: IPR protects mental or creative work, whereas NIL rights safeguard the commercial value of identity, based on reputation and public image, especially for sportspeople, actors, and celebrities.

One of the main differences is the origin and enforceability of these rights. Most IPRs patents, trademarks, and industrial designs are statutory in nature and need to be registered under statute to be enforceable, and are regulated by statutes like the Patents Act, 1970 or the Trade Marks Act, 1999. NIL rights, by contrast, do not find their origin in any Indian statute; rather, they find their genesis in constitutional law (Article 21 of the Constitution of India), and common law principles like misappropriation, passing off, or invasion of privacy. In *K.S. Puttaswamy v. Union of India*,⁸ the Supreme Court acknowledged that a citizen is entitled to control the use and sharing of personal data, including information related to identity, thus paving the way for judicial protection of NIL rights.

From a jurisprudential angle, NIL rights are usually considered non-transferable or highly restricted in transferability, as they are rooted in a person's personal dignity and autonomy. On the contrary, IPRs are normally assignable, licensable, and even alienable, and are independent of the person.⁹ A company can own a registered trademark or a patent, for instance, but only a person can have rights over his/her own likeness or name. Athletes can license their NIL for endorsement, digital collectibles, or video game avatars, but these rights are always personal and die with the individual (unless there are posthumous protection in some jurisdictions). In India, though celebrities like Sachin Tendulkar¹⁰ and MS Dhoni¹¹ have trademarked their names and initials to

⁸ AIR 2017 SC 4161

⁹ Lionel Bently and Brad Sherman, *Intellectual Property Law* (5th ed., OUP 2022) 30–31.

¹⁰ Trademark Application No. 811442 (India).

¹¹MS Dhoni seeks trademark for sobriquet 'Captain Cool,' June 30, 2025, <https://www.thehindu.com/sport/cricket/dhoni-seeks-trademark-for-sobriquet-captain-cool/article69756033.ece> (last visited Jul 2, 2025).

strengthen commercial control over their brand, this type of IPR protection supplements, but does not substitute for, their personality-based NIL rights.

In addition, while copyright only protects the author of a work, e.g., a photographer or a filmmaker, it does not protect the subject of the work itself unless further permission is needed for commercial use of their image. For example, a photographer might have copyright in a photo of a wrestler but cannot license the photo to sponsor a product without the wrestler's consent if it suggests an endorsement otherwise, he will infringe the wrestler's NIL rights. This theoretical distinction becomes essential in sports and advertising sectors, where both IPR and NIL rights can coexist but with different remedies and interests. In the digital economy, growing usage of avatars, deepfakes, and AI-based likenesses has only further distanced the IPR regimes from the nascent requirement of having effective, independent NIL protection.

Overall, while both IPR and NIL rights safeguard intangible value, the former is based on identity-based and person-centered, whereas the latter is creation-based and property-based. Enforceability of NIL rights continues to be ad hoc and judge-made in India as opposed to the framework of structured registration-based protection of IPRs. Closing the doctrinal gap will be vital in the establishment of a comprehensive NIL rights regime under Indian sports law, particularly with athletes' public images being increasingly driving economic value in digital and commercial spaces.

INDIAN LEGAL LANDSCAPE OF NIL

Constitutional Foundations

Indian law has defined personality rights chiefly through the judicial expansion of constitutional protection under Articles 19(1)(a) and 21. The courts have held in all cases that a person has the right to regulate the use of his or her name, image, and likeness, particularly for unauthorized commercial use. In 2023, there was an expansion when a Constitution Bench of the Supreme Court of India held that Articles 19 and 21 could be enforced against private individuals and firms as well, thus providing personality rights protection against non-state action. This decision is

important for sportspeople, whose likenesses are often used by private brands, advertisers, and event sponsors without their consent. But protection through the constitution is yet abstract and reactive, offering relief only after specific violations are brought to court there isn't a statutory, proactive regime that governs NIL rights.

Judicial Recognition and Precedents

Judicial acknowledgement of NIL rights in India can be traced to precedent case law, most prominently ICC Development (International) Ltd. v. Arvee Enterprises, where the Delhi High Court declared that personality rights are a separate concept from trademark law and rest upon the individual's right to control over their persona.¹² In said case, the Court declared the "right of publicity vests in an individual and he alone is entitled to profit from it," noting that any unauthorised commercial use of an individual's identity inclusive of name, voice, image, or likeness constitutes misappropriation. This principle, albeit applied in a case where the ICC Cricket World Cup brand was used, established the foundation for a more general interpretation of individual identity rights in sports and entertainment. Subsequently, in Gautam Gambhir v. D.A.P. & Co.,¹³ the Delhi High Court dealt with the unauthorized use of cricketer Gautam Gambhir's name by a restaurant, holding that such unauthorized use was misleading and actionable in tort as well as under unfair trade practices. The Court reiterated that public figures enjoy an enforceable right to safeguard their identity from being utilized for commercial purposes without authority, especially where it gives a false impression of association or endorsement.

Recent advancements have progressed NIL rights into the virtual space, with courts acknowledging that AI-created pictures, memes, impersonations, and deepfakes are also within the scope of personality protection. In Anil Kapoor v. Simply Life India & Ors.,¹⁴ the Delhi High Court issued an ex parte injunction preventing online sellers and various digital platforms from utilizing Kapoor's image, voice, and digitally manipulated content for commercial purposes.⁶ The

¹² 2003 SCC OnLine Del 24

¹³ CS (COMM) 395/2017

¹⁴ *Anil Kapoor v. Simply Life India & Others*, CS (COMM) 652/2023, Delhi HC

Court held that personality rights include protection against the unauthorized use of one's personal likeness on e-commerce sites, social media, and even synthetic or computer-generated forms.⁷ Likewise, in *Jackie Shroff v. X & Ors.*¹⁵, the Delhi High Court again reaffirmed the extent of personality rights by restraining parties from distributing deepfake material, AI-generated impersonations, and misleading videos featuring the actor. Both of these cases involved film stars, yet the judicial logic firmly establishes a doctrine equally relevant to public figures such as sportspersons, who are similarly targeted by such unauthorised digital reproductions. With the creation of athlete avatars in games, social media reels, fantasy sports websites, and non-fungible tokens (NFTs), these decisions provide a vital precedent for future NIL-based litigation in sports.

In spite of these forward-thinking judicial statements, the lack of a codified legal regime for NIL rights in India provides a regulatory vacuum that disproportionately hurts athletes. In reality, Indian athletes have to fall back upon patchworks of protections namely, passing off under the law of tort, registration of marks under the Trade Marks Act, 1999, or contractual remedies to establish control over their NIL. But protection is reserved for those with adequate resources and knowledge, and the overwhelming majority of Indian sportsmen particularly in Olympic or sub-Olympic sports are open to misappropriation. In addition, agreement between players and federations or league organisers in India typically involve open assignment clauses that pass on commercial rights over images, video footage, and likeness of the player to the organising group. Such form contracts are seldom negotiated or checked by players, most of whom have limited access to legal counsel or knowledge of the long-term implications. Consequently, even when athletes are successful and in the spotlight, they could have their NIL rights pre-emptively contracted away with little remuneration or control.

Legal Shortcomings

¹⁵ *Jackie Shroff v. Sandalwood Productions*, Delhi HC, 2024.

The shortcomings of India's current approach are further illustrated by the absence of statute-level recognition of emerging NIL issues within digital and AI scenarios. The Trade Marks Act, 1999, though providing some protection by way of registration of personal names and brands, does not cover the wider outlines of personality rights or NIL as independent commercial rights. Likewise, the Copyright Act, 1957, grants protection to photographic or videographic representations of an athlete only as the author's creative work, and not as inherent qualities of the athlete's identity. This creates a major loophole in the safeguarding of identity-based assets that are increasingly being used in manner that escapes present legal categories. In contrast to jurisdictions like the United States, which has seen various states (notably, California and Indiana) pass right of publicity laws that codify NIL rights, judicial improvisation persists in India. Policy debates e.g., the Law Commission's sporadic mention of sports law reform and NITI Aayog's white papers regarding athlete welfare have not translated into legislation that addresses NIL rights in a comprehensive manner.

INTERNATIONAL MODELS

Internationally, legal protection and recognition of NIL rights range widely from statutory schemes to common law and contractual models. In America, NIL rights are strongest under the theory of right of publicity, which is either recognized by state codes or by common law.¹⁶ More than 30 U.S. states, such as California, New York, and Florida, have individual statutes that provide people with the right to administer the commercial use of their name, image, voice, and likeness. The landmark case in U.S. NIL jurisprudence arrived in 2021 as the NCAA (National Collegiate Athletic Association) embraced a new policy permitting student-athletes to exploit their NIL rights, reversing a century-old ban.¹⁷ Leading states such as California paved the way with the Fair

¹⁶ J Thomas McCarthy, *The Rights of Publicity and Privacy* (2nd ed, Thomson Reuters 2023)

¹⁷ Michelle Brutlag Hosick, *NCAA Adopts Interim Name, Image and Likeness Policy* NCAA.org (2025), <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx> (last visited Jul 12, 2025).

Pay to Play Act (2019), which permitted college athletes to profit from endorsements and media appearances.

Europe provides a more splintered but dynamic landscape: in Germany, personality rights are given protection under the German Civil Code and have been judicially fortified in celebrity and athlete cases.¹⁸ Likewise, France and Italy protect NIL rights through privacy and image rights doctrine, although enforcement is often based on tort and civil code provisions rather than independent statutes.¹⁹

The United Kingdom, where no right of publicity is formally recognized, protects NIL aspects through a mixture of passing off, privacy rights under Article 8 of the ECHR, and data protection legislation. Significantly, in *Eddie Irvine v. Talksport Ltd*²⁰, English courts held that a false endorsement of a sports personality could amount to passing off, subject to proving misrepresentation and damage to goodwill. Australia, by contrast, remains largely dependent upon contractual mechanisms and tort remedies to resolve NIL matters, and pressure mounts to codify these protections in sports law.

Divergence in international models illustrates that although commodification of athlete identity is worldwide accepted, the means for its protection are diverse and uneven. Nonetheless, international momentum towards recognition especially propelled by the digital economy and sports activism has precipitated attempts at convergence. Over the past few years, institutions like FIFA, the IOC, and World Players Association have tabled soft-law devices and contractual norms to guarantee minimum NIL rights for players across jurisdictions.²¹ These trends provide significant normative direction for India as it is moving towards developing a more rational legal framework for athlete identity rights.

¹⁸ German Civil Code (Bürgerliches Gesetzbuch), §22–23; *Caroline von Monaco v. Germany* (2004) 40 EHRR 1

¹⁹ Stéphanie Carre, Stéphanie Le Cam, and Franck Macrez, *Buyout Contracts Imposed by Platforms in The Cultural and Creative Sector*, Study Requested by the JURI Committee, European Parliament, November 2023.

²⁰ [2003] EWCA Civ 423

²¹ World Players Association, *Universal Declaration on Players Rights*, Art. 12

NIL AND PERSONALITY RIGHTS WITHIN THE IPR FRAMEWORK

1. NIL Rights and Trademark Law

The most immediate and pragmatic intersection of NIL rights and IPR is under trademark law, where names, initials, nicknames, slogans, and even stylized images of sports personalities can be registered as source identifiers. In India, by virtue of Section 2(1)(zb) of the Trade Marks Act, 1999²², a "mark" encompasses names and devices capable of distinguishing goods or services, which enables sports personalities to safeguard their brand. Some popular examples are Sachin Tendulkar and MS Dhoni, both of whom have registered their names and logos as trademarks to avoid unauthorised commercial exploitation.²³ This means that athletes can enforce their NIL rights indirectly under statutory infringement and passing off actions. Yet, trademark law only shields the mark and not personality, such that only NIL aspects consciously stylised or utilised in commerce are protected. Moreover, though trademarks can be licensed and even transferred, personality rights are inextricably personal and non-transferable, thus inducing a doctrinal disjunction.

2. NIL Rights and Copyright Law

The nexus between copyright and NIL is more tenuous. Copyright covers original works of authorship like photographs, films, and sound recordings but not the identity of a person portrayed or recorded.²⁴ A photographer might have copyright in a portrait of a cricketer, for instance, but the subject (the player) would still control use of that image if it suggests endorsement or commercial association. This was established in *Rajagopal v. State of Tamil Nadu*²⁵, where the Supreme Court ruled that even true information regarding a person cannot be published without permission if it intrudes on privacy. Likewise, unauthorized biopics or game avatars might engage

²² Trade Marks Act, 1999 s. 2(1) (zb)

²³ *Supra* 13 & 14

²⁴ Copyright Act, 1957 ss. 13-14

²⁵ (1994) 6 SCC 632

copyright proprietors (like studios or developers), but the underlying NIL rights of the person portrayed are still enforceable under independent legal principles like misappropriation or passing off.²⁶ Therefore, copyright by itself cannot effectively protect NIL rights, particularly when identity is being commercialised as opposed to being creatively expressed.

3. NIL Rights and Copyright Act (Performer and Broadcast Rights)

Another intersection area occurs under allied rights, specifically performer rights and broadcast reproduction rights, which are safeguarded under the Copyright Act, 1957. Performers, such as athletes featured in sporting broadcasts, hold exclusive rights in their live or recorded performances. Although this was originally extended to actors and musicians, it is possible to extend this to sporting personalities whose on-field footage is commercially used. Yet this protection is subject to the athlete being classified as a "performer" under Section 2(q) of the Act²⁷, which is controversial. In addition, such rights are short-term and restricted in scope and do not cover more general identity characteristics like name or image unless contractually safeguarded.

In spite of these convergences, NIL rights resist classification into established IPR paradigms. IPRs are based on the public interest in innovation, time-limited monopolies, and free alienability. On the other hand, personality rights are based on human dignity, tend to be non-transferable, and can survive death subject to jurisdiction. Further, Indian IPR mechanisms that exist do not possess either the clarity or enforcement framework required to deal with increasing NIL disputes in sports, particularly in new domains such as fantasy leagues, NFT-based apparel, and influencer marketing.

28

Doctrinal mismatch has prompted scholars and courts to appeal for sui generis protection a separate legal regime acknowledging NIL as a special category, intertwining personal and

²⁶ *D.M. Entertainment Pvt. Ltd. v. Baby Gift House and Ors.*, MANU/DE/2043/2010

²⁷ Copyright Act, 1957 Section 2(q)

²⁸ Bartholomew, Mark, *A Right is Born: Celebrity, Property, and Postmodern Lawmaking* (November 5, 2010). Connecticut Law Review, Vol. 44, p. 301, 2011, Buffalo Legal Studies Research Paper No. 1703563, Available at SSRN: <https://ssrn.com/abstract=1703563>

proprietary interests.²⁹ Globally, the United States accepts the right of publicity as an independent tort or property interest, while the EU favors image and data protection regimes under GDPR. India, not having such a integrated framework, still remains dependent on patchwork solutions comprising tort law (passing off), contract law (endorsement agreements), and privacy law.

IS THERE A NEED FOR NIL PROTECTION POLICY?

India's current legal system lacks a systematic, enforceable regime for protecting and governing the NIL rights of sportspersons. Even though courts have, in an ad hoc manner, recognized publicity rights, in the absence of a statutory code, the sportsperson especially the new and ones not falling under the category of just cricket is vulnerable to exploitation. The need now is for a multi-pronged reform based on legislation, contract standardization, regulation, education, and media awareness. Such a plan would not only align with international best practices but also reflect India's unique sporting and legal environment.

1. Separate NIL Statute with clear definitions

The single most urgent imperative is the enactment of a stand-alone NIL statute, which determines and protects athletes' commercial and moral rights in their name, image, and likeness. Such a law must explicitly recognize NIL as a standalone legal right, separate from privacy, defamation, or conventional intellectual property law. Definitions have to be clear: "name" must include nicknames and initials; "image" must include visual likeness, gesture, and biometric features; and "likeness" must include voice, digital likeness, and avatars.³⁰ The legislation must address both positive rights (to commercially exploit one's NIL) and negative rights (to prevent unauthorised exploitation), with remedies being damages, injunctions, account of profits, and statutory fines.

²⁹ Jishnudeep Kolay. *Lights, Camera and Action: Rethinking Personality Rights in India* (NUJS Law Review) 17 NUJS L. Rev. 3 (2024)

³⁰ Haemmerli, Alice, *Whose Who? The Case for a Kantian Right of Publicity*. Available at SSRN: <https://ssrn.com/abstract=218268>

2. Contractual Reforms: Standardized Athlete-Agent and NIL Contracts

There is an urgent need to rethink sports contracting practices, especially athlete-agent and endorsement contracts, which presently exist in a mostly unregulated environment. Indian sports persons tend to enter into contracts with agents or sponsors containing general NIL clauses, without termination provisions, or which unjustifiably grant rights in perpetuity. A model NIL agreement recommended by national sport federations may establish minimum standards such as specific scope of NIL use, term, compensation arrangements and resolution of disputes. This would provide legal clarity and safeguard young or minority sports persons from one-sided bargaining power. International models, such as the US NCAA's NIL agreements³¹ or UK Professional Footballers' Association rules,³² can be employed as guideline references.

3. Central Control and Conflict Resolution

In order to ensure compliance and consistency, India requires an expert regulatory body or NIL bureau within an existing agency within the Ministry of Youth Affairs and Sports or the envisaged National Sports Regulatory Authority (NSRA). This organization may provide guidelines, keep a registry of NIL agreements, certify agents, and act as an arbitrator or ombudsman for NIL disputes. Due to the concurrent jurisdiction of the state sports organizations, federations, and private leagues, there is a need for a central mechanism to ensure uniform enforcement and legal consistency. The organization must also interact with the current regulators such as the Advertising Standards Council of India (ASCI) to check the use of NIL in advertising and endorsements.

4. Education and Capacity Building: Enabling Stakeholders

Legislative and rule-based steps must be supported by a successful education and awareness program. Indian athletes at all levels, particularly junior and amateur, are unaware of their NIL rights and how to safeguard them. Legal institutions, bar associations, and schools of sports management need to incorporate NIL law into their course curriculum. Federations and the Sports

³¹ Restatement (Third) of Unfair Competition, s.46-49 (US)

³² NCAA NIL Guidelines, 'Interim NIL Policy' (2021) <https://www.ncaa.org>.

Authority of India (SAI) can conduct capacity-building workshops for athletes, coaches, administrators, and agents. Pro bono efforts by law firms and law clinics can provide contract screening as well as conducting educational seminars in regional languages. Through these efforts, sportsmen will be able to make an educated choice and assert their rights proactively.

5. Media and Public Discourse Role

Lastly, the media are also at the core for forming the NIL protection narrative. While Indian media sensationalizes athletes' achievement and sponsorship contracts, it does not report as often on the inherent legal weaknesses they deal with. Ethical journalism is able to expose cases of NIL exploitation, defend against calls for legal reform, and bring to light stories of athletes requesting change to name rights. Furthermore, media outlet mainly online and local ones can also be employed in an attempt to inform the general public about the moral loopholes of NIL utilization in fantasy sports, deepfakes, and influencer endorsements. The aim is to create a rights culture that sees athletes not only as public goods but also as autonomous agents of labour and identity.

OPPORTUNITIES ARISING OUT OF IMPLEMENTATION

- 1. Economic Empowerment of Athletes:** NIL rights provide an important channel for athletes particularly in sports other than cricket to commercialize their persona regardless of match pay or central contracts. With increasing social media power, even amateur or provincial athletes can create brand value through managed NIL licensing.
- 2. Professionalisation of Sports Ecosystem:** Legal recognition of NIL rights can lead to a more structured and transparent sports environment including sports agents, marketing professionals, and lawyers. This would mark a direction towards ethical endorsements and reduced exploitative contracts.
- 3. Boost for Women and Grassroots Athletes:** A controlled NIL system can disproportionately benefit women and amateur athletes who usually don't have sponsorship but have loyal niche fanbases. NIL monetisation can be an inclusion and visibility tool.

4. **Legal Innovation and Institutional Reform:** India can design a sui generis NIL regime based on both international models and national jurisprudence. This can induce legal reforms in related fields such as digital rights management, sports law education, and media regulation.
5. **Alignment with International Sports Commerce:** With Indian leagues broadcasting internationally and competing in sponsorship markets, legislating NIL statutorily can inspire investor confidence and dampen the risk of cross-border IP or personality disputes.

CHALLENGES IN IMPLEMENTATION

1. **Absence of Statutory Recognition:** The biggest challenge is the absence of a standalone law that acknowledges NIL as a legally enforceable right. Existing laws surrounding torts (such as passing off) or IP workarounds is doctrinally weak and commercially insufficient.
2. **Unequal Access and Knowledge Gap:** The majority of Indian competitors especially from rural or economically disadvantaged sections do not enjoy access to legal counsel or knowledge regarding their rights. NIL protection, without capacity-building, can extend rather than end inequalities.
3. **Uncertainty of Scope and Ownership:** There is doubt as to where NIL rights reside with players or their unions, and especially in those cases when media appearances or sponsorships feature team marks, jerseys, or league sponsors. This is mixed with existing media and sponsorship agreements.
4. **Enforcement and Dispute Resolution:** Even assuming NIL is statutorily established, India's congested judiciary and paucity of sports-specialized tribunals could lead to delayed or spasmodic enforcement, discouraging sportspersons from exercising their rights.
5. **Digital Exploitation and Deepfakes:** The development of AI-generated likenesses, avatars, and deepfakes is a serious threat. Without strong enforcement of digital rights, the identity of athletes can be taken over in ways that current laws are poorly equipped to deal with.

CONCLUSION

This article reveals a stark lacuna in Indian sports law: no express, statutory safeguard of the Name, Image, and Likeness (NIL) right of sportspersons. While even courts, on occasion, have upheld personality rights under common law principles, their ad hoc character makes athletes, especially those outside the upper circuits, vulnerable to commercial exploitation, exploitative agreements, and digital misappropriation. The increasing role of fantasy sports, social media, and AI-driven content only contributes to these vulnerabilities. Abuse of NIL is not a hypothetical situation; it's real and an ongoing damage incurred by Indian athletes in the country's pluralized and underregulated sports ecosystem.

United States, Australia, and Europe's comparative models demonstrate that NIL protection is economically ennobling and legally feasible. The models emphasize the necessity for India to adopt a sui generis path one that synthesizes statutory recognition of NIL rights with institutional regulation, contract standardization, and digital protection. No less critical are grassroots awareness campaigns, agent certification, and education of athletes and legal practitioners. The objective must be not just to confer rights but to enable athletes to exercise them meaningfully. In the end, this is not so much about branding or endorsements it is about identifying athletes as stakeholders in their own name. Retaining NIL rights legitimates an athlete's dignity, autonomy, and ability to bargain reasonably in a commercialized sporting universe. The time has come for legislators, sporting federations, legal experts, and civil society to collaborate to design a future-proof legal regime that accounts for both Indian sport's commercial imperatives and constitutional norms.

REFERENCES

1. Anil Kapoor v. Simply Life India & Others, CS (COMM) 652/2023, Delhi HC
2. D.M. Entertainment Pvt. Ltd. v. Baby Gift House and Ors., MANU/DE/2043/2010
http://student.manupatra.com/Academic/Studentmodules/Judgments/2022/June/MANU_DE_2043_2010.pdf
3. ICC Development (International) Ltd. v. Arvee Enterprises, 2003 SCC OnLine Del 24
<https://indiankanoon.org/doc/358048/>

4. LAW BEES, NAME, IMAGE, AND LIKENESS RIGHTS IN INDIA. HAS THE TIME COME? BY ISHAAN MICHAEL LAWBEES (2024), <https://law-bees.com/2023/05/31/navigating-the-landscape-of-name-image-and-likeness-rights-in-india/>
5. MS DHONI SEEKS TRADEMARK FOR SOBRIQUET 'CAPTAIN COOL,' June 30, 2025, <https://www.thehindu.com/sport/cricket/dhoni-seeks-trademark-for-sobriquet-captain-cool/article69756033.ece>
6. Michelle Brutlag Hosick, NCAA ADOPTS INTERIM NAME, IMAGE AND LIKENESS POLICY NCAA.ORG (2025), <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx>
7. NCAA NIL Guidelines, 'Interim NIL Policy' (2021) <https://www.ncaa.org>
8. World Players Association, Universal Declaration on Players Rights <https://www.fifpro.org/media/md2efzpd/universal-declaration-of-player-rights-english-version.pdf>

