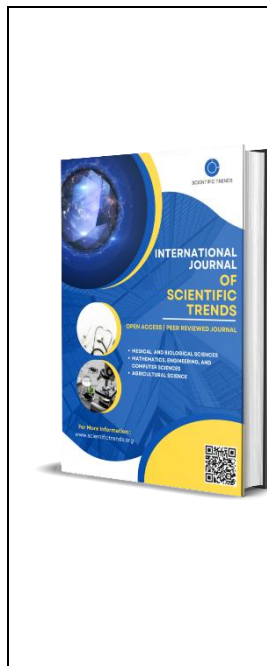


# Professional Footballers' Image Rights and Civil-Law Instruments in Their Commercialization

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## Abstract

This thesis analyzes the civil-law nature of professional footballers' image rights, the mechanisms of their commercialization, and international practices. Through this comprehensive review, scientifically grounded proposals and conclusions are formulated to improve the legal regulation of this domain within the Republic of Uzbekistan. The paper provides a comparative analysis of the primary regulatory models governing players' image rights across Western nations, specifically England, Spain, and Germany. Furthermore, it explores contemporary commercialization tools based on licensing agreements, spin-off companies, franchising, and Non-Fungible Token (NFT) technologies. In light of the legal reforms implemented in Uzbekistan between 2020 and 2026, *de lege ferenda* proposals aimed at establishing an institutional framework for image rights are put forward.

**Keywords:** Image rights, personal rights of a footballer, commercial license, intellectual property, spin-off company, NFT, Uzbek sports law, foreign experience, civil-law instruments, *de lege ferenda*.

## Introduction

Under the conditions of globalization and the digital economy, professional sports –first and foremost football –have transcended the boundaries of mere physical activity to become a massive commercial industry in terms of scale. This transformation has assigned a distinct economic value to a footballer's persona—specifically their name, image, voice, and other unique identifying characteristics. This commercial value has begun to crystallize as a legal category under the concept of “image rights” and has now evolved into an independent object of regulation within advanced sports law systems worldwide.

In New Uzbekistan, professional football has been developing rapidly in recent years. In particular, the adoption of the new Law “On Physical Culture and Sports” in 2025, the Uzbekistan Football Association’s strategic program for implementing FIFA and UEFA standards, and ongoing efforts to attract foreign investment –all collectively bring the necessity of modernizing the legal regulation of football-related relations to the forefront of the agenda.

At present, national legislation lacks specific norms that recognize the image rights of football players as an independent legal asset.

The primary objective of this thesis is to identify the legal roots of these challenges, conduct a comparative analysis of foreign frameworks, and propose scientifically validated solutions for the legislation of Uzbekistan. The methodology employed relies on comparative-legal, systemic-analytical, and formal-legal approaches.

**Legal Nature and Foundations of Image Rights.** Image rights (image rights, droit à l'image, Bildnisrecht) constitute a bundle of subjective rights representing an individual's exclusive authority over the use of their name, image, voice, signature, nickname, and other identifying characteristics.

Legal scholarship outlines three primary conceptual approaches to image rights: the personal rights approach, the intellectual property approach, and the mixed (dualistic) approach.

–The Personal Rights Approach. Predominant in the Anglo-Saxon legal system, this approach interprets image rights as an individual's non-material yet financially valuable right (framed under the right of publicity doctrine);

–The Intellectual Property Approach. Utilized across continental European countries, this model seeks to align image rights with specific copyright or neighboring rights concerning an individual's own likeness;

–The Mixed (Dualistic) Approach. This dominant model in modern national legislation and international arbitration practice recognizes image rights as an independent legal institution that synthesizes both personal and proprietary elements.

Article 99 of the Civil Code of the Republic of Uzbekistan establishes an individual's right to their image; however, this norm primarily serves a protective function and does not regulate commercialization mechanisms.

Within the scope of a professional footballer's status, the objects of image rights encompass the following:

–Full Name and Surname: Including pseudonyms and nicknames (e.g., “Raúl”, “Ronaldo”, and “Messi” operate as distinct branded names holding independent value in commercial and advertising activities);

–Physical Appearance and Portrait Likeness: Photographs, video recordings, 3D models, and animations;

–Voice and Speech Characteristics;

–Signature;

–On-field Individual Style and Technique: Commonly referred to as a player's signature move;

–Digital Identity: Player avatars and simulations within video games such as FIFA/EA Sports;

–NFT and Metaverse Likenesses.

One of the most critical legal challenges in practice is the necessity to clearly demarcate the **employment (wage-based) relationship** between a professional footballer and a club from their **image rights relationship**. While an employment contract governs a player's on-field sporting activities, salary, bonuses, and athletic performance, an image rights contract regulates the terms of utilizing the player's name and likeness, as well as the allocation of revenues generated from such use. The economic significance of this distinction lies in the fact that revenues derived from

image rights are often subject to a different tax regime compared to employment wages. This issue has historically led to high-profile litigation in jurisdictions such as Spain and England.

**Foreign Experience: A Comparative Analysis.** The English Model. England possesses one of the most sophisticated legal frameworks regarding image rights. The English model relies on three foundational pillars: the passing off doctrine, trademark law, and the system of spin-off companies.

1. The Passing Off Doctrine: If a third party utilizes a footballer's name or likeness without consent, thereby misleading the public, the player can seek judicial protection under tort law.
2. Trademark Law: Professional footballers routinely register their names as trademarks through the Intellectual Property Office (IPO).
3. The System of Spin-Off Companies: Players transfer their image rights to specially established personal holding companies.

A distinctive feature of the English system is the Premier League's dedicated Image Rights Regulations, which cap image rights licensing fees paid by a club to a player, typically up to 20% of the basic wage.

The Spanish Model. In Spain, the regulation of image rights is grounded in Organic Law 1/1982 of May 5 on the Civil Protection of the Right to Honor, Personal and Family Privacy, and One's Own Image. Pursuant to La Liga regulations, all players surrender a portion of their image rights (collective image) to La Liga's centralized pool. A notable aspect of the Spanish framework that has drawn international attention is the application of a distinct tax regime to the revenues derived from athletes' image rights. The 2004 "Beckham Law" introduced an advantageous 24% flat tax rate for foreign residents.

The German Model. The German doctrine of image rights is rooted in constitutional principles. Article 1 (human dignity) and Article 2 (the right to free development of personality) of the Basic Law jointly form the comprehensive **general personal right** (allgemeines Persönlichkeitsrecht) doctrine [2]. In the Bundesliga, image rights matters are standardized via the DFL's (German Football League) mandatory contract annexes. A unique contribution of Germany is the **mercantile value** (vermögenswerte Bestandteile) doctrine established by the Federal Court of Justice (BGH), which affirms that the commercial components of image rights can be transferred or inherited.

**FIFA and UEFA Regulations.** At the international level, FIFA's Regulations on the Status and Transfer of Players (RSTP) play an essential role in regulating image rights. Article 15 of the RSTP recognizes that a player's image rights may be decoupled from the employing club and formalized through independent personal licensing.

Concurrently, UEFA's Club Licensing and Financial Sustainability Regulations dictate that image rights transactions must be included in financial reporting frameworks and verified against "fair market value" principles. Furthermore, the Court of Arbitration for Sport (CAS) has rendered several landmark decisions regarding image rights. Notably, in CAS 2016/A/4903, the arbitration panel applied the "exposure ratio" criterion to resolve allocation disputes.

**Civil-Law Relations and Commercialization Mechanisms.** Licensing Agreements. The licensing agreement (license agreement) occupies a central role in the process of commercializing image rights. Through this contract, a footballer (licensor) grants the right to utilize specific image assets to a third party (licensee) under defined conditions:

- Exclusive License. The licensee operates as the sole user within a designated sector or geographical territory. These agreements generally command premium compensation;
- Non-Exclusive License. This allows the rights to be granted to multiple licensees concurrently. For instance, companies manufacturing collectible football cards typically sign non-exclusive licensing agreements with a vast number of players simultaneously.

Part IV of the Civil Code of the Republic of Uzbekistan, which governs intellectual property, establishes the general provisions for licensing agreements; however, these norms are structurally tailored toward traditional copyright, patents (neighboring rights), trademarks, and similar assets. Spin-Off Companies. Currently, a significant number of high-earning professional footballers prefer to manage their image rights through specialized private entities known as Image Rights Companies (IRC). This configuration yields several structural benefits:

- It facilitates optimized revenue collection through corporate channels when the corporate tax rate is lower than the personal income tax rate;
- Legal claims and litigation are directed at the corporate entity rather than against the footballer personally;
- It simplifies the statutory inheritance and transfer of corporate rights;
- The company can seamlessly issue parallel licenses across various industries simultaneously.

**NFT and Digital Commercialization Tools.** Non-Fungible Tokens (NFTs), powered by blockchain technology, allow players to monetize digital assets—such as individual portraits, video highlights of goals, and other digital content forms—by selling them directly to consumers. From a legal standpoint, NFT-based commercialization introduces the following challenges:

- Complex trademark and copyright crossover issues;
- Aligning the execution of smart contract obligations with traditional civil law contract doctrines;
- Jurisdictional frictions arising from the borderless and international nature of blockchain networks.

At present, the legislation of Uzbekistan remains in the nascent stages of establishing a specialized legal framework for NFTs and smart contracts.

**Current State and Deficiencies of Uzbek Legislation.** In the Republic of Uzbekistan, provisions applicable to the regulation of professional athletes' image rights are fragmented across several legislative acts:

Firstly; Article 99 of the Civil Code establishes an individual's right to their image. However, this norm exclusively serves a protective function and does not regulate commercialization mechanisms.

Secondly; The Law “On Copyright and Neighboring Rights” regulates intellectual property rights regarding photographs, videos, and artistic materials, but fails to define “personal image” as a distinct, independent legal asset.

Thirdly; The Law “On Trademarks, Service Marks, and Appellations of Origin of Goods” technically permits individuals to register their names as trademarks; however, it does not provide any simplified or preferential procedures tailored for professional athletes.

Fourthly: The Law “On Physical Culture and Sports” outlines the general legal architecture of the sports sector but contains no specific provisions addressing image rights.

Consequently, the analysis reveals the following critical statutory lacunae within the legal framework governing professional football in Uzbekistan:

- Absence of a clear statutory definition of image rights and their recognized objects;
- Lack of a defined civil-law mechanism for the commercial licensing of image rights;
- No regulatory framework separating image rights contracts from standard employment contracts;
- Absence of legal protocols for transferring image rights to corporate spin-off entities;
- Complete lack of statutory rules governing the exploitation of image rights via NFTs and smart contracts;
- Undefined civil liability metrics and specific remedies for image rights infringements.

**Recommendations and Conclusions** (De Lege Ferenda). In light of the aforementioned deficiencies, the following proposals are put forward to modernize and improve the legislation:

Proposal 1: Incorporating a Dedicated Chapter into the Civil Code. It is recommended to introduce a specific chapter titled “Image Rights of the Individual” into Part IV of the Civil Code of the Republic of Uzbekistan. This chapter should explicitly list the recognized objects of image rights, establish clear grounds for commercial licensing, define consent mechanisms, and outline conflict-of-law rules;

Proposal 2: Introducing Specialized Norms for Professional Sports Contracts. As a supplement to the Law “On Physical Culture and Sports”, specialized norms governing contracts executed with professional athletes must be developed. These provisions should enforce the separation of image rights agreements from labor contracts, provide structured guidelines for wage-to-licensing fee ratios, and establish protocols for transferring rights to spin-off companies;

Proposal 3: Establishing a Framework for Digital Image Rights and NFTs. A specialized regulatory framework should be introduced to govern digital manifestations of image rights (including NFTs, metaverse avatars, and AI-generated likenesses). It must ensure the compliance of smart-contract-based licenses with civil law requirements, clarify ownership transfer rules on digital platforms, and define the legal status of athlete likenesses generated by artificial intelligence;

Proposal 4: Streamlining Trademark Registration Practices. In coordination with the Ministry of Justice of the Republic of Uzbekistan, a simplified, expedited, and preferential trademark registration process should be instituted for the names, nicknames, and logos of professional football players;

Proposal 5: Institutional Support via the Uzbekistan Football Association. An Image Rights Advisory Center should be established under the auspices of the UFA to deliver specialized legal education programs for players and agents, while the domestic sports arbitration framework should be granted clear jurisdiction over image rights disputes.

## Conclusion

Professional footballers' image rights represent an autonomous civil-law institution that synthesizes personal and proprietary legal elements, and it has already become an independent object of regulation within advanced sports law systems. In Uzbekistan, the statutory foundation for this institution remains unformed. Precedents from England, Spain, and Germany demonstrate that efficient commercialization requires three synchronized components:

- An explicit statutory definition of image assets;
- Functional licensing, spin-off, and trademark mechanisms;
- A favorable tax environment.

Currently, none of these three conditions are adequately met in Uzbekistan. Although the sports law reforms implemented between 2020 and 2026 have built a foundational baseline, the demand for a comprehensive regulatory system persists. Emerging digital technologies—specifically NFTs, the metaverse, and artificial intelligence—are reshaping sports commercialization. It is highly advisable for Uzbekistan to adopt an innovative regulatory model aligned with these global trends.

The *de lege ferenda* proposals put forward in this thesis are directed at legislative bodies, sports organizations, and the academic community. They are highly relevant during this period of rapid growth in the Uzbek football sector. Following our national team's historic participation in the World Cup, the integration of image rights into the state's legislative agenda will undoubtedly become an urgent priority.

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