

FIFA's Strict Trademark Enforcement: Could the Trademark Fair Use Exception Apply to the World's Game?

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The 2026 World Cup is in full swing across the U.S., Canada, and Mexico. FIFA closely guards the intellectual property surrounding the World Cup, including word marks associated with the tournament and even the trade dress of the official trophy. But FIFA's strict enforcement of its IP rights could restrict the ability of businesses to communicate with their customers about the tournament and implicates trademark fair use principles.

Only rights holders and licensees, such as official sponsors and affiliates of the 2026 FIFA World Cup, are permitted by FIFA to use the official marks. FIFA has thousands of registered trademarks worldwide and [a history of enforcing the marks](#). In 2022, FIFA successfully sued Puma over the marks "PUMA WORLD CUP QATAR 2022" and "PUMA WORLD CUP 2022" leading to the cancellation of the marks. During the 2014 World Cup in Brazil, 274 items were confiscated from the group-stage matches in the host country for infringing on FIFA's marks. FIFA's enforcement also extends to brands or companies that imply connection with its registered marks. In 2010, South Africa's

Kulula Airline was forced to pull an ad campaign that described the airline as the “Unofficial National Carrier of the You-Know-What.”

Ahead of the 2026 World Cup, FIFA made it clear that this year would be no different. In addition to marks like “FIFA WORLD CUP 26,” FIFA’s brand guidelines also state that marks such as “WORLD CUP” and “COPA MUNDIAL” are official intellectual property of FIFA. To aid in enforcement, FIFA has enlisted local volunteers to police advertisements and businesses near to tournament locations. Even using general terms could place businesses in FIFA’s enforcement crosshairs, if they imply affiliation with FIFA. While the restriction of the marks makes sense to stop the sale of knock-off t-shirts, it also can prevent small businesses like restaurants or bars from clearly informing their customers that they will be streaming the tournament—and that may be fair use.

The use of a famous mark for commercial purposes may be permitted under fair use if the famous mark is not being used to designate the source of the business’s own goods or services. Part of FIFA’s strategy is to treat any use of its marks as the business implying that the watch party, event, sale, or product is officially associated with or endorsed by FIFA, thus infringing on the exclusive rights of rights holders and licensees. However, there are very limited ways to describe or promote an event that is centered around the World Cup in a manner that is clear to customers, which could indicate that the use of some of FIFA’s marks would qualify as fair use.

Although its strategies may appear extreme, FIFA wants to prevent any chance their valuable marks will be diluted, through either the weakening or tarnishing of their brand. While a business hosting a World Cup watch party seems harmless, without strict enforcement these events could crack open the door to dilution.

FIFA is not the only sporting organization with a similar strategy—the NFL is also known for their aggressive defense of the “SUPER BOWL” mark. Any use of “Super Bowl” in commercial activity to draw attention is targeted by the NFL’s enforcement strategy. The revenue the NFL earns from broadcasting rights, advertisers, and official sponsors incentivizes the NFL to closely guard their brand and keep others from profiting from its goodwill. However, these strategies can backfire. In 2007, the NFL sent a cease-and-desist letter to a church in Indiana that was hosting a Super Bowl watch party and charging \$3 per person. The NFL received backlash for the crackdown on a religious organization, and ultimately reversed course, allowing religious organizations to livestream the event.

Even if some limited uses of FIFA’s marks would qualify as fair use, FIFA’s deep pockets and aggressive strategies make it unlikely that the small businesses impacted will find that legal battle worth the time and money. But FIFA might consider the lesson learned by the NFL and how backlash from cracking down on small businesses might affect their brand.