

Rise of AI in Sports: Athlete's Intellectual Property, Privacy Considerations, and the Role of the Olympic Movement

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Artificial Intelligence (AI) has become a focal point globally, driven by media coverage of the democratization of large language models and chatbots. AI tools are now rapidly integrating into various aspects of society, including sports. At the 2024 Olympic Games in Paris, Omega operated [Computer Vision systems](#) including an AI model specifically trained for each sport, AI-based skeleton tracking, and AI-based intelligent stroboscopic analysis. Omega's Computer Vision systems reproduced a 3D graphic of each athlete's performance, which the Olympic Broadcasting Services (OBS) published to help broadcasters tell a comprehensive story. The angles of an athlete's feet relative to the floor during a jump rotation in gymnastics, the distance a player covers in volleyball, the speed at any moment during swimming, the gap to the bar during pole vault, and the exact racket position during tennis are part of the 3D graphic. The [Olympic AI Agenda](#) intends to use this data for talent identification and reshaping training and coaching in sports. This biometric data and biomechanical data can be used to identify patterns unique to a specific individual, and such personally identifiable information could overlap with the athlete's likeness. As AI continues to evolve, the sports industry must address the ethical implications of its use, concerning athletes' rights and well-being, especially in the realm of [Name, Image, and Likeness \(NIL\)](#).

The Role of the Olympic Movement in Regulating AI

The regulation of AI in sports at the global level could be spearheaded by the Olympic Movement, including the [International Olympic Committee \(IOC\)](#), the [International Sports Federations \("IFs"\)](#), and the [National Olympic Committees \(NOCs\)](#). These organizations are well-positioned to lead due to their influence and commitment to maintaining ethical standards in sports, and ability to reduce the liability of other sports governing bodies. The Olympic Studies Centre has already funded a research project resulting in a comprehensive report by Alberto Carrio Sampedro titled "The Ethics of AI in Sport. Taking athletes' rights and wellbeing seriously."

Safeguarding Athletes' Rights, Privacy, and NIL

The report emphasizes the importance of prioritizing athletes' rights and well-being in the deployment of AI technologies. AI-driven performance analysis tools can enhance training and competitive strategies, but they must be used responsibly to avoid infringing on athletes' privacy, intellectual property rights, including NIL rights. One way to navigate these complexities is through informed consent and transparent communication. Developers of AI tools can design user experiences that inform and remind athletes of how their data is collected, used, and protected. For example, biometric data, such as heart rate and movement patterns, can be incredibly valuable for performance optimization. However, misuse or unauthorized access to this data can lead to privacy violations and potential exploitation.

Legal Guidance in AI, NIL, and Sports Law

On August 1, 2024, the [European Union's Artificial Intelligence Act \(AI Act\)](#) became enforceable. This is in addition to the EU's right to be forgotten, which is another crucial aspect. Athletes should have the ability to control their digital footprint, including the deletion of personal data and biometric data from computer systems when they choose to exercise

this right. This protection aligns with broader privacy laws and ensures that athletes maintain agency over their personal information.

Legal practitioners specializing in IP (including NIL) and sports law play a pivotal role in guiding stakeholders through these challenges. By staying informed about developments in AI and understanding the specific needs of the sports industry, attorneys can provide valuable counsel on compliance with emerging regulations and best practices for data protection. For instance, when advising a sports organization on implementing AI tools, an attorney can help draft robust data privacy policies, and ensure that contractual agreements with AI service providers include necessary safeguards for athletes' rights. On the front end, when advising developers of AI tools, a trusted legal advisor can incorporate a focus on client-centric privacy and transparency goals that reduce afterthought patches. This proactive approach not only mitigates legal risks but also fosters trust between athletes and organizations.

In sum, the ethical use of AI in sports requires a delicate balance between innovation and respect for athletes' rights. The Olympic Movement can lead the way in establishing global standards, supported by comprehensive research like Alberto Carrio Sampedro's report. Legal experts must remain at the forefront of this evolving landscape, offering informed guidance to ensure that AI enhances the sports industry while safeguarding the interests of those who make it possible.

For further reading on this topic, refer to Alberto Carrio Sampedro's report, "[The Ethics of AI in Sport. Taking athletes' rights and wellbeing seriously.](#)"

Related People

- Emily S. White