

eMuseum of Sport BEST PRACTICES regarding image rights and intellectual property for the preservation and sharing of collections in Olympic and Sports Museums.

In 2020, the eMuseum of Sport had nine 3D galleries. Furthermore, they launched eight temporary exhibits in 2020, with an emphasis on the exhibits honoring Pelé's 80 years of life in October and Maracanã's 70-year anniversary, in June. It is important to note that the access indicators showed, at the beginning of this current year, 200 thousand users in the Portal, 7 thousand Instagram and Facebook followers and more than 6 million comments on social networks. The data above shows the subject's relevance in terms of the eMuseum's configuration as a digital innovation, especially considering the alterations undergone by our society due to the COVID-19 pandemic. It is important to point out all initiatives that strengthen the insertion of accessible content on various subjects. Sport, especially considering its importance in our society, should not and cannot be left out of such undertakings.

To analyze the eMuseum's initiative from the standpoint of citizenship is, considering this, an urgent need, allowing us to investigate current and future difficulties that may appear due to the insertion of content online. This content, besides fulfilling its purpose, is protected by image and intellectual property rights, which will be discussed with more detail in the next paragraphs.

Thus, after the practical experiences with the eMuseum of Sport in 2020, through various established legal relationships, the importance of a deeper exploration of studies about image rights. Nevertheless, this type of commitment is a part of the Brazilian Civil Code, as well as those regarding intellectual property rights, in which the author's rights and related rights are present (Laws 9609/1998 and 9610/1998) as well as industrial property laws (Law 9279/1996).

Major challenges and many opportunities were observed while establishing partnerships with collectors, athletes, and others, who shared content with the eMuseum for dissemination, whether in the galleries or in the virtual exhibits. About these challenges, it became increasingly important for there to be a legal instrument allowing the collection to be displayed on the eMuseum's platform without violating the rights of third parties, since all collections are assets of their collectors. Regarding the big opportunities, an example would be the Pelé 80 years exhibit.

Normally, there would be strong bureaucracy in place for the sharing of physical collections between museums. So, to transfer a collection, even for a short period of time, is usually a bureaucratic issue. However, in the case of the Pelé 80 years exhibit, for instance, since the whole collection is digital, there was no need for this because nothing was removed from the original Museum. All that was needed was for there to be a 3D capture of any items of interest at the original Museum for insertion in the eMuseum's exhibit.

In this context, it was possible to detect the valuable contribution brought to this project by the fields of museology and intellectual property, as well as for sports management, with the realization of a study on the best practices of image and intellectual property rights for the preservation and sharing of collections. The shared best practices experiences can serve to stimulate new methods of national and international partnerships between museums and memory preservation centers, as well as new manners of making collection objects public, increasing the access given to people. Considering this, the first author of this experience report began a research project in October of 2020, during her post-doctoral internship at the

Academy of Intellectual Property, Innovation, and Development, which is a part of the National Institute of Industrial Property (INPI) considering the hypothesis that there are best practices that have already been created and implemented by cultural sports entities regarding the use of the intellectual property system, as well as regarding the use of image rights, in legal business and in contracts for Sports Museums.

Thus, with this project, we intend to identify said practices in order to support international cooperation between sports museums and entities in the general sharing of content related to the Olympic Games, with the goal of preserving the memory of sport. Furthermore, international cooperation between sports museums and entities may potentially reflect positively on the preservation of sports memory with the adoption of renewing technological standards and protocols. With this outlook, the objective of this post-doctoral study is to identify the best practices in legal business and in contractual instruments for Sports Museums, applied by using the intellectual property system to allow access to intellectual creations that may be protected by intellectual property or authors' rights.

Additionally, the analysis on the use of image rights will permit the use and access of athletes' personality rights, as well as those of the other people involved in sports activities. Considering the treatment of the legal matters that involve intellectual creations, the findings from this study will be evaluated on the proposed collaborative platform, vis-à-vis the preservation of international historical sports assets. Thus, the question asked by this study is: which are the best practices held in the system of intellectual property, image rights and digital technologies with shared appropriation, which occur between Sports Museums from various countries, with the goal of preserving international historical sports assets? This question, when answered by this study, seeks to help those involved in eMuseum creation proposals.

With the intent to reach the answer to this research question, methodologically speaking, a qualitative approach was used, with the application of questionnaires and open interviews with a script. A pilot study with this questionnaire was conducted in January of 2021 with two institutions: The Olympic Museum of Barcelona/Spain, and the São Paulo Soccer Museum. This was done to validate the questionnaire and involved people who have direct ties to the topics discussed in this study.

As such, executing this project will necessarily involve studying and exploring intellectual property rights at depth as the sharing of intellectual creations through shared platforms involves: a) legal topics related to accessing intellectual works that are protected by author's rights and industrial property law, especially brands and industrial designs.

At this point, it is important to mention that the trophies, medals, and other objects will be reproduced with 3D technology, which requires the investigation of whether these products are protected by industrial design; b) proprietary issues about shared platforms, since they are operated with computer programs, which possess a specific type of protection under Federal Law 9609, of February 18th, 1998 (Software Law). Thus, a detailed study about the requirements and effects of using public or private software is also relevant to the present study. Other collaborative movements in intellectual property law, such "creative commons", open-source software, and others, will be discussed in this project because they include issues related to free and proprietary usage and are thus directly related to the protection, validity and effectiveness of intellectual property rights, as well as the circulation of intellectual creations. On the other hand, by developing this project, there is the possibility of analyzing the previously mentioned best practices of the intellectual property system as well as those of

image rights, used in Sports Museums, to support international cooperation among sports museums and entities, as well as intellectual property and personality rights.

In conclusion, we expect the following results: 1) Identification of the best practices in contractual instruments used in the system of intellectual property as well as image rights in Sports Museums to guarantee access and appropriation pertaining to intellectual creations that will be used in the proposed collaborative platform; 2) Identification of the forms of cooperation among Sports Museums from various countries, through digital shared appropriation technologies, with the goal of preserving international historical sports assets.

Book: eMuseu do Esporte 2020.