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LEGAL ASPECTS OF USING MUSICAL COMPOSITIONS IN ELITE SPORTS

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Abstract. *To determine the legal basis for the use of musical works in high-performance sports, problematic issues that require regulation, to identify their development prospects based on well-known cases in this area, to suggest possible ways to resolve disputes in connection with the implementation of licensing agreements granting an athlete the right to put a competitive program for a particular piece of music.*

Keywords: *musical compositions, copyright, principle of good faith, related rights, international sport law.*

The 2026 Olympic Games have once again raised the issue of the legality of using musical compositions in athletes' competitive programs. A public outcry was caused by license reviews by copyright holders regarding several skaters just a few days before the most important start in their careers. While American single skater Amber Glenn managed to privately negotiate with the author of the piece of music and leave her program in its original version, Canadian pair Deanna Stellato-Dudek and Maxime Deschamps, as well as neutral athlete Petr Gumennik, were forced to change the audio accompaniment, which affected the entire performance¹.

It is worth noting that these cases are not the only ones within the framework of sports competitions of different levels, since musical accompaniment is required for

¹ Panja T. Songs Will Play on Ice, if Skaters Got the Rights // The New York Times. 2026. 14 Feb.

athletes to perform in several sports at once, in addition to figure skating: athletic and artistic gymnastics, synchronized swimming. Therefore, the legal regulation of the use of musical works within the framework of competitive programs is important.

It is important to know how to protect athletes from disputes with the copyright holders of musical works and how is the procedure for transferring rights to use them in performances, especially international ones, established. Protecting Russian athletes' rights has additional difficulties due to their neutral status and the suspension of the Olympic Committee of Russia. In general, there is a lack of legal regulation of many areas of high-performance sports, including the field of the use of intellectual property objects, at the national and international levels¹. This shows the need to develop different approaches that would better balance the interests of copyright holders and athletes.

The researchers note that the problem has worsened in recent years. Previously, sports federations had a rather conservative position and therefore they allowed to select only classical music in competitive programs. Being in the public domain, it does not require obtaining permission from copyright holders for use, as well as transferring remuneration to them for this, which does not create any obstacles from a legal point of view for choreographers and athletes themselves. Nowadays a course has been set to attract a younger audience to sports through modern music and its interpretation. For example, in 2014, The International Skating Union allowed the use of musical compositions with the words in performances. Thus, there was a need to obtain permission from the copyright holders, which is covered by the legislation on copyright and related rights.

In the legal literature a piece of music is defined as a set of ideas and images that have received their expression in the form of pitch- and time-organized sound sequences as a result of the creative process of reflecting reality by a person². Singers, who have the role of performers, are given only related rights to perform.

In the Civil Code of the Russian Federation, the performance of an athlete under a certain musical composition falls under the norms of article 1270, namely subparagraph 6 of paragraph 2, on the public performance of the author's work³.

¹ Sportivnoe pravo: dogovornye otnosheniya v sporte: uchebnoe posobie dlya vuzov [Sports law: contractual relations in sports: a textbook for universities] / S.V. Alekseev, M.O. Buyanova, A.V. Chebotarev; pod redaktsiej S.V. Alekseeva. — Moskva: Izdatelstvo Yurajt [Moscow: Yurayt Publishing House], 2020. — P. 19.

² Kretschmer M., Kawohl F. (2019). Musical works in the digital age: Copyright, technology, and creativity. Cambridge University Press.

³ "Grazhdanskij kodeks Rossijskoj Federatsii (chast chetvertaya)" [The Civil Code of the Russian Federation (the fourth Part)] ot 18.12.2006 № 230-FZ (red. ot 23.07.2025) // Rossijskaya gazeta [Russian newspaper]. 2006. № 289.

In this case, the public performance is carried out using technical means in a place where there is a significant number of persons who do not belong to the usual family circle. The piece of music itself is perceived both in the place of its presentation, that is, in the competitive arena, and through television and online broadcasts. The latter makes it possible to expand the understanding of such use of a work within the framework of Article 1270 of the Civil Code of the Russian Federation by broadcasting, cable communication, and retransmission.

In general, the qualification of the use of musical works in top-level sports in other countries is linked through the provisions of the Berne Convention for the Protection of Literary and Artistic Works of 1886¹, and the WIPO Performances and Phonograms Treaty of December 20, 1996². This grants authors the right to allow the public performance of their works and performers the right to allow their recorded performances to be made publicly available, respectively. The term of protection of the right under the Berne Convention is an author's entire life and 50 years after his or her death, starting on January 1 of the year following the year of death (art. 7). Many countries, including Russia, the USA and Italy, extended this period to 70 years after an author's death.

The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, adopted in 1961, protects the related rights of performers and producers of phonograms³. The document states that phonogram producers have the right to allow or prohibit the direct or indirect reproduction of their phonograms (art. 10). The Convention also prohibits the broadcasting of a performance or the reproduction of its recording without a performer's consent (art. 7). The Russian Federation joined this international treaty in 2002, so all its provisions have been implemented into national legislation.

To ensure athletes' interests, international and national sports federations conclude licensing agreements with organizations for the collective management of copyrights and related rights. For example, in the Russian Federation, cooperation is carried out with Russian Authors' Society and the Russian Organization for Intellectual Property VOIS. These organizations are the link between authors and athletes. The latter transmit information about the selected musical compositions for the programs to the national sports federations before the start of the competitive

¹ *Ricketson S.* The Berne Convention for the protection of literary and artistic works: 1886–1986 / Sam Ricketson. — London: Centre for commercial law studies. Queen Mary college, 1987. — LXII, 1030 p.

² WIPO Performances and Phonograms Treaty (1996) // WIPO, 1997. — 36 p.

³ International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961) // WIPO, 1988. — 20 p.

season. RAO and VOIS directly interact with the authors on the issues of permits and remuneration paid by the federations¹.

Similar agreements are provided in other countries between sports federations and organizations for the collective management of copyrights and related rights: in the United States of America — with the American Society of Composers, Authors, and Publishers (ASCAP) and Broadcast Music, Inc. (BMI), in Italy — The Italian Society of Authors and Publishers (SIAE). So why do not the agreements reached all over the world provide one hundred percent legal guarantees for the protection of the rights of authors and athletes? This is connected to the fact that licenses do not apply to all musical works.

Problematic aspects of regulation in high-performance sports are remixes, covers, mashups as the use of a musical composition in its original version is difficult due to certain limitations of competitive programs in terms of time, as well as filling technical elements in accordance with musical accents. A well-known case of misuse of a cover of a song was revealed in figure skating after the 2022 Olympics. It turned out that Alexa Knierim and Brandon Frazier, who performed in pairs under the US flag and won a gold medal at the Games, took a cover of the song “House of the Rising Sun” recorded by the duo “Heavy Young Heathens”. The case reached the American court and was resolved by an amicable agreement². It is worth emphasizing that the copyright infringement was obvious in this case, it was against the principle of good faith and attracted a lot of attention. The researchers note that the Olympics, as the largest sporting event of the quadrennial, often becomes a reason for copyright disputes. In this case, the skaters used about half of the duo’s musical material, which leaves no doubt about the importance of the cover for the entire performance. In addition, the NBC television channel was involved as a correspondent, which also did not take care of acquiring the right to publicly perform the composition and did not pay the appropriate remuneration provided for in Article 15 of the WIPO Performances and Phonograms Treaty of December 20, 1996. These responsibilities are imposed on TV channels and streaming services that organize the broadcasting sports competitions using musical compositions.

Fortunately for Alexa Knierim and Brandon Frazier, the dispute with Heavy Young Heathens was settled through a settlement agreement. However, athletes do not always manage to reach an agreement with the copyright holders. For example,

¹ *Urban U.I.* 10 rublej za metr muzyki: kak figurnoe katanie reshaet problemu avtorskikh prav [10 rubles per meter of music: how figure skating solves the copyright problem] // Forbes. 2025. 11 iyun. URL: <https://www.forbes.ru/sport/539420-10-rublej-za-metr-muzyki-kak-figurnoe-katanie-reshaet-problemu-avtorskikh-prav> (accessed: 15.02.2026).

² *Stephany S. Kim.* U.S. Olympic Figure Skaters Sued for Copyright Infringement // The Columbia Journal of Law & the Arts. 2022. 8 March URL: <https://journals.library.columbia.edu/index.php/lawandarts/announcement/view/507> (accessed: 15.02.2026).

in 2021, Angelina Melnikova, who performs in gymnastics, was asked to buy back the rights to a piece of music used to perform floor exercises. Disagreements arose on the eve of the Olympics, and the foreign copyright holder demanded twenty-five thousand dollars from the gymnast. Such a price was clearly disproportionate to the thirty-second time frame used and could not be paid from the budget of the gymnastics federation. Due to the prevalence of such situations, the question arises of the good faith of a copyright holder's behavior.

To prevent possible conflicts, sports organizations issue guidelines and recommendations to ensure that athletes and coaches do not violate copyright. Thus, the Guide of the International Olympic Committee "Music in Sport — Guidance for Athletes", approved in 2025, provides the fundamental provisions governing the use of musical works in high-performance sports¹. These include an athlete's personal responsibility for compliance with the procedure of obtaining permission from copyright holders to include a piece of music in their competition program (paragraph 2.1 of the Guidelines). At the same time, permits must be specified for each country where the athlete is going to perform in accordance with the schedule of international competitions of the season. Sometimes this approach requires dynamism in cooperation with a copyright holder, when, after a national selection, an athlete will compete on the European Championships in a couple of weeks, for example.

The Guide also recommends to completely clear the rights to a piece of music, soundtrack, or performance while creating a competition program (paragraph 2.2). That is why the use of the largest platform "ClicknClear" is widespread. This platform allows to choose from a large catalog of pre-cleaned tracks, license tracks from the database at a fixed price or submit a request for compositions outside the catalog. But even within ClicknClear copyright holders have the right to revoke licenses, which creates unpredictability in legal relations between them and athletes. This means that the agreements reached by the subjects during direct negotiations come to the fore.

In practice, it turns out that athletes are often unaware of all the subtleties of obtaining permission from authors, performers and music labels to use a piece of music. For example, when Angelina Melnikova was asked in 2023 about a song for her floor exercises performed by Lady Gaga, the gymnast replied that she did not know if the singer could have any complaints about such use of her work². Of course, no one requires an athlete to have a thorough knowledge of copyright

¹ Music in Sport Guidance for Athletes // Olympics. 2025. 17 Nov. URL: <https://www.olympics.com/athlete365/articles/musicinsport/music-in-sport-guidance-for-athletes> (accessed: 15.02.2026).

² Gimnastka Melnikova ne znaet, budut li u Lady Gaga voprosy po ispolzovaniyu ee muzyki [Gymnast Melnikova doesn't know if Lady Gaga will have any questions about using her music] // TASS. 2023. 3 sent. URL: <https://tass.ru/sport/18644799> (accessed: 15.02.2026).

law. However, it is important for sports federations not to let the situation take its course because the responsibility for violations of the misuse of a piece of music lies precisely with an athlete.

As mentioned before, there are some mechanisms to facilitate the licensing of musical works for competitive performances on the national and international levels but they are still not reliable enough. It is obvious that the use of musical works in high-performance sports is at the stage when there is an imbalance between the rights and obligations of copyright holders and athletes. Athletes should definitely follow the procedure of obtaining permission from authors, performers and music labels if they want to create programs based on modern music, even if this procedure is complicated. But the situation when copyright holders have the right to revoke this permission any time allows them to abuse their right, which harms an athlete's professional career.

Licensing agreements should provide an athlete with more legal guarantees for the use of a piece of music in the program during the competition season. It is necessary for international sports organizations to reach this to prevent discrimination against athletes and give them an opportunity to prepare for contests in more equal conditions in terms of a fairness. Interaction between copyright holders of musical works and a sports community should be based on cooperation and mutual respect, rather than creating obstacles to each other's activities.

The legal aspects of the use of musical compositions in high-performance sports include international treaties, norms of national legislation of different countries. Their implementation is being transformed due to new trends of the rules of sports federations and the advent of technologies to simplify licensing through catalogs.

At this stage, it is important for athletes, as well as their national sports federations, to check whether a copyright holder has issued permission to use a musical composition in a competition program. The most accessible way to create a performance is still to turn to music belonging to the public domain, since it is not a subject of exclusive rights of copyright.

This study has shown that efforts should be continued to provide legal education to athletes, coaches, team managers and organizations involved in holding major international tournaments regarding copyright and related rights and the need to respect them in sports. This is facilitated by creating special online courses and recommendations by international and national sports organizations.

Theoretical understanding of legal cases that have arisen in high-performance sports helps to minimize the risks of copyright infringement and optimize the licensing processes of musical works. This is essential for development of both intellectual property law and sports law, which expands the understanding of the legal mechanisms governing the use of music in professional sports.

References

Day E. New Music, New Rules: Figure Skating into the New Copyright Era // Brooklyn Sports & Entertainment Law Blog. 2025. 16 June URL: <https://sports-entertainment.brooklaw.edu/music/new-music-new-rules-figure-skating-into-the-new-copyright-era/> (accessed: 15.02.2026) (In English)

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961) // WIPO, 1988. — 20 p. (In English)

Gimnastka Melnikova ne znaet, budut li u Lady Gaga voprosy po ispolzovaniyu ee muzyki [Gymnast Melnikova doesn't know if Lady Gaga will have any questions about using her music] // TASS. 2023. 3 sent. URL: <https://tass.ru/sport/18644799> (accessed: 15.02.2026) (In Russian)

“Grazhdanskij kodeks Rossijskoj Federatsii (chast chetvertaya)” [The Civil Code of the Russian Federation (the fourth Part)] ot 18.12.2006 № 230-FZ (red. ot 23.07.2025) // Rossijskaya gazeta [Russian newspaper]. 2006. № 289. (In Russian)

Kretschmer M., Kawohl F. (2019). Musical works in the digital age: Copyright, technology, and creativity. Cambridge University Press. (In English)

Music in Sport Guidance for Athletes // Olympics. 2025. 17 Nov. URL: <https://www.olympics.com/athlete365/articles/musicinsport/music-in-sport-guidance-for-athletes> (accessed: 15.02.2026) (In English)

Panja T. Songs Will Play on Ice, if Skaters Got the Rights // The New York Times. 2026. 14 Feb. (In English)

Pravo intellektualnoj sobstvennosti: Uchebnik [Intellectual Property Law: Textbook] / E. S. Grin', V. O. Kalyatin, S. V. Mikhajlov i dr.; pod obshch. red. L. A. Novoselovoj. M.: Statut, 2017. T. 2: Avtorskoe pravo [Vol. 2: Copyright]. — 233 p. (In Russian)

Ricketson S. The Berne Convention for the protection of literary and artistic works: 1886–1986 / Sam Ricketson. — London: Centre for commercial law studies. Queen Mary college, 1987. — LXII, 1030 p. (In English)

Sportivnoe pravo: dogovornye otnosheniya v sporte: uchebnoe posobie dlya vuzov [Sports law: contractual relations in sports: a textbook for universities] / S. V. Alekseev, M. O. Buyanova, A. V. Chebotarev; pod redaktsiej S. V. Alekseeva. — Moskva: Izdatelstvo Yurajt [Moscow: Yurajt Publishing House], 2020. — 107 p. (In Russian)

Stephany S. Kim. U.S. Olympic Figure Skaters Sued for Copyright Infringement // The Columbia Journal of Law & the Arts. 2022. 8 March URL: <https://journals.library.columbia.edu/index.php/lawandarts/announcement/view/507> (accessed: 15.02.2026) (In English)

Urban U. I. 10 rublej za metr muzyki: kak figurnoe katanie reshaet problemu avtorskikh prav [10 rubles per meter of music: how figure skating solves the copyright

problem] // Forbes. 2025. 11 iyun. URL: <https://www.forbes.ru/sport/539420-10-rublej-za-metr-muzyki-kak-figurnoe-katanie-resaet-problemu-avtorskih-prav> (accessed: 15.02.2026) (In Russian)

WIPO Performances and Phonograms Treaty (1996) // WIPO, 1997. — 36 p. (In English)

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