

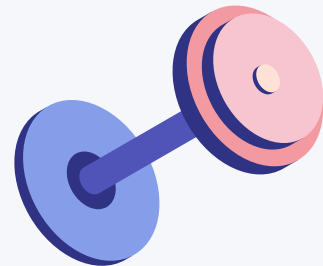


# **Intellectual Property**

**in the**

# **Fitness Industry**

Kierra Leonard + Asia Clarke  
LAW 422: Intellectual Property



# Introduction



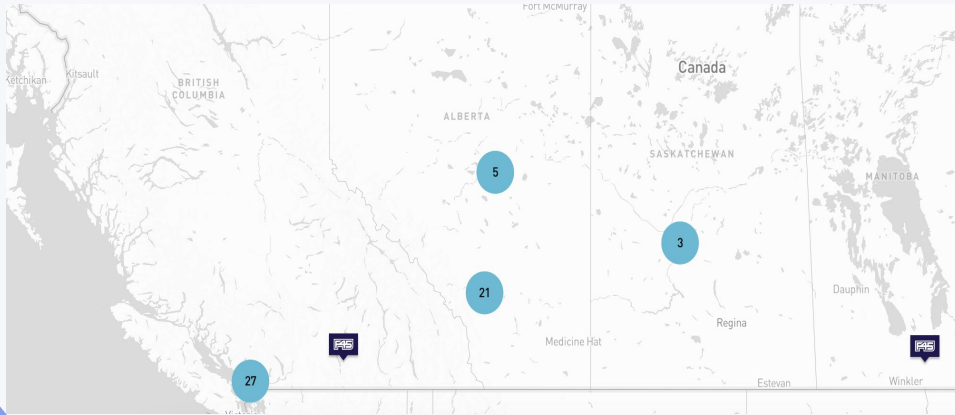
**kommunity**

# Copyright

- What is F45 and Kommunity?
- Should workout classes be copyrightable?
- Was a literary, dramatic, musical, or artistic work created?
- Is the work an original expression?
- Is the work in a fixed form?

# Passing Off

Smith spent a decade in Toronto at BDO and his father's insurance company, but his dream was always to be an entrepreneur. After a friend returned from an Australian holiday raving about F45, Smith took an intelligence-gathering trip to Sydney. In 2015, he became co-owner of the first Canadian F45 franchise, taking over a former spinning studio in the condo-filled Liberty Village neighbourhood. "People don't want to waste time figuring out what to do in a big gym. Here, you just show up and get results," said Smith. "I'd never seen anything like it in Canada—personal training in a group atmosphere that's super social." So social that Smith met his wife at F45, and they moved to London to open two more.



### F45 Training Point Grey

4.9 ★★★★★ (39) · Gym

3349 W Broadway · (604) 900-7332

**Closed** · Opens 5:30 a.m. Thu

Onsite services

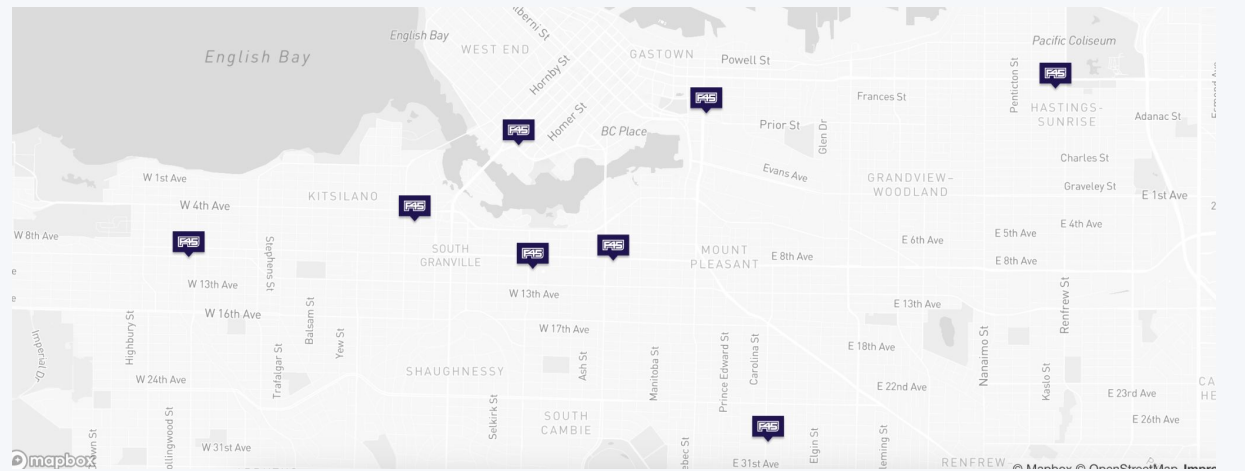
### F45 Training Kits Point

4.9 ★★★★★ (55) · Fitness center

3+ years in business · 1735 W 4th Ave · (778) 951-5445

**Closed** · Opens 5:30 a.m. Thu

👤 "Eric runs a great ship!"



# Confusion



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# Patent Issues

- F45 case in Australia
- Nike vs Lululemon workout mirror patent infringement



# Questions for the Class

1. Should there be protection for owners who create unique businesses? If so, where does this best fit into IP law?
2. What are some of the risks and benefits of allowing workout companies like F45 to have copyright protection? Do the risks outweigh the benefits or vis versa?

# THANKS!

## Sources:

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