

## Goal Celebrations and Other Distinctive Elements

Recent reports in the Turkish press claiming that Warner Bros. has filed a lawsuit against Fenerbahçe footballer Kerem Aktürkoğlu for using the nickname “Harry Potter” on the pitch and in social media content, as well as for performing a goal celebration allegedly referring to the fictional universe created by J.K. Rowling, have once again brought to the forefront the intersection between intellectual property law, popular culture, and sports. These developments have reopened the discussion on under what circumstances elements originating from literary and cinematographic works that have spread into popular culture may benefit from protection under copyright and trademark law.

The Harry Potter universe, which constitutes the subject of the alleged dispute, represents a comprehensive intellectual property structure encompassing multiple categories of rights, including novel texts, motion pictures, character designs, musical works, symbols, and various other creative elements. A significant portion of these elements is protected as works or parts of works under the Turkish Law on Intellectual and Artistic Works No. 5846 (“LIAW”). In addition, expressions such as “Harry Potter,” “Hogwarts,” and various logos are also protected through registered trademarks owned by Warner Bros. and its affiliated companies.

Indeed, pursuant to Article 83 of the LIAW, not only the title of a work but also original elements that have become closely associated with the identity of the work and that serve a distinctive function are protected as identifiers of the work. Similarly, Article 13 of the LIAW explicitly provides that the rights granted to the author apply not only to the work as a whole, but also to its distinctive parts. Within this framework, copyright infringement may arise not only from reproducing or communicating a work in its entirety, but also from the unauthorized use of distinctive elements that allow the work to be recognized, such as a character’s appearance, characteristic costumes, or other identifying features.




When this legal framework is applied to the debate surrounding goal celebrations, it appears difficult to consider a simple gesture performed on the football field, by itself, as an infringement of works or distinctive elements belonging to the Harry Potter universe. A goal celebration generally does not constitute a direct imitation of distinctive elements uniquely associated with a fictional character, nor does it directly incorporate the defining visual or auditory features of the work. Moreover, it is evident that a momentary gesture performed during a match would in most cases not fall within the acts enumerated under the law. Therefore, the mere use of a nickname or a spontaneous movement on the pitch may not, on its own, constitute copyright infringement.

On the other hand, the legal assessment may change if the goal celebration is shared on social media or other platforms together with original film music, visuals reminiscent of character designs, or registered logos. Such use may constitute unauthorized exploitation of distinctive elements of a work under the LIAW, while also giving rise to potential trademark infringement claims due to the unauthorized use of registered marks. Particularly where such content is shared for advertising, sponsorship, or personal branding purposes, the use may acquire a commercial character, which may lead to the conclusion that an unfair advantage is derived from the protected elements.

Another notable development in recent years is the increasing tendency of athletes to protect their names, images, voices, and gestures under image rights. Image rights represent a legal field situated at the intersection of personality rights and intellectual property law, and they have gained significant economic value in advertising agreements and sponsorship arrangements.

Although goal celebrations generally do not qualify as copyright-protected works, a particular movement or pose may still be protected under trademark law where it becomes a distinctive sign recognized by the public and capable of indicating the commercial origin of goods or services.

In this context, a notable example is the French footballer Kylian Mbappé, who registered his goal celebration as a trademark before the European Union Intellectual Property Office (“EUIPO”) , in which he crosses his arms over his chest. Similarly, the English footballer Cole Palmer obtained trademark registration in 2025 for his goal celebration known as “Cold Palmer,” which involves holding the arms forward while making a trembling gesture. The motion mark has been registered before both the EUIPO and the United Kingdom Intellectual Property Office. In addition, Palmer has secured trademark protection for the word mark “Cold Palmer” before various intellectual property offices and has also filed trademark applications for the figurative representation of the goal celebration itself.

		 COLD PALMER
Figurative trademark registered in 2019 in the name of Kylian Mbappé Lottin	Trademark application filed in the United States in 2025 for Palmer Management Limited	Applications before the United Kingdom IP Office for Palmer Management Limited

These registrations protect the relevant signs and expressions under trademark law, particularly in relation to commercial use, licensing, and merchandising. However, for trademark infringement to arise, the sign must be used in a way that is perceived by the relevant public as indicating the commercial origin of goods or services. In other words, the sign must be used as a trademark.

In conclusion, the reports concerning Kerem Aktürkoğlu have in fact created an important basis for discussion regarding the position of fictional characters and, on the other hand, athletes’ image rights within the framework of intellectual and industrial property law. The provisions of the LIAW concerning copyrightable works and the distinctive elements of works, together with the protection provided under trademark law, require a more careful legal assessment by both rights holders and content creators in today’s world where popular culture and the sports industry increasingly intersect.

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