

January 2012

## LONDON CALLING! PROTECTING THE BRANDS OF THE 2012 GAMES

**With the start of the Olympic Games now less than six months away, the rush for tickets is on again, the torch route has been announced and last minute plans are being made to ensure that the Games run smoothly. The latest buzz surrounding the Games will no doubt tempt businesses, not directly connected with the Games, to try and get in on the action. However, the very strict rules and regulations in connection with the hosting of the Games mean that it will be extremely difficult for businesses to try and associate themselves with the Games unless they are an official sponsor or licensee. Anna Szpek and Mark Green of UDL's London office discuss the issues.**

### The Commercial Imperative for LOCOG

The London Organising Committee of the Games and Paralympic Games Limited (LOCOG) is a private company responsible for preparing and staging the Games. It only receives 3% of its funding from the public purse which has to be spent on the Paralympic Games. Therefore, LOCOG has the massive task of generating its own income through ticket sales, merchandise and sponsorship. In order to generate the level of funding required to stage the Games, LOCOG has to exploit its most valuable asset, namely the London 2012 brand.

### The Olympic and London 2012 Brands

The Olympic symbol is arguably the most recognisable symbol in the world. The five ring logo is protected in all 45 classes of the Community trade mark register and LOCOG has an obligation to the International Olympic Committee (IOC) to protect the value of the brand to ensure future generations are also able to raise revenue from this asset.

Many of the logos, as well as the mascots Wenlock and Mandeville, being used by LOCOG have been protected with trade mark registrations but legislation, namely, the Olympic Symbol (Protection) Act 1995 and the London Olympic Games and Paralympic Games Act 2006 also protects certain words and symbols. Words such as "Olympic", "Olympian", "Paralympiad", the Olympic motto "Citius, altius, fortius" and variations thereof are not freely available for use in a business context. The 2006 Act granted LOCOG the London Olympic Association Right which goes further than standard trade mark registration rights and seeks to prevent individuals or businesses from creating an association "in the public mind" in the course of trade between a business, product or service and the London 2012 Olympic Games and/or Paralympic



Games. Official partners and sponsors have specific rights to use the Olympic symbol.

The Act lists “specific expressions” which are directly connected with the Games. Use of any two words from Group 1 together is not permitted nor is the combination of a word from Group 1 with one or more words from Group 2.

#### **Group 1**

Games, Two Thousand and Twelve, 2012, Twenty-Twelve

#### **Group 2**

London, sponsor, summer, medals, gold, silver, bronze

It is necessary to remember that the rules apply to use in a written or audio format as well as use on the Internet. Furthermore, use outside of the UK is likely to be subject to similar laws prohibiting use of certain words and symbols connected with the Games.

As you can see there is very little room to try and create a link with the Games without LOCOG’s permission.

There are some exceptions which will allow use of certain of the prohibited words and logos to be used. Journalists can use the words and symbols without authorisation in editorial pieces about the Games.

A further exemption has been made for businesses that have traded with the word “Olympic” or variations thereof as part of their

business name since before 1995 and have done so continuously in the same manner. An example is the Greek airline Olympic Airways. Setting up a company or purchasing a domain name now using the word Olympic is prohibited.

Not only are there a number of restrictions in terms of using words and expressions which may create an association with the Games, there are also strict rules that local businesses will have to adhere to, including when the Olympic torch passes through their area. There is to be a “London 2012 Look” which “requires all venues to be clean of commercial, political or religious advertising and messaging, leaving only the “Look of the Games”.

LOCOG has provided information on the London 2012 brand on their website which can be accessed at <http://l2012.cm/dulwql> Associated documents provide examples of what kind of advertisements will be acceptable, and what will not.

### **Official Partners and Suppliers Rights**

As discussed above, the London 2012 Olympics and Paralympics are dependent for income on official partners, supporters, providers and suppliers. These companies have paid high amounts for the privilege. A full list of these companies can be found on the London 2012 website at <http://l2012.cm/mvnaBS> LOCOG is going to great lengths to ensure that the official sponsors truly obtain exclusivity in return for their investment.

### Ambush Marketing

The authorised commercial entities and LOCOG will be on their guard for ambush marketing, which has become a problem at major sporting events. A high profile and successful example was the appearance of the “orange girls” at the FIFA World Cup in South Africa in 2010. Dressed in orange, and apparently supporting The Netherlands, they were in fact an ambush marketing stunt for Bavaria beer, when Bavaria were not one of the official tournament sponsors. No doubt there will be further incidents at London 2012. Particularly at risk are events such as the marathon and the cycling events which take place on public roads. LOCOG will have a large team of brand aware officials looking out for such ambush stunts.

### Sports and Spectator Clothing and Kit

The issue of conflicting rights has also come to prominence of late, notably at the Rugby World Cup in 2011 when England players wore branded mouthguards. There is a single official sports kit sponsor, Adidas, and only sports kit bearing Adidas branding will be permitted at the events. Added to the IOC enforcement of a clean venue policy, athlete’s who wear any sponsor’s logo can be thrown out of the games. There are exceptions which are set out in IOC guidelines. Even spectators will be caught by this policy—clothes bearing advertising or commercial messages cannot be worn at the venues. With the growth of brand names as slogans on clothing, it will be interesting to see how this is enforced at the gates.

### The Athletes and Teams

The temptation to cash in on the success of participants at the Games will be great. Advertisers will need to be careful in associating themselves with athletes, particularly without their permission. There are also problems in using an athlete to endorse a product—during the Games, competing athletes are not allowed to endorse any products at all. Companies with ongoing contracts can use advertising and endorsements before and after the Games. Even using previous sporting stars can cause problems if there is seen to be any attempt to cause an association to be made with the London 2012 Games.

### Conclusions

With the eyes of the world on London and the United Kingdom this summer, the Games will be a prime opportunity to raise brand awareness. However, the rights of the IOC, of LOCOG and of the official Games suppliers and partners are strict and will be rigorously enforced. As we have discussed, even spectators can be caught by the rules. Reviewing the IOC and LOCOG guidelines and seeking legal advice if in any doubt is the prudent way forward.

For further advice, please speak to your usual UDL contact, or the authors of this Hot Topic.

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