

The London Organising Committee of the
Olympic Games and Paralympic Games Ltd

Business – What you need to know
August 2010



Brand protection

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Please note: The examples given in this booklet are for illustrative purposes only and do not indicate that an activity definitely will, or will not, infringe LOCOG's rights. A wide variety of factors, including content, context and presentation, will be relevant when determining infringement and cases must be reviewed on an individual basis considering all the circumstances. This booklet may be updated or amended periodically to reflect changes in the law and so on.

Published August 2010

Introduction

London's successful bid for the 2012 Olympic Games and Paralympic Games was based on the promise of a spectacular and inspirational Games for the UK, and the world.

The London Organising Committee of the Olympic Games and Paralympic Games (LOCOG) has the job, working with the Olympic Delivery Authority (ODA) and other London 2012 stakeholders, to deliver on that promise.

National Lottery and public funding for the Games is being used by the ODA to build the permanent venues and infrastructure necessary for the Games. But LOCOG has to raise the hundreds of millions of pounds necessary to organise and host the Games from the private sector – by selling sponsorship, official merchandise and tickets. The value of the London 2012 brand will therefore be crucial to LOCOG's funding.

We are delighted at the overwhelming enthusiasm for the Games throughout the UK. We want that public support to continue.

Maintaining support from the business community is particularly important and we want to ensure that the economic benefits from the Games are felt by the whole of the UK. Businesses nationwide have the opportunity to tender for thousands of Games-related procurement contracts and can get updates and notifications about relevant tenders by registering, via london2012.com/business, with CompeteFor, our chosen website for the publication of Games-related contract opportunities.

We also know that people are eager to use the Games to boost their business activities by marketing their products in connection with London 2012. Companies which are official London 2012 sponsors have that right. But to protect our sponsors' investment in the Games, and to give them the exclusive association with London 2012 for which they pay, we must prevent other businesses exploiting London 2012 in this way without our authorisation.

As well as preventing people creating an unauthorised association between their goods and services and the Games, we must be able to stop the sale of counterfeit and unofficial goods, and prevent other activities that undermine our ability to generate revenue for the Games.

To help us achieve this, and raise the money we need, Parliament has passed special laws, which are explained in this booklet.

But, in short, the best way you can support the Games now is by respecting the London 2012 brand – and the law.

Thank you for your ongoing support.



Seb Coe
Chair
London 2012 Organising Committee

Why we need to protect the brand

Our brand is our most valuable asset. To fund the Games LOCOG 'sells' its brand to sponsors and merchandise licensees. If anyone could use London 2012 logos or associate with the Games for free, this funding model simply wouldn't work.

Official London 2012 sponsors make a huge contribution to the Games by investing millions of pounds and providing their goods, services, expertise and support to the Games. In return they are given the exclusive right to market their products in connection with London 2012 and use the official logos. To protect those partners' investment in the Games, LOCOG must prevent ambush marketing. This is something that all major sports events have to tackle and must take legal steps to prevent.

Ambush marketing, the sale of counterfeit and unofficial goods and other similar activities will, if left unchecked, each undermine LOCOG's ability to generate revenue for the Games. If LOCOG fails to tackle ambush marketing and misses its revenue targets, the quality of the Games will suffer and the potential for leaving a financial legacy for sport in the UK will be lost. This is in no-one's interests.

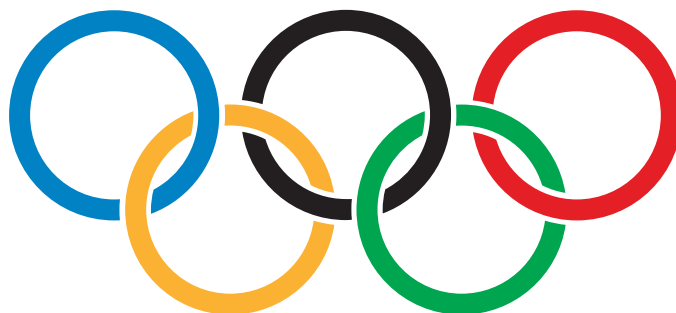
The laws which will allow LOCOG to prevent ambush marketing and other damaging activities are described over the next few pages.

What is ambush marketing?

Also known as parasitic or guerrilla marketing, ambush marketing describes a business' attempts to attach itself to a major sports event without paying sponsorship fees. As a result, the business gains the benefits of being associated with the goodwill and public excitement around the event for free. This damages the investment of genuine sponsors, and risks the organiser's ability to fund the event.

The Olympic and Paralympic emblems

When London won the right to stage the Olympic Games and Paralympic Games in 2012, it became a guardian of one of the most recognised symbols in the world – the Olympic rings.



The five interlocking rings represent the union of the continents and the meeting of athletes from throughout the world. They have also come to symbolise the Olympic spirit and values of fair play, peace and friendship.

LOCOG is also responsible for staging the 2012 Paralympic Games, and so must protect the Paralympic symbol too.



The Paralympic symbol consists of three 'agitos' and represents the passion, inspiration and excitement of the Paralympic Games.

When London was entrusted with hosting the Games in 2005, the bid team made a commitment to protect these symbols and the value, integrity and image of the Olympic Games and Paralympic Games. LOCOG is now legally bound to do this.

What is the London 2012 brand?

The Olympic symbol and the three agitos of the Paralympic Movement underpin the London 2012 brand and they are at the heart of the London 2012 emblems, the official marks of the Games.



These emblems are supplemented by various other designs including the London 2012 mascots and the pictograms (which will depict each sport) and Games' graphics, some of which are shown in this booklet.

In addition to protecting these elements of the London 2012 brand, LOCOG must also protect all other Olympic and Paralympic marks which create a connection with the Olympic and Paralympic Movements, including, for example, the London 2012 bid logo.

The British Olympic Association (BOA) and British Paralympic Association (BPA) are responsible for preparing and taking the British Olympic and Paralympic Teams (Team GB and ParalympicsGB) to the 2010 and 2012 Games. However, LOCOG has taken on responsibility for protecting the Team logos and those of the BOA and BPA. If this is neglected, the funding of British athletes will be put at risk.

Collectively, all of these logos, designs and other marks relating to London 2012, Team GB, ParalympicsGB and the Olympic and Paralympic Movements in general, make up 'the Protected Games' Marks' (see next page).

The only people entitled to use the London 2012 brand and the Protected Games' Marks are LOCOG, its sponsors and official broadcasters, official merchandise licensees and licensed non-commercial partners.

The Protected Games' Marks

All of the following names, words, marks, logos and designs relating to London 2012 and/or the Olympic and Paralympic Movements (collectively known as the Protected Games' Marks) are legally protected marks owned by or licensed to LOCOG.

Protected trade marks and designs:



The words: **London 2012 – 2012 – LOCOG – Javelin**
Team GB – Get Set – Games Maker

All of the above marks and words are protected either as registered trade marks, registered designs and/or by common law. Our bespoke font (as used on the cover of this document) is also legally protected, as will be all other official marks of London 2012 including Games' mascots.

Please note: As illustrated above, the London 2012 Olympic Games logo is flexible. It is used in different colours, including the colours shown in this document, and can be filled-in with an image or design as demonstrated by the Union flag and 'pencil' infills shown above. All of these variations of our emblem are legally protected.



For the latest details on our brand visit our website, london2012.com

The Protected Games' Marks – continued

Protected by copyright:

All films, musical works, artistic works and designs (for example the Games' emblems, pictograms, mascots and posters) created by LOCOG or other official Olympic and Paralympic bodies (already or in the future) in connection with the Games will be protected by copyright.

Protected by the Olympic Symbol etc (Protection) Act 1995:

| The words: | The symbols of: | The mottos of: |
|---|---|--|
| <ul style="list-style-type: none">– Olympic– Olympian– Olympiad– Paralympic– Paralympian– Paralympiad <p>their plurals, translations and anything similar to them.</p> | <ul style="list-style-type: none">– The International Olympic Committee (IOC):  <ul style="list-style-type: none">– The International Paralympic Committee (IPC):  <p>and anything similar to them.</p> | <ul style="list-style-type: none">– The IOC: Citius, Altius, Fortius and Faster, Higher, Stronger.– The IPC: Spirit in Motion <p>their translations and anything similar to them.</p> |

Protected by the London Olympics Association Right (LOAR):

The London Olympic Games and Paralympic Games Act 2006 grants to LOCOG the LOAR. It allows LOCOG to prevent people, without its authority, from creating an association between a business, goods or services, and the London 2012 Olympic Games and/or Paralympic Games. Further information about the LOAR is given on pp10-11.

The London Olympics Association Right

LOCOG protects its brand in the same way as other sports events and businesses do – by registering trade marks and by relying on the laws of copyright, design-right and passing-off and so on.

In addition, Parliament has also granted LOCOG special legal rights under the London Olympic Games and Paralympic Games Act 2006 (referred to as the 2006 Act) and the Olympic Symbol etc (Protection) Act 1995 (see p12). These prevent certain activities 'in the course of trade'. However, the legislation will still apply to many of the activities of not-for-profit organisations - for example, selling sponsorship, holding events and selling other services to members.

The 2006 Act grants LOCOG the 'London Olympics Association Right'. This gives LOCOG the exclusive right to grant its sponsors and licensees authorisation to create an association between their business, goods or services and London 2012.

It also gives LOCOG the right to prevent people creating such an association without its authorisation, unless a defence applies (see p13).

An association with London 2012 can be created by the use of **any** words, images or marks, or, more likely, a combination of these. For example: athletic images, representations of an Olympic-style torch and flame, the colours of the Olympic rings, words or iconic images which evoke the spirit of the 2012 Games, and other representations relating to the Games may each contribute to the creation of an association with the 2012 Games.

So, for example, LOCOG can take legal action against businesses which falsely suggest an association between their goods or services and London 2012 in their advertising or on their goods.

The question of whether or not an association with London 2012 has been created in any particular case will depend on the overall impression given by the advert, marketing material or goods in question.

The 2006 Act also specifies certain 'Listed Expressions' and states that a court may take these into particular account when determining if an association has been created with London 2012. Although the Listed Expressions are a helpful guide they are not the only thing a court would look at so it shouldn't be assumed that if a Listed Expression is not used LOCOG's right will not be infringed.

The Listed Expressions are:

- any two of the words in list A below

OR

- any word in list A with one or more of the words in list B below:

A

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

B

London, medals, sponsors, summer, gold, silver, bronze

For example, the following phrases use the Listed Expressions and someone would be likely to fall foul of the law if they used them without LOCOG's authorisation:

- 'Backing the 2012 Games' ✗
- 'Supporting the London Games' ✗

Some illustrated examples are shown on the next page.

The London Olympics Association Right – continued

There will be many cases when the Listed Expressions will have been used, but no association will have been created with London 2012. In those cases, LOCOG's rights will not be breached.



Example: An advert which uses the words 'sponsor' and '2012' in a context which in no way suggests an association with London 2012



However, an unlawful association can be created **without** any use of the Listed Expressions. Infringement will ultimately depend on whether the impression of an association with London 2012 has been created.



Example: An advert which creates an association with London 2012 through use of images and text



Remember, LOAR can be infringed whether or not the Listed Expression are used. The key question is: has an association been created with London 2012?

The Olympic Symbol etc (Protection) Act 1995

The Olympic Symbol etc (Protection) Act 1995 (referred to as OSPA) prevents the use, in the course of trade, of any of the Olympic and Paralympic words, mottos and symbols indicated on p9.

It is unlawful, for example, to use them in advertising, on business papers (for example stationery and literature), on goods or their packaging and on signs under which goods or services are offered.

OSPA does not just apply to the London 2012 Games, but relates to any activity which uses the words, mottos or symbols protected by OSPA.

Remember, OSPA also protects words and symbols similar to those listed. So, for example, words like 'Olympix' and variations of the Olympic rings should not be used.



X Example: A T-shirt using the protected symbols and/or words.

LOCOG's legal rights – further details

Defences and exceptions

All of the legal rights on which LOCOG will rely are subject to defences and exceptions which will allow certain uses of the Protected Games' Marks.

For example OSPA and the 2006 Act (see previous pages) grant exceptions for editorial and journalistic use. OSPA and the 2006 Act also provide defences which allow for statements of fact to be made, provided this is in accordance with honest commercial practices and not made gratuitously for purely marketing purposes.

Enforcement

LOCOG can enforce its legal rights by, for example, seeking an injunction to stop infringing activities, suing for damages and/or requiring account to LOCOG of the infringer's profits.

Further information

Detailed information on LOCOG's rights and the defences available under OSPA and the 2006 Act is available at london2012.com/brandprotection



Example: Editorial coverage in a newspaper

Do's and don'ts: Advertising and marketing

There are clear rules governing advertising and marketing in relation to the Olympic Games and Paralympic Games and London 2012.

In the run-up to London 2012, businesses need to be aware of the restrictions on developing any campaign or promotion which creates a link to the Games.

The following pages give information on various specific areas, but the general rule is that you should not use the Olympic or Paralympic Games as a marketing tool unless you are an official sponsor.

Do respect the investments made by official London 2012 sponsors to gain an exclusive right of association with the Games.

Do advertise your goods or services without creating an association with the Games.

Don't suggest an association between your products or services and the Olympic Games and/or Paralympic Games, or London 2012. This includes in advertising but also in any marketing material or sales promotions (see examples below and on the next page), as well as in major internal corporate marketing and employee engagement activities.



Example: A promotional offer

GASCORP

**CELEBRATING THE
LONDON GAMES**

SIGN UP

**FOR GUARANTEED LOW
PRICES UNTIL 2012, JUST RETURN
THE FORM BELOW AND YOU'LL
BE A WINNER**

Do's and don'ts: Advertising and marketing



✗ Example: A credit card advertised using the colours of the Olympic rings and athletic imagery



✓ Example: An advertisement for running shoes which does not refer to London 2012 in any way

Do's and don'ts: Advertisement features and promotional events

LOCOG's legal rights do not prevent use of the Protected Games' Marks for editorial use – for example when journalists are reporting on or providing information about London 2012, the Olympic Games or Paralympic Games.

However, the protection for journalism does not extend to advertisements written in the form of an article (commonly referred to as 'advertisement features') which suggest an association between a product and so on and the Games. These must be treated in the same way as normal adverts (see p14). Nor should marketing materials or events which provide information about the Games be presented in a way which suggests such an association. LOCOG does not wish to stop people talking about or providing information on the Games, but when doing so LOCOG's legal rights should still be borne in mind.

Advertisement features and promotional events and so on

Advertisement features suggesting an association between a brand or product and so on and the Games will be caught by the rules, as will advertising and marketing material which is published or broadcast as, or in connection with, a report or information about the Games.

Similarly, businesses which produce newsletters or briefing notes and to customers or clients need to ensure that any information provided about the Games is given in a way which does not suggest an association between their business and the Games.

The same applies to businesses which invite customers to themed events. While it may be appropriate, for example, for professional services firms to hold a seminar which includes some information about the Games, holding an event which is only about the Games may suggest an official association between that firm and the Games.

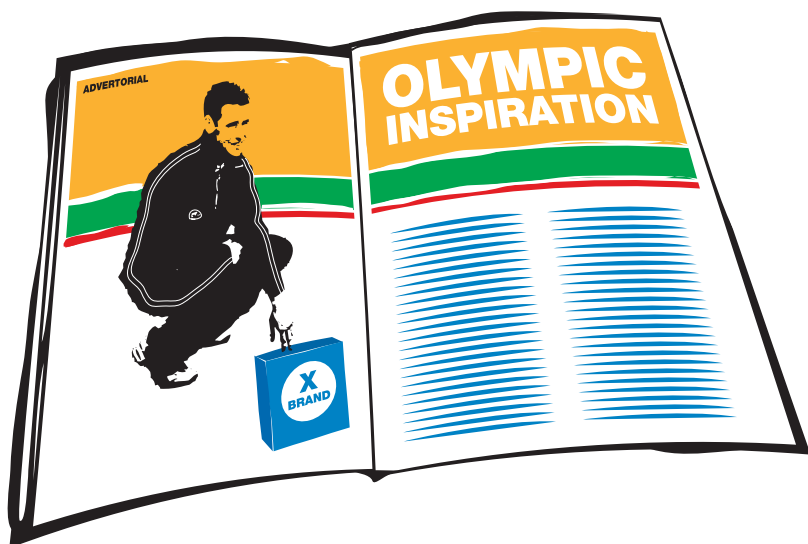
Do provide relevant, factual information to clients and customers in a way which does not promote your business in association with the Games. (For example, one section on the Games amongst several in a regular client bulletin or seminar.)

Do ensure that any information you are providing is accurate – see london2012.com

Don't put on promotional or marketing events which focus entirely on the Games, or produce marketing material or host seminars, which although informative, are presented in a way that amounts to marketing your business in association with the Games.

Don't produce advertisement features which suggest an association between your products and so on and the Games.

X Example: An advertisement feature suggesting an association between a product and the Games



Do's and don'ts: Conferences and websites

Conferences

A vast number of 'Olympic' or 'London 2012' conferences are being held throughout the UK.

LOCOG is concerned that some conferences are being presented in a way that creates a commercial association with the Games. We are also keen to ensure that the public are not misled into paying to attend conferences about the Games which falsely suggest they are in some way official and/or are not providing accurate or helpful information.

LOCOG has separate guidance for conference providers which sets out how information about the Games can be provided without infringing LOCOG's rights. These are available at london2012.com/brandprotection.

For other businesses:

Do get accurate information by attending official London 2012 conferences and seminars, or events at which LOCOG or ODA employees are speaking. (Details of these can be found at london2012.com).

Don't assume that because a conference is labelled 'Olympic' or '2012' that it is endorsed by LOCOG or that the information will be accurate.

Don't use sponsorship of a Games-related event or conference as a means of associating your products or services with the Games as in doing so you may infringe LOCOG's rights.

Websites

Websites that provide information about the Games and are being operated on a purely non-commercial basis – for example, a supporters' site used to provide information about athletes, or a chat forum about the Games – are unlikely to infringe LOCOG's rights.

But websites are not exempt from the legal provisions which protect the Protected Games' Marks.

Do use the web to get involved in the Games. Visit london2012.com to learn more about the 2012 Games.

Don't use a domain name that is likely to infringe LOCOG's legal rights. For example, a domain name used for your business which:

- contains a LOCOG trade mark (for example london2012booking.com);
- contains one of the words protected by OSPA (for example olympicssouvineers.co.uk); or
- creates an association with the 2012 Games (for example london-games2012.com).

Don't forget that trade mark and copyright laws apply to websites.

Don't sell unofficial or counterfeit London 2012, Olympic or Paralympic goods online.

Don't seek to gain an association with the Games by sponsoring websites which are about the Games as in doing so you may infringe LOCOG's rights.

X **Example:** A commercial website



Do's and don'ts: Business names and Games tickets

Business Names

Businesses which are set up under names such as 'Olympic Sports Warehouse' or '2012 Games Event Management Ltd' and so on are likely to infringe LOCOG's rights (subject to a defence applying).

Do be aware of the restrictions on businesses' trading names.

Don't adopt a business name which includes the words protected by OSPA or which suggests an association to London 2012.

Businesses which have been trading continuously under names like 'Olympic Café' or 'Olympian Trophies' prior to 1995 can, however, continue to use that name in the same manner without infringing LOCOG's rights.

Please note: Businesses trading under a name which includes a word protected by OSPA ('Olympic', 'Olympian' and so on) will not be able to register as a company under that name, nor be given a consumer credit licence, without LOCOG's authorisation.

Tickets

Tickets for the Games will be highly sought-after. They will go on sale in 2011.

Do buy Olympic and Paralympic tickets for your own personal use through official channels see london2012.com for details.

Don't use Olympic and Paralympic tickets (for London 2012 or any future Games) for product promotions – for example giving away tickets or running competitions to win tickets. The right to run ticket promotions is reserved for sponsors and will be strictly prohibited by the tickets' terms and conditions.

Ticket touting

The 2006 Act has created a ticket touting offence in relation to London 2012 events. This will catch people selling, advertising or offering to sell, London 2012 tickets (including fake tickets) in the course of a business or to make a profit.

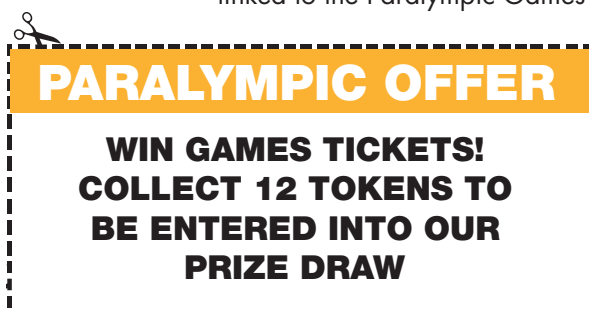
So selling London 2012 tickets for a profit (including via online auction sites) will be illegal, as will selling London 2012 tickets as part of hospitality packages without the authority of LOCOG.



Example: A long-established cafe



Example: A sales promotion linked to the Paralympic Games



Do's and don'ts: Merchandise

Merchandise

Do buy official London 2012 merchandise. The income from sales will go towards meeting the costs of organising the Games and funding British athletes. To make sure you're buying official merchandise look out for the London 2012 security hologram (see below).

Don't manufacture unofficial London 2012 or 'Olympic' merchandise, or copy official merchandise to produce counterfeit goods. This is prohibited.

LOCOG is working with the police, customs, and trading standards officers to catch counterfeiters.

LOCOG also monitors online auction sites for people selling fake London 2012 goods.

LOCOG will also enforce its rights in relation to non-criminal activities where merchandise or promotional items are being produced as marketing tools.



Example: Only buy merchandise bearing the London 2012 security hologram as shown on this tag



Example: A coffee shop which gives away commemorative London 2012 mugs



Getting involved

There are lots of ways you can get involved in London 2012 and help us host the best ever Olympic Games and Paralympic Games:

- Register with CompeteFor via london2012.com/business to get updates and notifications about relevant London 2012 business opportunities.
- Play official National Lottery London 2012 games.
- Get involved in official London 2012 events and programmes london2012.com/get-involved
- Buy official London 2012 merchandise.
- Find out about being a London 2012 Games Maker at london2012.com/volunteering
- Buy tickets to the Games.
- Do not infringe LOCOG's legal rights. If you want to report any infringements, email brandprotection@london2012.com
- Support your local athletes in their aim to compete in London in 2012. Contact the British Olympic Association or British Paralympic Association to find out how you can do this.

Please note: Unfortunately LOCOG does not have the resources to provide individual advice to people concerned that their activities may infringe LOCOG's rights.

LOCOG has however produced a document providing detailed information on its statutory rights which is available at london2012.com/brandprotection.

It provides further examples and examines the provisions of OSPA and the 2006 Act (including all of the defences available) more closely. You may find this useful. However neither that document nor this leaflet is a substitute for legal advice.

If you think you may have infringed LOCOG's rights, or you are proposing to do something which you think may infringe LOCOG's rights, we recommend that you seek independent legal advice.

If you are already supplying goods or services to LOCOG, the ODA or their supply chains, and you want to know what you can say about the work you are doing on the Games, please see the separate guidance available at london2012.com/suppliersprotocol

Protecting the London 2012 brand is essential to the success of the London 2012 Olympic Games and Paralympic Games. It is also crucial to the performance of Team GB and ParalympicsGB. By following the guidelines given in this booklet you will be supporting the Games and British athletes.

Thank you.

Thank you

London 2012 would like to thank its partners for their support

The London Organising Committee of the Olympic Games and Paralympic Games Ltd

Worldwide partners



Official partners



Official supporters



Official suppliers and providers

Airwave, Atkins, The Boston Consulting Group, CBS Outdoor, Crystal CG, Eurostar, Freshfields Bruckhaus Deringer LLP, GlaxoSmithKline, Gymnova, Holiday Inn, John Lewis, McCann Worldgroup, Mondo, Next, The Nielsen Company, Populous, Technogym, Ticketmaster, Trident.

Official partner of the Paralympic Games



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