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## THE HURDLES OF MARKETING IN THE OLYMPIC YEAR OF 2012

### The London Olympic Games and Paralympic Games Act 2006 and associated marketing regulations

- The London Olympic Games and Paralympic Games Act 2006 prevents the creation of any unauthorised association between a person or business, goods or services and the London 2012 Olympic Games or the Paralympic Games, in the course of trade.
- Whether an authorised association has been made will be assessed on a case by case basis, however, the Act specifies certain 'Listed Expressions' and states that a court may take these into particular account when determining if an association has been created.
- The Listed Expressions are: any two of the words: Games, Two Thousand and Twelve, 2012, Twenty-Twelve

OR

- Any word in the aforesaid list with one or more of the words: London, medals, sponsors, summer, gold, silver, bronze.
- Further limitations are placed on any advertising or marketing in the vicinity of Olympic venues by traders who are not tier 1 or tier 2 official sponsors.

### Olympic Symbol (Protection) Act 1995

- The following words and symbols are protected terms:
  - The Olympic motto "Citius Altius Fortius" (or Faster, Higher, Stronger)
  - Olympiad, Olympiads, Olympian, Olympians, Olympic and Olympics
  - The Olympic symbol of five interlocking rings

### The Trade Marks Act 1994 and passing off

- The Act explicitly protects the terms protected under the Acts given above.
- The London Organising Committee of the Olympic Games ("LOCOG") have registered a number of trade marks including London 2012 and representations of the Olympic mascots. Any sign, used in the course of trade, which is identical or similar to these registered trade marks and is

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Harrison Goddard Foote also has offices in Aberdeen, London, Manchester, Sheffield, York and Glasgow  
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used in relation to goods or services which are identical or similar to those for which those trade marks are registered constitutes trade mark infringement.

- LOCOG have already begun using many of their trade marks in the course of trade and have established common law passing off rights to such trade marks. Any unauthorised use of such trade marks in the course of trade is likely to be actionable under the common law tort of passing off.

### Copyright Protection

- LOCOG and official sponsors and operators will also own many works, such as images, photographs, literary works such as slogans or advertising text and logos which are protectable under copyright. Any unauthorised copying of such images or copying of a substantial part of them will be prohibited under the law of copyright.

The above is a very brief list of some of the more noteworthy forms of Intellectual Property Protection which is associated with the Olympic Games in 2012. If you wish detailed advice please contact your usual advisor at Harrison Goddard Foote.