

Insights: Publications

“Congrats and Thanks” U.S. Olympic Committee Expands Personal Sponsorship Marketing for Athletes and Sponsors at Tokyo 2020

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Brands will attempt to advertise and get their message through wherever people are watching, and people watch the Olympic Games in large numbers. Thus, just as official paid sponsorships of the Games is quite costly, other brands not paying official sponsorship fees have often attempted to engage in ambush marketing around the Games. In response to ambush marketing and to preserve high sponsorship fees, the International Olympic Committee implemented by-law Rule 40 of the Olympic Charter, which states that only approved sponsors may reference Olympic-related intellectual property. Rule 40 creates a blackout period starting nine days before the opening of the Games, and continues through three days after the closing ceremony (the “Rule 40 Period”).

In an effort to give Team USA athletes a greater ability to exploit their athletic achievements when the world is actually watching, and more autonomy over their personal marketing efforts, the U.S. Olympic and Paralympic Committee (“USOPC”) recently loosened the Rule 40 restrictions for the 2020 summer games in Tokyo, where the Rule 40 Period will run from July 14-August 11, 2020.

The updated Rule 40 requires Team USA athletes to first formally register their personal sponsors with the USOPC through an online portal. Once the athlete registers their personal sponsor, the personal sponsor will receive a link to click through to affirmatively agree to a Personal Sponsor Commitment, which, among other things, prohibits any ambush marketing or other marketing in violation of the USOPC's terms. Without this registration and agreement, the personal sponsor is not permitted to market an athlete in the United States during the Rule 40 Period.

Under the new rules, Team USA athletes can now publicly thank their personal sponsors, receive public congratulations from their personal sponsors, and engage in generic advertising (as defined by the USOPC) during the Rule 40 Period. Athletes can thank their personal sponsors a maximum of seven (7) times on their personal social media channels and websites, and personal sponsors can officially congratulate their athletes a maximum of one (1) time on the brand's social media page or corporate website. There is no limit on how many times athletes can thank brands that are official sponsors of the Olympic Games or Team USA.

In both the “thank you” and “congratulatory” messages, athletes and brands are prohibited from mentioning a

brand's specific goods or services, and from using International Olympic Committee ("IOC") and USOPC intellectual property, such as:

- Olympic and Paralympic symbols
- Game emblems
- Olympic Rings
- Protected words "Olympic," "Olympiad," "Paralympic," "Paralympics," and "Paralympiad"
- Tokyo 2020 (or other host city with the year of the games)
- Names of teams such as "Team USA"; and
- Registered trademarks, like "go for the gold" and "let the games begin."

Brands found to violate Rule 40 can be sanctioned by the IOC, USOPC, or Tokyo 2020. Sanctions can take the form of revocation of permission to advertise during Tokyo 2020, inability to get Rule 40 permission for future games, damages, and injunctive relief.

The USOPC has published a set of guidelines and examples of permissible advertising messages, here: <https://www.teamusa.org/rule40>. If you have any questions about the new Rule 40 guidelines or Olympic advertising in general, please do not hesitate to contact us.