



RULE 40

Guidelines for Non-Olympic Partners, Athletes and Agents

December 2015

BELIEVE IN EXTRAORDINARY

WHAT IS RULE 40?

- Rule 40 of the Olympic Charter states that:

“Except as permitted by the IOC Executive Board, no competitor, team official or other team personnel who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.”

WHAT IS RULE 40?



- Rule 40 limits athletes participating in the Rio 2016 Olympic Games (“**Rio 2016**”) from appearing in any advertising between 27 July 2016 – 24 August 2016 (the “**Games Period**”).
- Rule 40 applies to all uses of an athlete’s image, name or performance in any type of advertising (including print, online and digital (including social media and in mobile apps), broadcast, outdoor, as well as any personal appearances).
- Rule 40 is in place to help prevent ambush marketing, which might otherwise utilise athletes to create an association with the Games and jeopardise the funding of those, and future, Games, and the funding of Team GB.

BACKGROUND TO RULE 40



- The International Olympic Committee (“**IOC**”) has traditionally only allowed limited exceptions to Rule 40.
- For London 2012 and in recognition of the important role personal sponsors play in athletes’ careers, the BOA relaxed the provisions of Rule 40 to allow athletes to appear in personal sponsors’ advertising during those Games (subject to certain conditions).
- Since then, the IOC has made changes to its Rule 40 Guidelines which largely bring IOC guidance into line with the BOA’s existing position.

BACKGROUND TO RULE 40



- As for London 2012, the BOA will again permit Non-Olympic Partners to use athletes in advertising during the Games Period, in two scenarios:
 - **Deemed Consent**
 - **Rule 40 Waiver**
- If neither Deemed Consent nor a Rule 40 Waiver apply, the activity shall not be permitted.

TO WHOM DO THESE GUIDELINES APPLY?



- It is the responsibility of all athletes to comply with Rule 40, as per the Team Member's Agreement they have signed.
- However, businesses using athletes in their advertising, and NGBs and agents who are involved in approving use of athlete images in advertising, will want to ensure they are not putting an athlete in breach of Rule 40.
- These guidelines are therefore particularly relevant to:
 - Athletes, agents and officials;
 - NGBs; and
 - any other businesses and organisations who are not official sponsors of Team GB or the IOC (i.e. Non-Olympic Partners).

APPLICATION OF RULE 40



Deemed Consent

- This allows Non-Olympic Partners to continue to use materials featuring athletes which have been used continuously for a long-term period prior to the Games.
- Such advertising must not conflict with the purpose of Rule 40 or create an association with Team GB or the Olympic Games.
- If deemed consent applies, approval from the BOA is not required but prior notification is required to rule40@teamgb.com. Prior notification must take place by **27 January 2016**, in order that the BOA has time to raise any issues with the activity

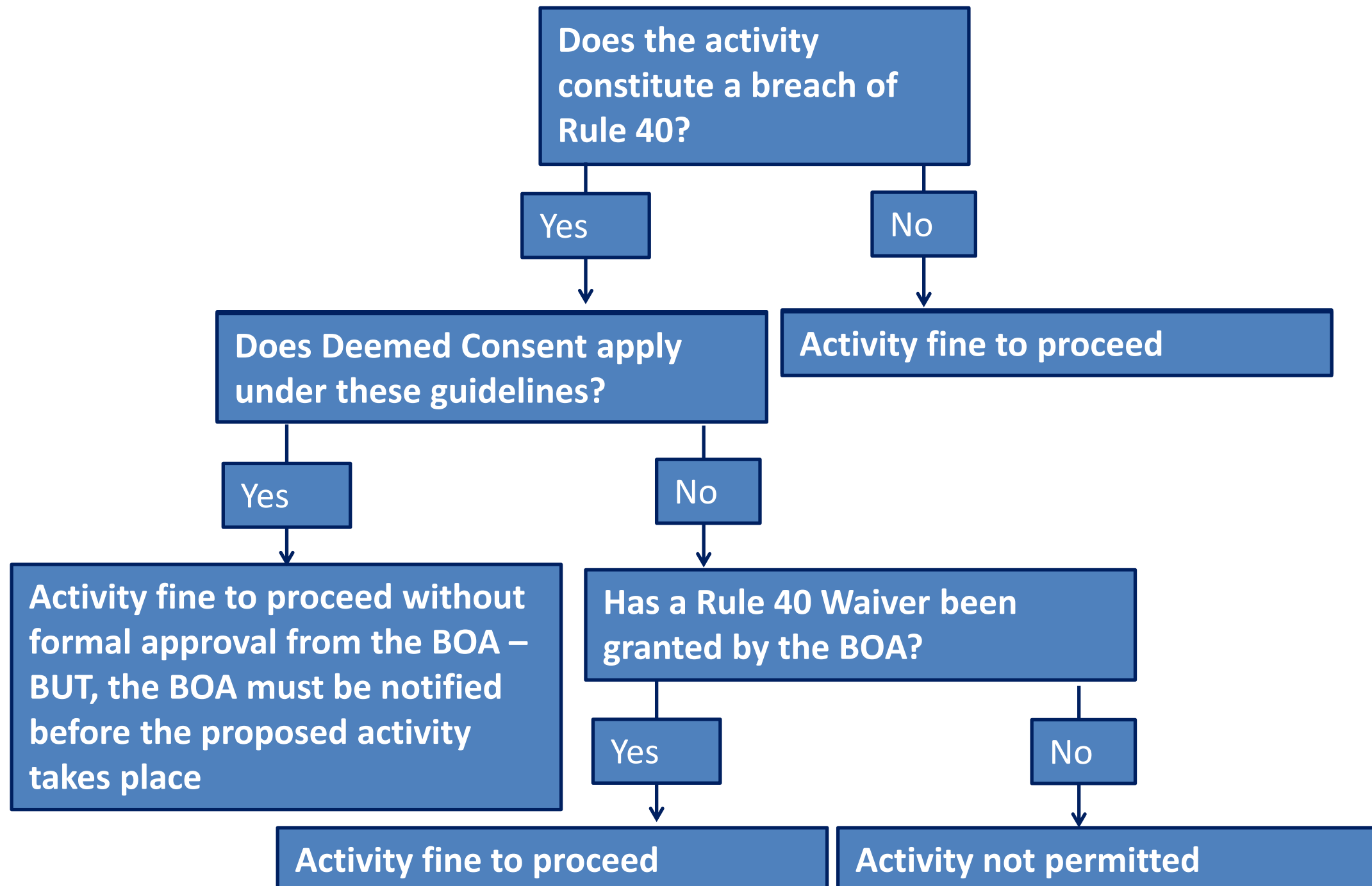
APPLICATION OF RULE 40



Rule 40 Waiver

- If deemed consent does not apply, Non-Olympic Partners may be able to apply to the BOA for a Rule 40 Waiver to allow the proposed activity to take place.
- Express approval is required from the BOA for a Rule 40 Waiver. Applications for Rule 40 Waivers must be made by **27 January 2016**.

METHODS OF CONSENT



METHODS OF CONSENT

DEEMED CONSENT



DEEMED CONSENT - PRINCIPLES

NO RIGHT OF ASSOCIATION



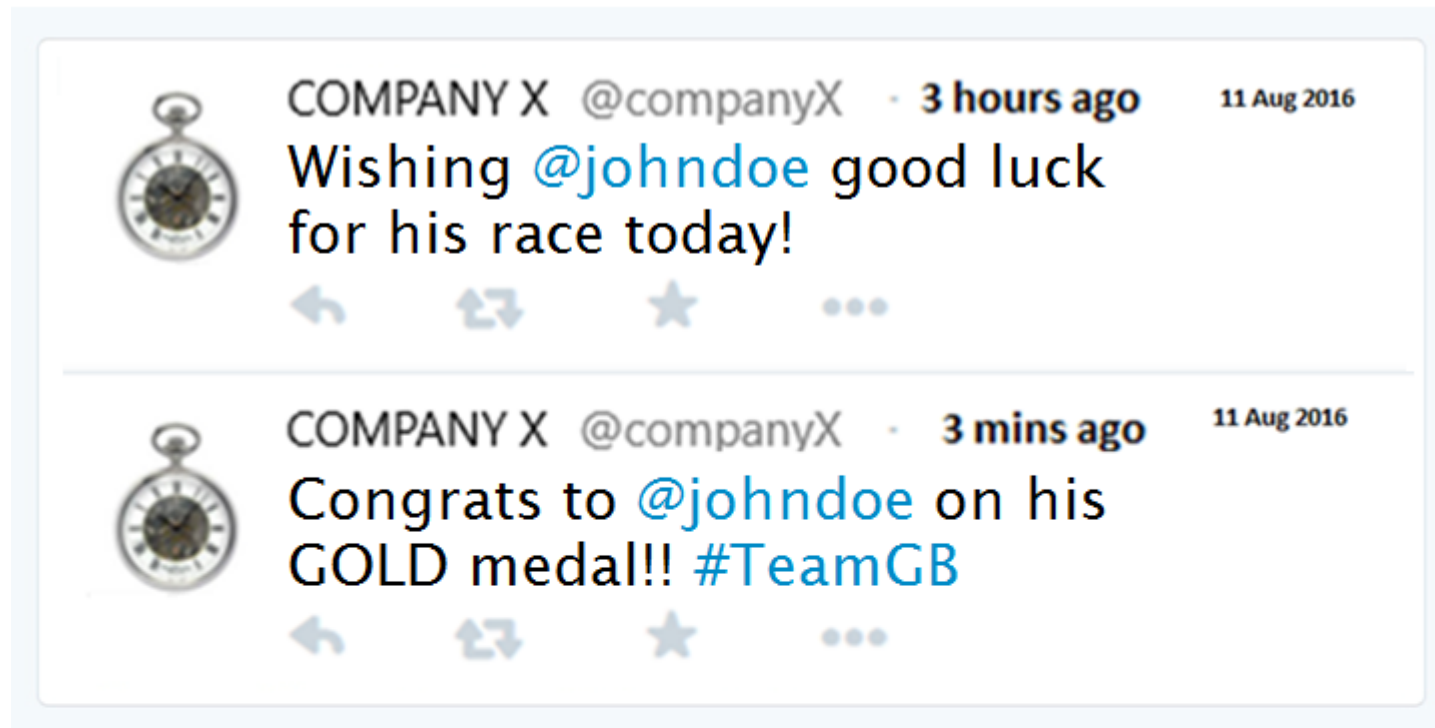
- Deemed consent will not permit advertisers to create an association with the Games, Team GB and/or the Olympic Movement, or to, at any time:
 - use any Olympic or Games trade marks including Olympic(s) (or similar), the Olympic motto “Citius – Atius – Fortius”, the Olympic Rings or the Rio 2016 marks;
 - use the Team GB, Believe In Extraordinary word marks, logos or hashtags;
 - use any images captured at Olympic Games venues (still or moving);
 - use any other Olympic Games IP (e.g. medals, team kit);
 - re-tweet any Team GB tweets at any time, or re-tweet athletes’ posts (which relate to the Games) during the Games Period; and/or
 - reference athletes’ participation in the Olympic Games, including by way of congratulatory messaging during the Games Period



#TeamGB
#Olympic
#Rio2016

DEEMED CONSENT - PRINCIPLES

NO RIGHT OF ASSOCIATION



NOT ALLOWED

- Posts appear during the Games Period
- Refer to the athlete's performance at the Games
- #teamgb and 'GOLD medal' not allowed



ALLOWED

- Post appears outside the Games Period
- No reference made to the Games, or to any Olympic imagery or marks

DEEMED CONSENT - PRINCIPLES

NO RIGHT OF ASSOCIATION



NOT ALLOWED

- Third party commercial organisation re-tweet of a Team GB tweet, suggesting a commercial association with Team GB
- Refers to the athlete's performance at the Games and contains Team GB intellectual property

DEEMED CONSENT - PRINCIPLES

NO RIGHT OF ASSOCIATION



- The BOA will closely review the proposed use of other 'Olympic-related' terms to ensure that no association is created between (i) a Non-Olympic Partner and (ii) Team GB and/or the Olympic Movement whether during or outside the Games Period. These terms include (non-exhaustively): "2016", "Rio/ Rio de Janeiro", "Gold", "Silver," "Bronze", "Medal", "Games", "Podium", "Summer", "Games".
- The only reference (express or implied) to the Games in adverts of Non-Olympic Partners may be a proportionate, factual statement that the athlete is an Olympian/Olympic champion/ medallist alongside any other relevant achievements.

DEEMED CONSENT - PRINCIPLES

NO RIGHT OF ASSOCIATION



NOT ALLOWED

- Use of medal and references to #summerofsport create an association with the Olympic Games



ALLOWED

- Assuming that the ad campaign has run continuously since prior to **27 March 2016**, it can continue throughout the Games Period in the same form
- Reference to the athlete's appearance/achievement in an Olympic context is factual and not overly prominent

DEEMED CONSENT - PRINCIPLES

SPORTS CLOTHING/ EQUIPMENT

- The BOA has relaxed some deemed consents for sports clothing/equipment manufacturers and sports specialist retailers. However, these companies must still ensure adverts that benefit from deemed consent do not create an association with the Games, Team GB and/or the Olympic Movement.
- Companies whose core business is not sport clothing/equipment (i.e. a high street retailer who sells such products on an ancillary basis) will not be permitted to exploit this relaxation.



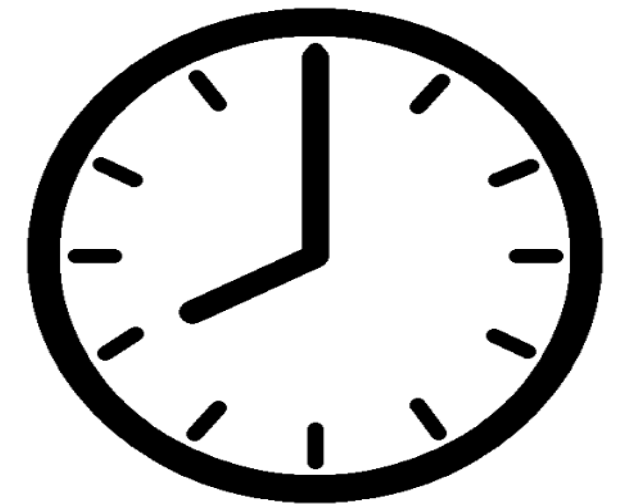
ALLOWED

- Assuming that the ad campaign has run continuously since prior to **27 March 2016**, it can continue throughout the Games Period in the same form
- Reference to the athlete's appearance/achievement in an Olympic context is factual and not overly prominent

DEEMED CONSENT - PRINCIPLES

CONTINUOUS USE

- As a general rule, in order to qualify for deemed consent, an advertising campaign featuring an athlete during the Games Period must have commenced and been continuously marketed at least four months prior to the start of the Games Period. This is consistent with how Rule 40 is implemented in other territories including the USA and Canada.
- However, different timings apply depending on the type of advertising in question – see the Deemed Consents table on the following pages.
- Advertisers are not permitted to circumvent this rule by, for example, placing adverts prior to the relevant deadline and repeating them only very intermittently (or not at all) through to the Games Period. Evidence of such use will result in deemed consent being revoked.



DEEMED CONSENT - PRINCIPLES

OVERSEAS PARTICIPANT OR USE

- Where an advertiser is featuring an athlete in an advert in the UK, but the athlete is not a member of Team GB, the deemed consent procedure set out below will not apply. In such a case, the formal approval of both the relevant NOC and the BOA will be required, which approval should be sought prior to **27 January 2016**.
- These guidelines do not apply in relation to advertising outside the UK. If you are considering an advert for use outside the UK, please refer to the relevant NOC and/or the IOC.



SUBJECT TO APPROVAL

- Consent would need to be sought from the BOA **prior to 27 January 2016**, and evidence of consent from the Jamaican NOC would be required.
- No references to the Olympic Games or any other Olympic words or marks.
- In order to appear during the Games Period, it will have needed to have run continuously since prior to **27 March 2016**

DEEMED CONSENT - PRINCIPLES

REVOCATION OF DEEMED CONSENT

- If the deemed consent is being abused and/or is being used in a way which conflicts with the rationale for Rule 40 or these Guidelines, or forms part of an ambush marketing campaign, the BOA may revoke this deemed consent and ask for the advertising to be withdrawn and/or take further action.



NOT ALLOWED

- Use of the phrase 'Olympic Diver' gives undue emphasis on the word Olympic to the exclusion of other sporting achievements
- Contains Team GB logo on kit

METHODS OF CONSENT

DEEMED CONSENT

SPECIFIC RULES BY MEDIA TYPE



DEEMED CONSENT

SPECIFIC RULES BY MEDIA TYPE

ATHLETE WEBSITES

What is acceptable?

References to/ images of athletes on their own personal website or fan-site which, **during the Games Period**:

- contain biographical details of the athlete's achievements at the Games; and/or
- contain still photographs taken within Games venues; and/or
- contain Blogs in relation to the athlete's personal experience at the Games,

provided always that such materials:

- appear on pages of an athlete's website which do not contain overt third party or sponsor advertising; and
- do not contain video or audio from any Games venues; and
- represent an account of the athlete's personal experience and do not promote or in any way endorse a third party brand; and
- otherwise comply with the IOC's social media, blogging and internet guidelines.



ALLOWED

- References to the Olympic Games are factual/ biographical
- No overt sponsor/ third party branding

DEEMED CONSENT

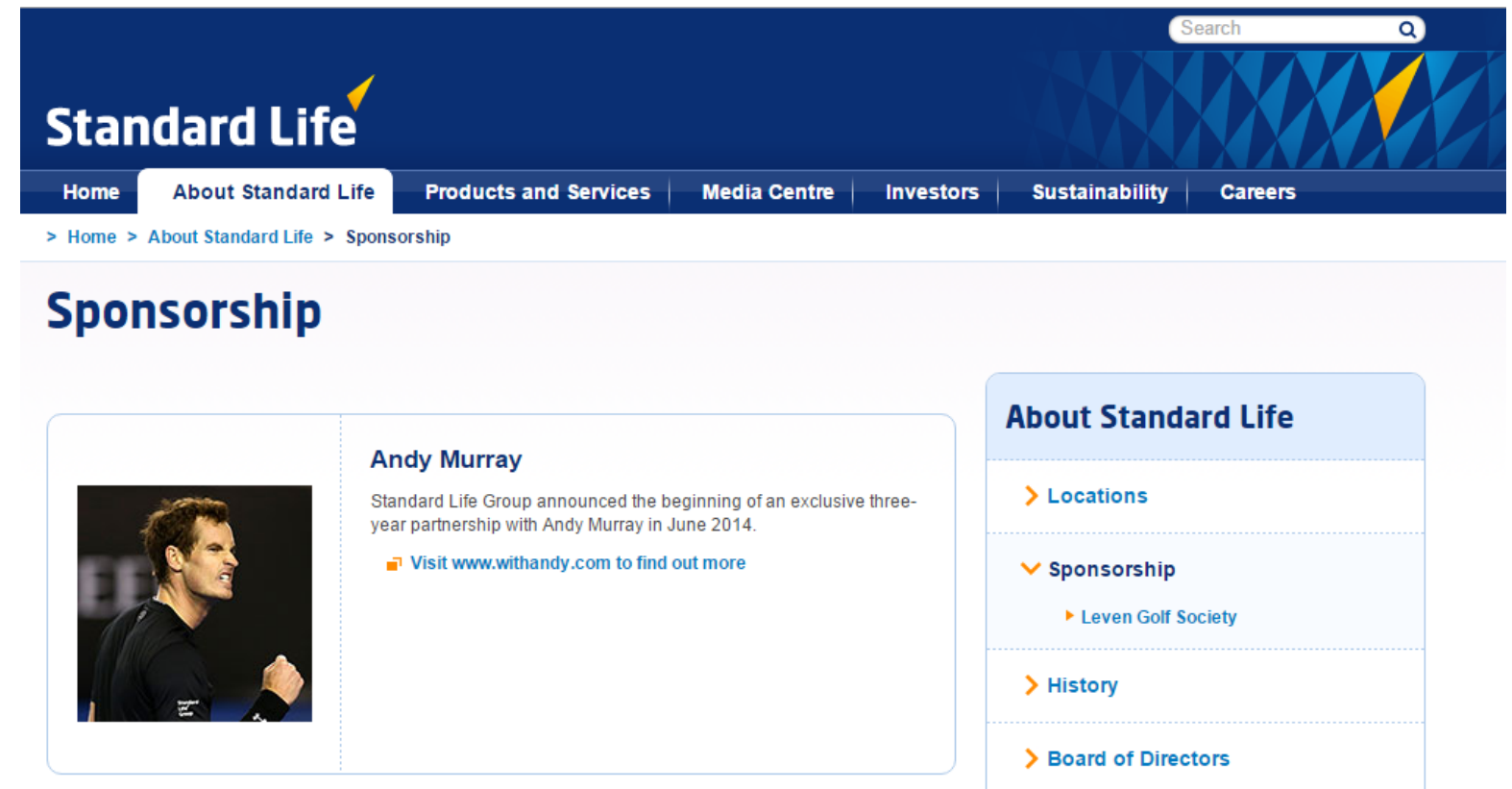
SPECIFIC EXAMPLES

CORPORATE WEBSITES/ SOCIAL MEDIA

What is acceptable?

References to athletes, including use of their image, on corporate websites and social media platforms which were published **prior to the Games Period**, and which:

- are in the context of factually describing the company's support or sponsorship of the athlete (or sport) or are included within an archived news item or blog; and
- do not appear on the company's home page or equivalent (including, e.g., a landing page or front page of Facebook); and
- do not refer expressly to the Games save to make a balanced, factual biographical reference to the fact that the athlete is an Olympian (alongside any other relevant achievements); and
- do not directly promote or endorse a product



ALLOWED

- No reference to Olympic Games
- Sponsorship is launched/ published prior to the Games Period

DEEMED CONSENT

SPECIFIC EXAMPLES

CATALOGUES AND CORPORATE BROCHURES

What is acceptable?

References to athletes, including use of their image, in product catalogues (online and in-store) and corporate brochures provided that the catalogue or corporate brochure:

- was produced and has been available since **before 27 March 2016**; and
- does not feature the athlete on the front or rear cover of the catalogue or the brochure; and
- does not refer expressly to the Games save to make a balanced, factual biographical reference to the fact that the athlete is an Olympian (alongside any other relevant achievements); and
- is not distributed by email or post during the Games Period.

NB: If the brochure/catalogue is for sports clothing or sports equipment and is issued by a sports specialist retailer, the date referred to above shall be **1 July 2016**, and the and front/rear cover restrictions noted above shall not apply.



ALLOWED

- No reference to Olympic Games
- Catalogue is published prior to 1 July 2016, and is not distributed by mail or post during the Games Period

DEEMED CONSENT

SPECIFIC EXAMPLES

MERCHANDISE

What is acceptable?

Merchandise relating either to the athlete alone or their club/team is permitted provided that:

- references to the athlete's/club's/team's sponsor only appear incidentally on the merchandise. In the case of replica kit, this would mean as seen on genuine kit; in the case of other merchandise, only in images of the athlete in their genuine team/club kit; and
- the merchandise does not refer expressly to the Games save that in relation to merchandise which includes biographical details of the athlete, proportionate, factual statements that the athlete is an Olympian may be made.

This deemed consent would allow, for example, a football club's replica kit which bears the name of an athlete competing in the Games, or a calendar featuring images of the athlete, to be sold during the Games Period.

Use of an athlete's name or image on merchandise which is produced or distributed (whether for sale or otherwise) to promote an athlete's, club's or team's sponsor is not permitted



ALLOWED

- No references to the Olympic Games or any other Olympic words or marks
- Incidental reference to third party branding

DEEMED CONSENT

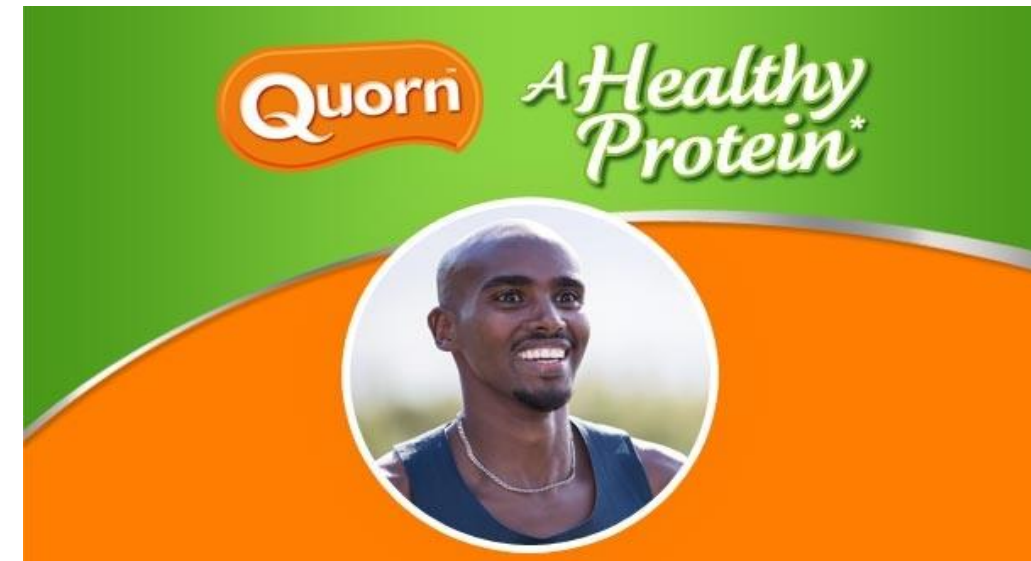
SPECIFIC EXAMPLES

PRODUCT PACKAGING

What is acceptable?

References to athletes (including use of their image) on product packaging is permitted provided that:

- the relevant goods were available for sale in the UK since before **27 March 2016**, and are not reasonably anticipated to be available in shops or other distribution channels during the Games Period (taking into consideration usual sales patterns for such relevant goods, i.e. products were anticipated to be sold through prior to the Games Period); and
- in the case of sports clothing or sports equipment, the athlete is only shown on the packaging modelling the item (and no other promotional messages are made); and
- the packaging does not refer expressly to the Games save to make a balanced, factual biographical reference to the fact that the athlete is an Olympian (alongside any other relevant achievements).



ALLOWED

- Assuming that this product has been available continuously since prior to **27 March 2016**, it can continue throughout the Games Period in the same form
- No references to the Olympic Games or any other Olympic words or marks

DEEMED CONSENT

SPECIFIC EXAMPLES

IN-STORE ADVERTISING

What is acceptable?

Use of an athlete's name or image on in-store displays and posters during the Games Period is permitted, provided the display or poster:

- is promoting sports clothing or sports equipment and is in a specialist sports retail shop (or store within a store in the case of department stores); and
- does not refer expressly to the Games save to make a proportionate, factual statement that the athlete is an Olympian; and
- is not used in window displays unless they have been used in this way continuously since before 27 March 2016.



NOT ALLOWED

- Although there are no references to the Olympic Games or any other Olympic words or marks, deemed consent does not apply to non-specialist sports retail shops

METHODS OF CONSENT




RULE 40 WAIVER






RULE 40 WAIVER

- Where deemed consent as set out above is not applicable, Rule 40 Waivers may be granted at the BOA's discretion, on a case-by- case basis.

Examples of what would not be granted a Rule 40 Waiver:

-  Advertising to appear in paid-for advertising space (include print, online and digital (including social media and in mobile apps), television, and billboard space) during the Games Period
-  PR or press releases undertaken/issued during the Games Period
-  Direct mailings (online or otherwise) issued during the Games Period

RULE 40 WAIVER

-  In-store promotions run during the Games Period (though see exceptions in respect of sports clothing and sports equipment retailers).
-  Online features or adverts (whether in paid-for space or not) published during the Games Period (unless a deemed consent applies), or prior to the Games Period but with the intention of them being viewed predominantly during the Games Period.
-  Social Media - athletes who blog, post or tweet about their sponsors or otherwise promote their sponsors in a manner which is contrary to the Rule 40 may also be considered in breach of their Team Member's Agreement.

RULE 40 WAIVER

Examples of what may be granted a Rule 40 Waiver:

ask

Advertising which has been used prominently for a considerable period before 27 March 2016 and features a single athlete in his or her capacity as a **famous face** and makes no reference to sport or his/her sporting achievements (this may include, for example, a famous tennis player promoting a brand of perfume, shaving gel or underwear).

RULE 40 WAIVER

Examples of what may be granted a Rule 40 Waiver:



Non-commercial advertising (for example for charity)



Advertising for a sporting event taking place shortly after the Games at which the featured athlete(s) will compete

RULE 40 WAIVER



Rule 40 Waiver - timing and process

- All requests for Rule 40 Waivers must be made by email to rule40@teamgb.com by **27 January 2016**, unless otherwise agreed with the BOA.
- If you are a member of Team GB and are uncertain of your obligations under these guidelines, please contact the BOA.
- If you are an Olympic Partner and would like to understand how Rule 40 affects you, please contact your BOA Client Services representative.