



# Rule 40 Guidelines, XXIII Olympic Winter Games PyeongChang 2018

Rule 40, Bye-law paragraph 3 of the [Olympic Charter](#) states that *“Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official 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”*.

These guidelines apply to the use of the person, name, picture or sports performance of a competitor, coach, trainer or official (hereinafter jointly referred to as **“Participants”**) participating in the Olympic Winter Games in Pyeongchang in 2018 (hereinafter the **“Olympic Games”**), during the period of such Olympic Games. For these purposes, the relevant period begins at the date of the opening of the Olympic Village and concludes at the end of the third day after the date of Closing ceremony, i.e. 1 February 2018 to 28 February 2018 (hereinafter the **“Period of the Olympic Games”**).

## A. General Principle

The IOC Executive Board declares that, under Rule 40, Bye-law paragraph 3 and subject to these guidelines, including compliance with the application process described in Paragraph B below, the following are permitted:

- (i) the use of a Participant’s person, name, picture or sports performances for advertising purposes of a company or brand where such use clearly does not create, whether directly or indirectly, the impression of a commercial connection between, on the one hand, the company or brand and, on the other hand, the Olympic Games, the IOC, the Olympic Movement, the Organising Committee of the Olympic Games (**“OCOG”**), or the Participant’s National Olympic Committee (**“NOC”**) or National Olympic Team; and
  
- (ii) the use of a Participant’s person, name, picture or sports performances by Olympic sponsors and Olympic Broadcasting Rights Holders (**“Olympic Commercial Partners”**) in compliance with the conditions stipulated in Paragraphs B and D below.

## B. Application Process

Applications for use of a Participant’s person, name, picture or sports performance during the period of the Olympic Games must be made:

- (i) For Non-Olympic Commercial Partners:
  - in cases of applications for international use, to the IOC; and





- in cases of applications for national use (-i.e. in one territory), to the Participant's NOC and, should the use be in the territory of an NOC other than the Participant's NOC, to such other NOC.
- (ii) For Olympic Commercial Partners:
- in cases of applications made by international Olympic Commercial Partners and Olympic Broadcasting Rights Holders, to the IOC;
  - in cases of applications made by national Olympic Commercial Partners, to the Participant's NOC.

Applications and any supporting documentation shall be submitted to the IOC or to the relevant NOC(s) (as the case may be) following the process to be communicated at a later stage by the IOC or the relevant NOC.

The IOC and relevant NOC(s) may refer applications to each other for further assessment depending on their geographic relevance, taking into consideration, in particular, the NOC of the Participant in question.

## C. Non-Olympic Commercial Partners – Inadmissible Practices

By way of illustration, the following practices by non-Olympic Commercial Partners are prohibited, including during the Period of the Olympic Games:

- Any use of the Olympic properties or any NOC related symbol or design protected under national legislation, trademark or copyright law, or of any symbol, design or terminology or expression creating a risk of confusion with these properties.
- Any express or implied written/visual allusion to the Olympic Games.
- Any use of the image of a Participant, taken during the Olympic Games, in combination with a company or brand.
- Any use of the image of a Participant in a new advertising campaign which was started at such time before the Period of the Olympic Games that the new advertising campaign creates the impression of a commercial connection between the company or brand and the Olympic Games.
- Any reference to a Participant's role in the Olympic Games, or to a Participant's performances during the Olympic Games or during any past editions of the Games of the Olympiad or the Olympic Winter Games.
- Any use of the "Olympic listed terms or expressions" alongside the Participant's name or image.
- Any use of a term or expression alongside the Participant's name or image so closely resembling one of the "Olympic listed terms or expressions" as to be likely mistaken for such term or expression.

"Olympic listed terms or expressions" include the following:

- Olympic
- Olympics
- Olympic Games
- Olympiad
- Olympiads
- The Olympic motto "Citius – Altius – Fortius" and any translation of the Olympic motto.





Any use of other Olympic-related terms in such a way as to imply an association between, on the one hand, the Participant and, on the other hand, the Olympic Games or any other Games of the Olympiad or Olympic Winter Games, the IOC, the NOCs or the OCOG.

"Olympic-related terms" include the following, depending upon context:

- 2018
- Pyeongchang
- Gold
- Silver
- Bronze
- Medal
- Effort
- Performance
- Challenge
- Summer
- Games
- Sponsors
- Victory
- Olympian

## D. Olympic Commercial Partners – Usage Guidelines

The following provisions apply to the use by Olympic Commercial Partners of a Participant's person, name, picture or sports performances during the Period of the Olympic Games:

- In addition to any advertising authorized pursuant to the procedure just described, Olympic Commercial Partners may use a Participant's person, name, picture or sports performances in Authorised Communications, which shall mean (i) supporting messages expressing the encouragement to a Participant or the NOC Olympic Team in view of their participation in the Olympic Games, (ii) congratulatory messages praising the athlete or the NOC Olympic Team for their achievement at the Olympic Games and (iii) any other Olympic-related activations of their Olympic sponsorship, including advertising/promotions and social media campaigns subject to the cumulative conditions outlined below.
- Subject to the approval of the NOC, NOC sponsors may use, for Authorised Communications only, the image of a Participant or of the NOC Olympic Team, within the territory of the NOC in which it is a sponsor.
- Subject to the approval of the IOC, TOP Partners, as Partners of the Olympic Team of each NOC, may use, for Authorised Communications only, the image of a Participant or of the NOC Olympic Team on a multi-territory basis.
- Subject to the approval of the IOC, Broadcasting Rights Holders may use, for Authorised Communications only, the image of a Participant in the Territory for which such Broadcasting Rights Holder has been granted rights.
- Authorised Communications may not under any circumstances:
  - make textual or visual references to direct use of any product or service that enhances performance in practicing or competing in sport. This includes textual references such as "official product" of the athlete or the Team, nor
  - be in relation to the Participant's performance at the Olympic Games or at other editions of the Games of the Olympiad or Olympic Winter Games except in the case of congratulatory messages.





- Participant's Olympic biographical references may only be used in a factual manner (e.g., 2014 Olympic Gold Medallist) provided that any such references appear in an ancillary manner and not in a manner that draws attention to such reference.

Participants must appear dressed (i) in their National Olympic team uniform or clothing (as defined by their NOC) (ii) in generic, unbranded clothing, or (iii) with the express approval of their NOC, in other clothing branded in accordance with Rule 50 of the Olympic Charter and the corresponding IOC guidelines ("**other clothing**"). The requirement for Participants to obtain the express approval of their NOC to appear in other clothing is to enable NOCs to preserve the value and attractiveness for uniform and clothing manufacturers to sponsor such NOCs and their National Olympic Teams. NOCs may refuse approval in their absolute discretion in order to preserve the value and attractiveness for uniform and clothing manufacturers to sponsor such NOCs and their National Olympic Teams. Absent an answer within the prescribed period a request shall be deemed approved. It is the responsibility of each NOC to duly notify in writing the IOC of any granted approval.

## E. NOCs May Restrict or Prohibit Practices Permitted Under Paragraph A(i)

An NOC may restrict or prohibit the practices described in Paragraph A(i) above, subject to applicable laws and regulations.

In case of such restriction or prohibition, the NOC shall inform the IOC (including details regarding the extent of such restrictions or prohibitions and whether or not such restrictions or prohibitions are intended to cover territories of other NOCs), not later than 30 June 2017, which shall inform the applicants of such restriction or prohibition when reviewing applications pursuant to Paragraph B(i) above. In the absence of feedback from NOCs, the IOC will consider that the NOC is aligned with these Guidelines.

## F. National Olympic Committee's Role

The NOCs shall:

- (i) be primarily responsible for the communication and implementation of the applicable terms and conditions in respect of their Participants and NOC Olympic Commercial Partners as outlined in these guidelines. The IOC will provide further guidance to the NOCs upon request; and
- (ii) monitor and enforce compliance with Rule 40 and these guidelines by Participants.

## G. Participants' Individual Rights

Use of a Participant's image, name, likeness or other resemblance must respect the Participant's individual rights, including the need to obtain the Participant's express prior written approval.





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