



# Commercial opportunities for Participants during the Tokyo 2020 Olympic Games taking place in 2021

## \*Incorporating Olympic Federation of Ireland (OFI) Supplementary Guidelines

### Purpose and Implementation

All references contained in this document to Tokyo 2020 Olympic Games refer to the Olympic Games scheduled to take place in Tokyo in July and August 2021.

This document sets out the Key Principles of use of Participants' Images for Advertising (each as defined in the "Scope" section, below) that are applicable to the Tokyo 2020 Olympic Games, further to Bye-law 3 to Rule 40 of the Olympic Charter. It seeks to clarify what is possible during the Games Period (as defined below) and put Participants in a better position to work with their sponsors in a manner consistent with their rights and responsibilities under the Athletes' Declaration and the Olympic Charter.

**All Participants are permitted to promote their sponsors, and all sponsors are permitted to use Participant Images, during the Games Period, in accordance with the Principles in this document.**

It is the responsibility of all Participants to comply with these Principles. Further, organisations using athletes in their advertising, and sports federations and agents who are involved in advising athletes in relation to their advertising activities, will want to ensure that they are acting and advising athletes in accordance with these Principles. The Principles enable athletes and their sponsors to continue to run well-planned campaigns that do not seek to take undue advantage of the Olympic Games themselves.

#### Roles and responsibilities

Each National Olympic Committee (NOC) is responsible for the implementation of these Principles in its territory<sup>1</sup>. The legal framework may vary from country to country depending on the applicable laws, regulations, relevant case law and specific agreements between NOCs and Participants (in particular with regard to the financial support and the support in kind that the NOCs provide to Participants). As a result, the implementation of these Principles by NOCs may vary.

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<sup>1</sup> In Ireland, the relevant NOC is the OFI

\* International Olympic Committee

Each NOC will oversee compliance with these Principles in connection with advertising activity targeted at its territory. Therefore, the relevant NOC must be notified of advertising targeted at a **particular territory** in accordance with Key Principle 2. Advertising is regarded as **targeted** to a territory if it (1) uses a Participant who represents the NOC of that particular territory, and (2) either:

- is in the local language of that territory or country, and/or
- in the case of paid media, is published in media outlets targeted at that territory or country.

The International Olympic Committee (**IOC**) will oversee compliance with these Principles in connection with international advertising activity, in consultation with relevant NOCs. Therefore, the IOC must be notified of advertising not targeted at a particular territory or targeted at more than one country.

## Context

### Ensuring Global Participation at the Olympic Games

The Olympic Games are unique. They are the only truly global multisport event and represent the highest sporting endeavour of an athlete's career. It's essential that as many countries as possible are represented from around the world.

To ensure that all teams are funded to be able to prepare for and compete at the Olympic Games, the IOC runs an international marketing programme based on the principle of solidarity: NOCs participate in, and receive revenues from, the global programme with the understanding that revenues will be shared with every other NOC in order to fund the operation of NOCs, sports development and Olympic Games participation, as well as to support the hosting of the Olympic Games themselves. This programme helps secure funding of all national Olympic teams, regardless of the individual profile, commercial or sporting success of their athletes.

In addition, NOCs run national marketing programmes within their territories to fund their operations, sports development, Olympic Games participation and other programmes. The organising committees of the Olympic Games also run national marketing programmes to generate private funding for the Games – funding through these programmes from the private sector helps reduce reliance on taxpayer funding of the Games.

Like most sponsorship programmes, Olympic marketing programmes are based on granting exclusive rights of association with the Olympic Movement, including through use of Olympic marks and images for advertising purposes. However, part of the enduring appeal of the Olympic Games is that, in comparison with most other major sports properties, the commercialisation of the Olympic environment is very limited to ensure the focus remains on the athletes' sports performances. For example, venue branding is restricted, with no advertising hoardings around the field of play.

The implication of an association with the Olympic Games through use of athletes is particularly powerful during and immediately before the Olympic Games. Accordingly, the Olympic Charter has traditionally established limitations on the ability of athletes (and other Games participants) to use their images for advertising during the Olympic Games. These limited restrictions help to maintain the distinctiveness of official Olympic marketing programmes and so sustain the funding of global athlete participation and the organisation of the Olympic Games.

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## **Athletes' Rights and Responsibilities**

To determine appropriate principles for the Tokyo 2020 Olympic Games, the IOC has put athletes' interests first and foremost. In particular, these new Principles have been informed by the Athletes' Rights and Responsibilities Declaration, a historic athlete-driven initiative, developed by athletes and for athletes through a worldwide consultation process.

Specifically, the Declaration "*aspires to promote the ability and opportunity of athletes to [...] leverage opportunities to generate income in relation to their sporting career, name and likeness, while recognising the intellectual property or other rights, rules of the event and of sports organisations as well as the Olympic Charter*" and "*encourages athletes to [...] respect the solidarity principle of the Olympic Movement, which allows assistance and support to be provided among athletes and members of the Olympic Movement.*"

The Principles explained in this document have been developed in accordance with those rights and responsibilities.

The Principles are clear – athletes are able to generate income through personal sponsorships and appearing in advertising for those sponsors and can continue to do so by being involved with well-planned advertising during the Olympic Games. In addition, it is hoped that the worldwide exposure provided to athletes participating in the Olympic Games through media coverage, including the IOC's global broadcast arrangements, can help raise their profile for years to come.

However, by accepting some limited restrictions on these activities during the Games, athletes who enjoy personal sponsorship deals are helping to secure funding to support all national Olympic teams, regardless of the profile or success of their athletes. In this way, those athletes are helping to ensure athletes from around the world are able to participate at the Olympic Games on an economically viable basis by supporting the principle of solidarity.

In the case of NOCs' marketing programmes, by accepting some limited restrictions on their activities during the Games, athletes who enjoy personal sponsorship deals are helping to support all participants within their national Olympic team, other teams and their NOC's other sports development programmes. These limited restrictions also support the funding of the Olympic Games at which the athletes compete, by enabling the organising committees to ensure private funding of the organisation of the Games.

## **Scope**

These Principles apply during the Games Period, meaning the period from the date of opening of the Olympic Village of the Tokyo 2020 Olympic Games until the date two days after the Closing Ceremony of the Tokyo 2020 Olympic Games inclusive (i.e. 13 July 2021 until 10 August 2021 inclusive).

These Principles apply to competitors, coaches, trainers and officials who are participating in the Games, who are referred to collectively in this document as Participants. These Principles do not apply to Olympians who have competed in previous Games but who are not participating in the Games in any capacity. Nor do they apply to other accredited people, including broadcasters and volunteers.

These Principles are specific to the Olympic Games, but there are similar rules for the Paralympic Games. However, the rules are distinct and apply for different periods. Therefore,

Olympians and other Olympic Games Participants are not subject to the restrictions during the Paralympic Games after the Olympic Games Period has ended.

The use of Participants' Images includes any reference to a Participant, whether by their personal appearance, use of their image (or any representation of that image), name or sports performance (including performance at the Games and recent historical performance).

These Principles apply to Advertising, meaning all forms of commercial promotion, including social media and social network posts and promotions by organisations or by Participants as part of, or relating to a commercial relationship with the organisation (whether paid-for or not), as well as traditional advertising in paid-for space (including press adverts, billboards, television and radio adverts and online advertising), direct advertising, PR (including personal appearances and press releases), lending or gifting of products to Participants, on-product and in-store promotions.

### **Compliance**

The IOC, the Tokyo 2020 OCOG or the relevant NOC can revoke the permissions granted by these Principles, or require Advertising to be withdrawn or amended, if the letter or spirit of these Principles are not complied with. Ultimately, Participants who do not comply with terms of this document may be sanctioned by the IOC, the Tokyo 2020 OCOG and/or their NOC.

# Key Principles

**Incorporating OFI Supplementary Guidelines for Irish participants  
(Note: In Ireland, the relevant NOC is the OFI)**

**All Participants are permitted to promote their sponsors, and all sponsors are permitted to use Participant Images (in each case including Olympic Partners and Non-Olympic Partners), during the Games Period, in accordance with the following Principles and OFI supplementary Guidelines.**

## 1. Advertising by Olympic Partners

- a. **Olympic Partners** are those brands or companies that have sponsorship contracts with the IOC, the Tokyo 2020 OCOG, or NOCs, and the official Olympic broadcasters which have been granted rights to broadcast the Olympic Games by the IOC.
- b. Olympic Partners are permitted to use Participant Images for Advertising, subject only to:
  - the **terms of the relevant Olympic Partner's contract** with the IOC, the Tokyo 2020 OCOG or an NOC (as applicable),
  - obtaining any necessary **consents** from the Participants featured, and
  - respecting the **supplementary guidelines** for Olympic Partners, which will be issued by the IOC and an NOC prior to the selection of the Participant by their NOC. **The OFI Supplementary Guidelines are incorporated in this document (in green text) alongside or beneath the Key Principle to which they relate.**
- c. **Olympic Partners may undertake Congratulatory Advertising** during the Games Period (see Key Principle 4 for more details).
- d. Advertising activities by Olympic Partners in accordance with this Key Principle 1 are not subject to any additional consents or process, other than the normal approvals processes that may apply under their contract with the relevant Olympic organisation.

## 2. Advertising by Non-Olympic Partners

- a. **Non-Olympic Partners** are those brands or companies which are not Olympic Partners.
- b. Non-Olympic Partners are permitted to use Participant Images for Advertising during the Games Period:
  - subject to obtaining any necessary **consents** from the Participants featured;
  - subject to respecting the policies of the IOC and relevant NOCs in respect of activities incompatible with the values of the Olympic movement or a particular NOC, for example: prohibitions on sponsorships in connection with tobacco,

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prohibited drugs and other categories (e.g. alcohol, gambling and pornographic or immoral businesses)

- **subject to signing up to the OFI's Personal Sponsor Commitment.**
  - if that advertising does not use any Olympic Properties (as described in paragraph (g) below), and
  - if that advertising constitutes Generic Advertising as described in Key Principle 3 below) and is compliant with any Generic Advertising rules of the Tokyo 2020 OCOG and/or an NOC.
- c. To benefit from the permission granted under this principle, Non-Olympic Partners must notify<sup>2</sup> the IOC, the Tokyo 2020 OCOG and the affected or targeted NOC (**the OFI**) of their Generic Advertising plans by no later than 15 May 2021 through a designated online platform. The IOC will inform the NOCs of the details of the notification platform and when it will be active to accept notifications. **To avail of this permission, Non-Olympic Partners must sign up to the OFI's Personal Sponsor Commitment.**
- d. This notification requirement simply enables the IOC, the Tokyo 2020 OCOG and any relevant NOCs to be aware of activity that is planned for their marketplace and verify compliance with these principles and the policies referred to in paragraph (b) above. Any feedback on Advertising plans will be provided within ten (10) days of receipt by the IOC or NOC (as applicable).
- e. For social media Advertising, it is not necessary to provide advance notice of each individual post, but notice must be given setting out a description of the social media Advertising plan **or campaign**, including the nature and planned content of the posts, by no later than 15 May 2021. **To avail of this permission, Non-Olympic Partners must sign up to the OFI's Personal Sponsor Commitment.**
- f. To provide opportunities to athletes who may qualify for the Games after 15 May 2021, the IOC will consider Advertising plans notified after this date, so long as at least fifteen (15) days' advance notice is given through the notification platform before any Advertising is published. **In order to avail of this permission, Non-Olympic Partners must sign up to the OFI's Personal Sponsor Commitment.**
- g. For the purposes of these principles, Olympic Properties include:
- the Olympic symbol
  - the Games emblem, mascots, pictograms and Games graphics
  - any NOC emblem or emblem of a national Olympic team
  - the words "Olympic", "Olympics", "Olympic Games", "Olympiad", "Olympiads"
  - the name of the host city of the Games and the year of the Games (i.e. "Tokyo 2020")
  - any Olympic-related words and symbols registered as trademarks and/or protected by relevant legislation in the country of the NOC which the Participant represents, or the country in which the Advertising is made available
  - the names of Olympic teams, such as "Team GB" or "Team Great Britain"
  - the Olympic motto "Citius – Altius – Fortius"
  - all films, musical works, artistic works and designs created by the IOC, the Tokyo 2020 OCOG or any NOC
  - any other symbols, designs, works, words or expressions that are translations of, or which could be confused with, those listed above

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<sup>2</sup> Participants are encouraged to notify the OFI at the time a sponsorship agreement is entered into.

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### 3. Generic Advertising

- a. **Generic Advertising** means any advertising of a company or brand:
- (i) where the only connection between, on one hand, the Games, the IOC, the Tokyo 2020 OCOG and/or an NOC and/or an NOC's national Olympic team and, on the other hand, the relevant marketing activity, is the fact that the advertising uses a Participant's Image;
  - (ii) which has been in market for at least ninety (90) days before the Games Period, and
  - (iii) which is run consistently and not materially escalated during the Games Period.
- b. To provide flexibility for athletes also participating in other sporting competitions shortly before or after the Games Period, the IOC **and OFI** will consider exemptions to the elements a.(ii) and a.(iii) of the Generic Advertising above on a case-by-case basis, provide that:
- the element a.(i) above is respected; and
  - **the relevant Athlete's Personal Sponsor has executed a Personal Sponsor Commitment with the OFI**
- c. Similarly, the IOC **and OFI** will consider exemptions on a case-by-case basis to elements (ii) and (iii) for Advertising activity that properly relates to business-as-usual advertising by brands to which an athlete is affiliated, for example "back-to-school" campaigns that usually start during July or August. The IOC **and OFI** will require information substantiating any kind of business-as-usual activity and, in any event, element (i) of the description of Generic Advertising must still be respected.
- d. Examples of Advertising that do, and that do not, constitute Generic Advertising are being prepared and will be shared with the NOCs shortly.

### 4. Congratulatory advertising

- a. For these purposes, **congratulatory advertising** means both:
- **supporting messages** encouraging, commiserating or otherwise supporting an athlete or a national Olympic team in connection with their participation at the Olympic Games, and
  - **congratulatory messages** praising the athlete or a national Olympic team for their achievement at the Olympic Games.
- b. **Congratulatory advertising is not regarded as being Generic Advertising**, because of the intrinsic connection with the Olympic Games. Therefore, during the Games Period, **only Olympic Partners can undertake congratulatory advertising**.
- c. Non-Olympic Partners can undertake Congratulatory Advertising in support of their contracted athletes **before and after the Games Period**, but without using any Olympic Properties.

## 5. Online messages by Participants

- a. Participants may provide simple messages of thanks on their personal websites and/or personal social media accounts to Olympic Partners and/or their personal Non-Olympic Partners (**limited to one message per Athlete Personal Sponsor as set out in sections b-f below**), including during the Games Period, but their posts must:
- not include any statement or imply that a product or service **enhanced the Participant's performance**,
  - not include a personal endorsement of the relevant product or service (as distinct from thanking the sponsor for their support), and
  - respect the policies of the IOC and relevant NOCs in relating to activities incompatible with the values of the Olympic movement or a particular NOC, for example: prohibitions on sponsorships in connection with tobacco, prohibited drugs and other categories (e.g. alcohol, gambling and pornographic or immoral businesses), or in respect of limits on using images or videos of the athlete in his or her national Olympic team kit or any Olympic medal, **which in the case of the OFI is prohibited under the Team Member Agreement, under Schedule 3 and clauses 19 and 20.**
- b. An Athlete may post, on his or her social media account(s), one thank you message per Non-Olympic Partner (**Personal Sponsor**) during the Games Period; provided that:
- **that Athlete has provided his or her Personal Sponsor details to the OFI in advance of the Games Period, and;**
  - **that Personal Sponsor has executed the Personal Sponsor Commitment with the OFI.**

**The thank you message must be in static image or text form, and cannot include a video, animation or any other form of moving image, and can not include payments to increase the reach potential of the message.**

A single identical message, posted at the same time on a number of social media platforms, would count as one message for these purposes. Such posts **must not suggest a commercial connection** between the IOC, the Olympic Games, NOC or a national Olympic team and a Non-Olympic Partner.

- c. **Subject to complying with the eligibility requirements of 5b above, the Non-Olympic Partners (Athlete Personal Sponsors) may re-circulate (in its original form) that single thank you message on their social media platforms provided the Athlete Personal Sponsor does not:**
- **Comment on the thank you message before re-circulating it;**
  - **Engage in promotional activities to specifically increase the reach potential of the message (i.e. creating a Facebook boost post)**
- d. Participants may repost or share content from the IOC's, the Tokyo 2020 OCOG's, their national Olympic team's or their NOC's social media accounts. However, such reposts or sharing must not include messages of thanks, or otherwise refer, to Non-Olympic Partners.
- e. Subject to complying with section 5b above, it is not necessary for Participants to notify the IOC or their NOC before posting messages online, but Participants should consult with their NOC if they have any doubts as to whether the message complies with these Principles.
- f. Athletes should also be aware of the influence they have over their fans' buying decisions if they promote a brand in their posts. Athletes (like other influencers) should be **honest**,

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**transparent and not mislead** their followers about whether they have been paid, incentivised or rewarded to promote a brand in their posts. This should be clearly stated when a brand is referenced in a post in any way.

**Adopted by the OFI Executive Committee following consultation with the Athletes' Commission.**