



# Olympic Symbol etc. (Protection) Act 1995

## 1995 CHAPTER 32

### *Miscellaneous*

#### **15 Power to give directions to proprietor.**

- (1) The proprietor shall comply with any directions given by the Secretary of State<sup>F1</sup>...with respect to the exercise of the rights conferred by section 2(1) above.
- (2) Directions under this section may be of a general or particular character and may be varied or revoked by subsequent directions.
- (3) A transaction between any person and the proprietor in his capacity as such shall not be void by reason only that the transaction was carried out in contravention of a direction given under this section; and a person dealing with the proprietor shall not be concerned to see or enquire whether a direction under this section has been given or complied with.

#### **Textual Amendments**

- F1** Words in s. 15 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 2\(e\)](#)

#### **Modifications etc. (not altering text)**

- C1** S. 15 applied (with modifications) (temp.) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(d)(8), [Sch. 4 para. 10](#)

#### **16 Remedy for groundless threats of infringement proceedings.**

- (1) Where the proprietor threatens another with proceedings for infringement of the Olympics association right other than—
  - (a) the application to goods or their packaging of a controlled representation,

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*Changes to legislation: There are currently no known outstanding effects for the Olympic Symbol etc. (Protection) Act 1995, Cross Heading: Miscellaneous. (See end of Document for details)*

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- (b) the importation of goods to which, or to the packaging of which, such a representation has been applied, or
- (c) the supply of services under a sign which consists of or contains such a representation,

any person aggrieved may bring proceedings for relief under this section.

- (2) The relief which may be applied for is any of the following—
  - (a) a declaration that the threats are unjustifiable,
  - (b) an injunction against the continuance of the threats, and
  - (c) damages in respect of any loss he has sustained by the threats;
- (3) A plaintiff under this section shall be entitled to the relief applied for unless the defendant shows that the acts in respect of which proceedings were threatened constitute (or if done would constitute) an infringement of the Olympics association right.
- (4) The mere notification of the rights conferred by this Act shall not constitute a threat of proceedings for the purposes of this section.

**Modifications etc. (not altering text)**

- C2** S. 16 applied (with modifications) (temp.) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(d)(8), **Sch. 4 para. 10**

**17 Burden of proof.**

- (1) Subject to subsection (2) below, if in any civil proceedings under this Act a question arises as to the use to which a controlled representation has been put, it shall be for the proprietor to show what use was made of it.
- (2) If in any civil proceedings under this Act a question arises as to the application of any of subsections (1), (2) and (6) to (15) of section 4 above or any case specified under section 5 above, it shall be for the person who alleges that the subsection or case applies to show that it does.

**Changes to legislation:**

There are currently no known outstanding effects for the Olympic Symbol etc. (Protection) Act 1995, Cross Heading: Miscellaneous.