



Olympic Symbol etc. (Protection) Act 1995

1995 CHAPTER 32

Criminal sanctions

8 Offences in relation to goods

- (1) A person shall be guilty of an offence if with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor, he—
 - (a) applies a controlled representation to goods or their packaging,
 - (b) sells or lets for hire, offers or exposes for sale or hire or distributes goods which bear, or the packaging of which bears, such a representation, or
 - (c) has in his possession, custody or control in the course of a business any such goods with a view to the doing of anything, by himself or another, which would be an offence under paragraph (b) above.

- (2) A person shall be guilty of an offence if with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor, he—
 - (a) applies a controlled representation to material intended to be used—
 - (i) for labelling or packaging goods,
 - (ii) as a business paper in relation to goods, or
 - (iii) for advertising goods,
 - (b) uses in the course of a business material bearing such a representation for labelling or packaging goods, as a business paper in relation to goods, or for advertising goods, or
 - (c) has in his possession, custody or control in the course of a business any such material with a view to the doing of anything, by himself or another, which would be an offence under paragraph (b) above.

- (3) A person shall be guilty of an offence if with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor, he—
 - (a) makes an article specifically designed or adapted for making copies of a controlled representation, or

- (b) has such an article in his possession, custody or control in the course of a business,
knowing or having reason to believe that it has been, or is to be, used to produce goods, or material for labelling or packaging goods, as a business paper in relation to goods, or for advertising goods.
- (4) It shall be a defence for a person charged with an offence under this section to show that he believed on reasonable grounds that the use of the representation in the manner in which it was used, or was to be used, was not an infringement of the Olympics association right.
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.

9 Supplementary provisions as to summary proceedings in Scotland

- (1) Notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, summary proceedings in Scotland for an offence under this Act may be begun at any time within six months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his knowledge.
- (2) For the purposes of subsection (1) above—
 - (a) a certificate of the Lord Advocate as to the date mentioned in that subsection shall be conclusive evidence, and
 - (b) proceedings in Scotland shall be deemed to be begun on the date on which a warrant to apprehend or to cite the accused is granted, if such warrant is executed without undue delay.

10 Partnerships and bodies corporate

Section 101 of the Trade Marks Act 1994 (offences committed by partnerships and bodies corporate) shall apply in relation to an offence under this Act as it applies in relation to an offence under that Act.