



Olympic Symbol etc. (Protection) Act 1995

1995 CHAPTER 32

The Olympics association right

1 Creation.

- (1) There shall be a right, to be known as the Olympics association right.
- (2) The right shall carry with it the rights and remedies provided by this Act, which shall be exercisable by such person as the Secretary of State may by order made by statutory instrument appoint for the purposes of this subsection.

[^{F1}(2A) An order under subsection (2) above—

- (a) may appoint more than one person;
- (b) may make different appointments for different purposes;
- (c) may make provision for joint or concurrent exercise of rights;
- (d) may apply (with or without modifications) or make provision similar to a provision of section 23 of the Trade Marks Act 1994 (c. 26) (co-ownership).]

- (3) An order under subsection (2) above which revokes a previous order under that subsection may contain such supplementary and transitional provision as the Secretary of State thinks fit.
- (4) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 1(2A) inserted (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 2](#) (with s. 40(5))

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2 Rights conferred.

- (1) The Olympics association right shall confer exclusive rights in relation to the use of the Olympic symbol, the Olympic motto and the protected words.
- (2) Subject to sections 4 and 5 below, the rights conferred by subsection (1) above shall be infringed by any act done in the United Kingdom which—
 - (a) constitutes infringement under section 3 below, and
 - (b) is done without the consent of the person for the time being appointed under section 1(2) above (in this Act referred to as “the proprietor”).
- (3) The proprietor may exploit the rights conferred by subsection (1) above for gain, but may not make any disposition of, or of any interest in or over, them.
- (4) This section shall not have effect to permit the doing of anything which would otherwise be liable to be prevented by virtue of a right—
 - (a) subsisting immediately before the day on which this Act comes into force, or
 - (b) created by—
 - (i) the registration of a design under the ^{M1}Registered Designs Act 1949 on or after the day on which this Act comes into force, or
 - (ii) the registration of a trade mark under the ^{M2}Trade Marks Act 1994 on or after that day.
- (5) Consent given for the purposes of subsection (2)(b) above by a person appointed under section 1(2) above shall, subject to its terms, be binding on any person subsequently appointed under that provision; and references in this Act to doing anything with, or without, the consent of the proprietor shall be construed accordingly.

Modifications etc. (not altering text)

- C1** S. 2(2)-(4) 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](#)

Marginal Citations

- M1** 1949 c. 88.
M2 1994 c. 26.

3 Infringement.

- (1) A person infringes the Olympics association right if in the course of trade he uses—
 - (a) a representation of the Olympic symbol, the Olympic motto or a protected word, or
 - (b) a representation of something so similar to the Olympic symbol or the Olympic motto as to be likely to create in the public mind an association with it, [^{F2}or a word so similar to a protected word as to be likely to create in the public mind an association with the Olympic Games or the Olympic movement]

(in this Act referred to as “a controlled representation”).
- (2) For the purposes of this section, a person uses a controlled representation if, in particular, he—
 - (a) affixes it to goods or the packaging thereof,

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- (b) incorporates it in a flag or banner,
- (c) offers or exposes for sale, puts on the market or stocks for those purposes goods which bear it or whose packaging bears it,
- (d) imports or exports goods which bear it or whose packaging bears it,
- (e) offers or supplies services under a sign which consists of or contains it, or
- (f) uses it on business papers or in advertising.

Textual Amendments

F2 Words in s. 3(1)(b) added (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 3\(1\)](#) (with s. 40(5))

Modifications etc. (not altering text)

C2 S. 3(2) 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](#)

4 Limits on effect.

[^{F3}(1) A person does not infringe the Olympics association right (despite section 3) by the use of a controlled representation—

- (a) in publishing or broadcasting a report of a sporting or other event forming part of the Olympic Games,
- (b) in publishing or broadcasting information about the Olympic Games,
- (c) as an incidental inclusion in a literary work, dramatic work, artistic work, sound recording, film or broadcast, within the meaning of Part I of the Copyright, Designs and Patents Act 1988 (c. 48) (copyright), or
- (d) as an inclusion in an advertisement for a publication or broadcast of a kind described in paragraph (a) or (b).

(2) But the exceptions in subsection (1)(a) and (b) do not apply to advertising material which is published or broadcast at the same time as, or in connection with, a report or information.

(3) A person does not infringe the Olympics association right by using a controlled representation in a context which is not likely to suggest an association between a person, product or service and the Olympic Games or the Olympic movement; and for the purpose of this subsection—

- (a) the concept of an association between a person, product or service and the Olympic Games or the Olympic movement includes, in particular—
 - (i) any kind of contractual relationship,
 - (ii) any kind of commercial relationship,
 - (iii) any kind of corporate or structural connection, and
 - (iv) the provision by a person of financial or other support for or in connection with the Olympic Games or the Olympic movement, but
- (b) a person does not suggest an association with the Olympic Games or the Olympic movement only by making a statement which—
 - (i) accords with honest practices in industrial or commercial matters, and
 - (ii) does not make promotional or other commercial use of a protected word by incorporating it in a context to which the Olympic Games and the Olympic movement are substantively irrelevant.

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- (4) The Secretary of State may by order specify what is to be or not to be treated for the purposes of subsection (3) as an association between a person, product or service and the Olympic Games or the Olympic movement; and an order under this subsection—
- (a) may include incidental, consequential or transitional provision (which may include provision amending subsection (3)(a) or (b)),
 - (b) shall be made by statutory instrument, and
 - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (5) A person does not infringe the Olympics association right by using a controlled representation in relation to goods if—
- (a) they were put on the market in the European Economic Area by the proprietor or with his consent,
 - (b) the representation was used in relation to the goods when they were put on the market, and
 - (c) the proprietor does not oppose further dealings in the goods for legitimate reasons (including, in particular, that the condition of the goods has been changed or impaired after they were put on the market).]
- (11) The Olympics association right is not infringed by use of a controlled representation where—
- (a) the use is for the purposes of an undertaking, and
 - (b) the way in which the representation is used for the purposes of the undertaking is a way in which it has been continuously used for those purposes since a date prior to the commencement of this Act.
- (12) In the case of a representation of a protected word, the Olympics association right is not infringed by use as part of—
- (a) the name of a company, being a name which was the company's corporate name immediately before the day on which this Act comes into force, or
 - (b) the name under which a business is carried on, being a business which was carried on under that name immediately before the day on which this Act comes into force.
- (13) The Olympics association right is not infringed by use of a controlled representation where the use—
- (a) takes place under a right subsisting immediately before the day on which this Act comes into force, or
 - (b) is liable to be prevented by virtue of such a right.
- (14) The Olympics association right is not infringed by use of a controlled representation where the use—
- (a) takes place under a right created by—
 - (i) the registration of a design under the ^{M3}Registered Designs Act 1949 on or after the day on which this Act comes into force, or
 - (ii) the registration of a trade mark under the ^{M4}Trade Marks Act 1994 on or after that day, or
 - (b) is liable to be prevented by virtue of such a right.
- (15) The Olympics association right is not infringed by use of a controlled representation for the purposes of—

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- (a) judicial or parliamentary proceedings, or
- (b) a Royal Commission or statutory inquiry.

(16) In subsection (15) above—

“judicial proceedings” includes proceedings before any court, tribunal or person having authority to decide any matter affecting a person’s legal rights or liabilities;

“parliamentary proceedings” includes proceedings [^{F4}of the Scottish Parliament]of the Northern Ireland Assembly or of the European Parliament;

“Royal Commission” includes a Commission appointed for Northern Ireland [^{F5}by a Minister, within the meaning of the Northern Ireland Act 1998, or Northern Ireland department in pursuance of the prerogative powers of Her Majesty exercisable by the Minister or department under section 23 of that Act]; and

“statutory inquiry” means an inquiry held or investigation conducted in pursuance of a duty imposed or power conferred by or under an enactment.

(17) In this section, references to use of a work in relation to goods include use of a work on goods.

Textual Amendments

- F3** S. 4(1)-(5) substituted for s. 4(1)-(10) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 4](#) (with s. 40(5))
- F4** S. 4(16): words in definition of “parliamentary proceedings” inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, [Sch. 1 Pt. I para. 12](#)
- F5** S. 4(16): words in definition of “Royal Commission” substituted (2.12.1999) by [1998 c. 47](#), s. 99, [Sch. 13 para. 15](#) (with s. 95); [S.I. 1999/3209](#), art. 2, [Sch.](#)

Modifications etc. (not altering text)

- C3** S. 4(11)-(14) modified (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 3\(2\)](#) (with s. 40(5))
- C4** S. 4(11)-(14) 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](#)

Marginal Citations

- M3** [1949 c. 88](#).
- M4** [1994 c. 26](#).

5 Power to prescribe further limits on effect.

- (1) The Secretary of State may by order made by statutory instrument specify additional cases in which the Olympics association right is not infringed.
- (2) Without prejudice to the generality of subsection (1) above, the matters by reference to which a case may be specified under that subsection include—
 - (a) the description of controlled representation used, and
 - (b) the description of persons by whom a controlled representation is used.
- (3) An order under this section may contain such supplementary and transitional provision and savings as the Secretary of State thinks fit.

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[^{F6}(4) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F6 S. 5(4) added (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), **Sch. 3 para. 5** (with s. 40(5))

Modifications etc. (not altering text)

C5 S. 5 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**

Status:

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