

LONDON OLYMPIC GAMES AND PARALYMPIC GAMES ACT 2006

EXPLANATORY NOTES

MISCELLANEOUS

Section 33 and Schedule 4: London Olympics association right

93. This section introduces *Schedule 4*. Schedule 4 creates a specific event association right in relation to the 2012 London Olympic and Paralympic Games. It seeks to prevent those who use innovative ways of making an association with the Games (that is, who create an association with the Games without using specific words or symbols protected under trademark or under the Olympic Symbol etc. (Protection) Act) from doing so.
94. *Paragraphs 1 and 2* establish the principle of the London Olympics association right and define it as an attempt in the course of trade to create an association between services or goods or a person who provides good or services and the London Olympic or Paralympic Games. In particular, the concept of association is defined as where a person has created a commercial or contractual, or corporate or financial (eg sponsorship) link between a person, product or service and the Games. *Paragraph 1* also makes clear that the London Olympic association right is not infringed by someone who simply makes a statement that accords with honest commercial practices.
95. *Paragraph 3* sets out words and phrases, the combination of which may be taken into account by a court when considering whether the London Olympics association right has been contravened. *Sub-paragraphs (6) and (7)* of Paragraph 3 allow the Secretary of State to amend the list of words and phrases by order – the order would be subject to the negative resolution procedure. *Sub-paragraph (9)* of Paragraph 3 requires the Secretary of State to consult representatives of the advertising industry, LOCOG and others before altering the list of words. This consultation would follow usual Cabinet Office guidelines as to duration.
96. *Paragraphs 4 and 5* provide exceptions to the London Olympics association right in relation to authorised use. In particular they allow LOCOG to grant authorisations where individuals (most likely to be sponsors of LOCOG and of the Olympic Programme) are given permission to associate themselves with the London Olympic Games. LOCOG will be under a duty to maintain a public register of those individuals who have been granted the right to associate with the London Olympic Games and may charge individuals in relation to those authorisations. *Paragraphs 4 and 5* also allow LOCOG to grant class authorisations that they may grant to specific groups or types of people or organisations.
97. *Paragraphs 6, 7, 8 and 9* provide a number of exceptions to the London Olympic association right. These include specific reporting and information providing exemptions and exceptions relating to indications that describe (amongst other things) the purpose, quality or origin of a product or service.
98. *Paragraph 10* sets out the sections of the OSPA that will also apply to this new London Olympic Association right. These include provisions that protect existing rights and that

These notes refer to the London Olympic Games and Paralympic Games Act 2006 (c.12) which received Royal Assent on 30 March 2006

permit the Secretary of State to issue directions to LOCOG in relation to the exercise of this right.