



# Birmingham Commonwealth Games Act 2020

## 2020 CHAPTER 10

### PART 2

#### ASSOCIATION WITH THE GAMES

#### 5 Exceptions to the prohibition on unauthorised association

##### *Intellectual property rights*

- (1) Section 3(1) is not breached by—
- the use of a trade mark registered under the Trade Marks Act 1994 for goods or services for which it is registered;
  - the use of a design registered under the Registered Designs Act 1949;
  - the exercise of another intellectual property right subsisting immediately before the day on which this Act is passed.

##### *Continuous use*

- (2) Section 3(1) is not breached by the use of a representation in any manner by a person acting in the course of a business if—
- immediately before 21 December 2017, the representation was used in that manner for the purpose of activities constituting the business, and
  - the representation has continued to be used in that manner for that purpose since that day.

##### *Fair use*

- (3) Section 3(1) is not breached by—
- the use by a person of the person's name or address,
  - the use of indications concerning—

---

*Status: This is the original version (as it was originally enacted).*

---

- (i) the kind, quality, quantity, intended purpose, value or geographical origin, or any other characteristic, of goods or services, or
      - (ii) the time of production of goods or of the provision of services, or
    - (c) the use of a representation for the purpose of identifying or referring to goods or services as those of a person authorised under section 4,
- provided, in each case, that the use is in accordance with honest practices in industrial or commercial matters.
- (4) Section 3(1) is not breached by the use of a representation—
    - (a) in a report of a Games event,
    - (b) for the purpose of sharing information about the Games,
    - (c) for the purpose of promoting—
      - (i) such a report, or
      - (ii) the sharing of such information, or
    - (d) as an incidental inclusion in a literary work, dramatic work, artistic work, sound recording, film or broadcast.
  - (5) Any reference in subsection (4) to a report of a Games event or the sharing of information about the Games does not include a reference to material that is published or broadcast for the purpose of promoting something other than the Games.
  - (6) Terms used in subsections (4)(d) and (5) and in Part 1 of the Copyright, Designs and Patents Act 1988 have the same meaning in those provisions as they have in that Part.

*Dealings in authorised goods*

- (7) Section 3(1) is not breached by the use of a representation in relation to goods (the “current use”) if—
  - (a) the goods bear the representation,
  - (b) they were put on the market in accordance with an authorisation granted by the Organising Committee under section 4, and
  - (c) the current use is in accordance with that authorisation.

*Organising Committee*

- (8) Section 3(1) is not breached by the use of a representation by the Organising Committee.

*Information society services*

- (9) Schedule 1 contains exceptions relevant to providers of information society services.