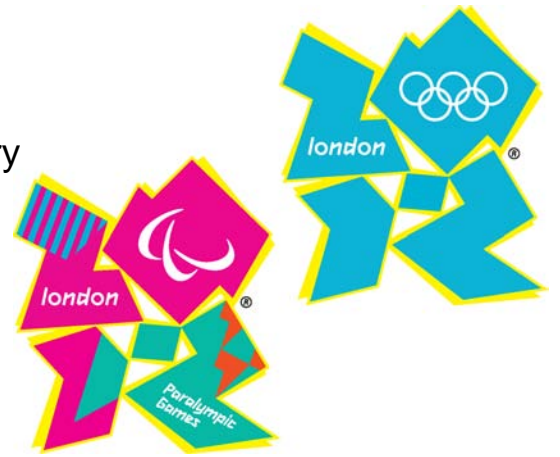


London Organising Committee of the
Olympic Games and Paralympic Games

Brand Protection: Information for the Betting Industry
January 2012



Guidelines

London 2012 Brand Protection

A practical guide to what betting operators can and cannot do in relation to the Games

These guidelines provide practical examples for the betting industry and those who work with it, for example in media and advertising, of what can and cannot be done in referring to the London 2012 Olympic Games and Paralympic Games (the 'Games') and the use of Protected Games Marks when communicating with customers about betting services.

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1. Introduction

Betting on Games sporting events and other events connected with the Games will be permitted in the normal course of business. We recognise that betting will take place and that the high profile nature of the Games could result in a high level of interest in betting on the Games.

We also recognise that Operators want to promote the services they provide for betting on the Games ('Games Bets'), and communicate with customers about those services, as part of their usual business as they would for other sporting events. However, in this regard the Games are different from other major sporting events. In addition to relying on traditional legal rights such as trade marks and copyright, the Games brand is protected by a number of special legal rights to preserve the exclusive association offered to Games sponsors and licensees. The London Organising Committee of the Olympic Games and Paralympic Games Limited ('LOCOG'), as the organisation responsible for organising and hosting the Games, is the body with responsibility for protecting the Protected Games Marks (see Annex A) in the United Kingdom until the end of 2012.

Operators are not permitted to promote themselves in a way which would reasonably be understood to mean they have an official association with the Games. This does not mean that the Games cannot be mentioned. This guidance, similar to guidance produced for other industries, provides practical examples of the types of factual statements which Operators can make to communicate their services to the public without infringing the rights which exist to protect the Games.

This guidance supplements, and should be read in conjunction with, the booklet entitled 'London 2012 Brand Protection: Information for Businesses' which provides generic information on Olympic and Paralympic brand protection for all businesses. This can be found on our website at <http://www.london2012.com/documents/brand-guidelines/guidelines-for-business-use.pdf>.

This guidance is subject to any agreements or other arrangements which Operators (or others in the industry) might have in place with the International Olympic Committee or other bodies connected with the Games.

Further information about our legal rights is available at london2012.com/brandprotection including a detailed document explaining our special statutory rights.

Important note:

The guidance in this document:

- applies only to activities taking place in the UK and to websites designed for UK customers (if an Operator accepts bets in Pounds Sterling, this will be a clear indication that the website is designed for UK customers);
- should, before activities overseas are undertaken, be considered in conjunction with local laws;
- is not a substitute for legal advice;
- is subject to and should be read in conjunction with any legislation, guidelines and guidance applicable to the betting industry in force at the time. **Operators are responsible for obtaining their own advice on the application of, and compliance with, any relevant legislation, guidelines and guidance.** More information can be found on the Gambling Commission's website <http://www.gamblingcommission.gov.uk/>; and
- may be updated periodically to reflect changes in the law and/or other factors.

2. Key principles

Below are key principles for Operators when providing information to the public about Games Bets. The key principles are relevant to all forms of promotion, marketing, customer information and advertising, in all forms of media, and apply to all Games sporting and non-sporting events and activities.

- 1) Operators must not use any of the Protected Games Marks (see Annex A) (except that protected words/terms may be used within factual statements – see point 3 below).
- 2) Operators must not produce any promotions, adverts, products, special offers, websites, or other promotional media or public relations which suggest or imply

that the Operator is associated with the Games or that a Games Bet is an official product of the Games.

- 3) Operators can make statements of fact which refer to the Games in the context of providing information about Games Bets, provided that the statements are informative and proportionate, rather than for promotional purposes (i.e. references should be limited to the basic information which clients would need to know to decide whether to make a bet; for example, 'Bets on The Olympics available here' or 'Hundreds of bets on Olympic events including Football, Tennis and Athletics').

An association with the Games which would infringe the rights which exist to protect the Games can be created by the use of any words, images or marks or, more likely, a combination of these. For example, athletic images, representations of an Olympic-style Torch and Flame, the colours of the Olympic Rings, words or iconic images which evoke the spirit of the Games, and other representations relating to the Games may each contribute to the creation of an association with the Games. For further guidance see Annex B.

3. Detailed guidelines and examples

Important note:

The examples given below are for illustrative purposes and do not indicate that an activity definitely will, or will not, infringe LOCOG's rights. A wide variety of factors, including content, context and presentation will be relevant when determining infringement and cases must be reviewed on an individual basis considering all the circumstances.

(a) Information about Games Bets

Websites

- Operators should not use, for example, 'london2012.[Operator].com' or '[Operator]olympics.com' or other similar domain names which include words which are Prohibited Marks. Operators can have webpage addresses ending '/london2012';
- Operator home pages should not adopt a Games theme. For example, a combination of images of Olympic or Paralympic sports, medals and/or London iconography would likely create an association with the Games. However, one or two images of Olympic sports would be unlikely to create an association;
- Operator webpages should not give special prominence to Games Bets or webpages containing Games Bets:
 - o where an Operator website has a page with tabs or lists of sports or events (which link to other pages on its site with information on the bets available on those sports or events), the Operator can include a tab labelled 'The Olympics' or 'London 2012' linking to information on

Games Bets. The 'Olympics' tab should be the same size and colour as the tabs for other sports and should not stand out in any other way, for example by flashing or moving;

- a 'London 2012' or 'The Olympics' webpage should be set out in a similar format to the webpages for the other sports/events which have their own webpage;
- Operator branding should not be more prominent on Games Bets webpages than it is on pages about non-Games bets;
- Operators should not create microsites or websites dedicated to the Games; and
- references to the Games and information on Games Bets should not be associated with any special offers or promotions (whether these are Games related or not) (see below).

Betting Operator shops

Shop windows/boards: Operators can provide information on Games Bets in shop windows and on boards outside their shops, provided that the display/board does not create an association with the Games or suggest that the Games Bets are authorised or official bets.

An example of how Games Bets could be conveyed to the public is set out below. In the example, Games Bets are set out together with bets on other non-Olympic events, which is one way for Operators to avoid creating an association with the Games. The example is subject to the other restrictions in this guidance on, for example, use of Olympic or Paralympic sport imagery – use of combinations of imagery of Olympic sports, medals and London iconography on or around the board could mean that it creates an association with the Games.

Operator Today's bets
Football, Club Friendly: Valencia v Man Utd, first goal Rooney [odds]
Horseracing, Bath 15.08: Red Star [odds]
Cricket, England v South Africa [odds]
Olympic Games: England v Australia hockey match [odds]
Olympic Games: USA v Canada basketball match on [date] [odds]
[Odds] available on Jenkins winning the London 2012 triathlon
[Or more general information] Olympic Games: Bets being taken on [list of events with dates]
Golf, WGC Bridgestone: Luke Donald [odds], Nick Watney [odds]

Boards and shop windows should not contain references to 'Operator's Olympic bets' or 'Operator's Olympics'.

In-shop betting slips/screens listing bets: Operators can produce betting slips for Games Bets only; however the slips should be in the same format (size and shape) as slips for other sporting events.

Operators can display lists of Games Bets on screens in their shops provided that there is no Operator branding or third party branding directly associated with Games Bets; permanent fixed Operator branding on or alongside screens is not prohibited.

In-shop leaflets/booklets/betting guides: Operators can produce leaflets/betting information books containing information on Games Bets for sale/distribution in shop provided that those leaflets/booklets do not create an association with the Games.

Booklets may contain pages dedicated to Games Bets provided that the booklet also contains pages/sections dedicated to bets on non-Games events. Operators should not produce booklets dedicated only to Games Bets.

(b) Advertising/promotional materials and special offers

Operators must not create an association with the Games in their advertising or promotional materials. This includes advertising on an Operator's own website as well as on third party advertising sites, television, newspapers or other forms of media, major internal corporate marketing and employee engagement activities.

- Advertisements which contain references to the Games and only include Games Bets risk creating an association with the Games. To reduce this risk, Operator advertisements should contain non-Games bets as well as Games Bets, headings/predominant text should focus on the Operator and not reference the Games or use iconic Olympic or Paralympic imagery/symbols;
- Operators cannot sponsor feature 'tips of the day' which are Olympic themed in newspapers or other media; for example, a tip of the day entitled 'Operator's Olympic Tip of the Day' or 'Olympic tip of the day by Operator', or which locks up the Operator name/brand with the Games Bets would not be permitted. However, Operators can sponsor tips of the day in the usual course of their business, for example 'Operator's Tip of the Day' which includes tips on Olympic sports events; and
- Operators can produce advertisements containing their logo/brand/name which refer to Games Bets but have no direct reference to the Games (e.g. 'Phelps to win gold [odds]' (note that use of athlete name or imagery is subject to restrictions on athlete promotional activity during Games time – see below)).

Special offers

Special offers are inherently promotional rather than informative, therefore special offers should not be offered exclusively in respect of the Games or on Games related events or Games Bets, and should not be presented as specific 'Olympic Offers'. Games Bets should not be tied in to promotions for third parties. The following would not be permitted:

- 'Four free beers when you bet on any three Olympic events'
- 'Free game of Blackjack when you bet on any Games Football match'

However, Operators may make general 'special offers' on sports which are included in the Games, without making these exclusive to the Games and without specific reference to the Games, for example:

- 'Special offers on all bets on Football during the summer of 2012'
- 'Free £10 bet for people placing bets on Cycling events during the summer of 2012'

(c) Athlete promotion during the Games

Operators should be aware that Bye-law 3 of Rule 40 of the International Olympic Committee's charter provides 'no competitor, coach, trainer or official who participates in the Olympic Games may allow his or her person, name, picture or sports performance to be used for advertising purposes during the Olympic Games.'

Guidance is available at www.london2012.com/rule40guidelines on the effect of this Rule.

The International Paralympic Committee handbook contains a provision to the same effect.

(d) Use of Olympic and Paralympic images

Use of images taken at the Games or at previous Olympic or Paralympic Games is strictly controlled, and such images may not be used by Operators.

(e) Broadcasts of the Games in betting shops

Subject to relevant licensing and gambling legislation, Operators may show the Games live on TV screens in their shops for their clients provided that (i) the transmission is a 'clean feed', i.e. there is no overlay of betting odds or other commentary added by the Operator, and (ii) Operators do not add any branding on or around the screens, this includes their own brand and that of any third party (only permanent fixed branding of the Operator on the TV (as opposed to in a feed) is permitted).

(f) Use of International Olympic Committee/International Paralympic Committee data

Rule 7 of the International Olympic Committee's charter provides that, 'The Olympic Games are the exclusive property of the IOC which owns all rights and data relating thereto... The IOC shall determine the conditions of access to and the conditions of any use of data relating to the Olympic Games and to the competitions and sports performances of the Olympic Games.'

Certain information, such as start lists, results and statistics from events, will be published on the London 2012 website. The London 2012 website will be available to the public, however Operators are not permitted to reproduce all or a substantial part of the content.

Operators may include a link to the official London2012.com website on their own website as a way of directing customers to an official source of information on the Games. This should be done by way of a simple text hyper link to the Games website.

ANNEX A

The Protected Games' Marks

All of the following names, words, marks, logos and designs relating to London 2012 and/or the Olympic and Paralympic Movements (collectively known as the Protected Games' Marks) are legally protected marks owned by or licensed to The London Organising Committee of the Olympic Games and Paralympic Games Limited (LOCOG).

Protected trade marks and designs:



The words: **London 2012 – 2012 – LOCOG – Javelin
Team GB – Get Set – Games Maker**

All of the above marks and words are protected either as registered trade marks, registered designs and/or by common law. The official emblems of the London 2012 Olympic Games come in a number of colours and can have designs within the emblems, for example with the Union flag as shown above. These variations of the emblems, the bespoke font shown above and other official marks of London 2012 (including Games' mascots and all pictograms) are all, or will be once they are created, legally protected.

Protected by the Olympic Symbol etc (Protection) Act 1995 (OSPA):

The words: **Olympic – Olympian – Olympiad – Paralympic – Paralympian – Paralympiad** plus their plurals, translations and anything similar to them.

The symbol of
The International Olympic Committee (IOC):



The symbol of
The International Paralympic Committee (IPC):



The mottos of the **IOC**: **Citius, Altius, Fortius and Faster, Higher, Stronger**; and the **IPC**: **Spirit in Motion**, plus their translations and anything similar to them.

ANNEX B

Protected by the London Olympic Games and Paralympic Games Act 2006:

The London Olympic Games and Paralympic Games Act 2006 (the 2006 Act) grants LOCOG the London Olympic Association Right. It allows LOCOG to prevent people from creating an association between a business, goods or services and the London 2012 Olympic Games and/or Paralympic Games, in the course of trade. This prevents, for example, businesses from running any advertising or marketing campaigns which suggest they are associated with London 2012 without LOCOG's authority. An association can be created through the use of ANY representation whether in audio or visual form for example. However, the 2006 Act specifies certain 'Listed Expressions' and states that a court may take these into particular account when determining if an association has been created.

The Listed Expressions are:

– any two of the words: **Games, Two Thousand and Twelve, 2012, Twenty-Twelve**

OR

– any word in the list above with one or more of the words: **London, medals, sponsors, summer, gold, silver, bronze**

Whether an association has been created with London 2012, or not, will be a question of fact. The 2006 Act specifies the Listed Expressions, and states that a court may take them into particular account when determining if there has been an infringement of LOCOG's rights. But an association can be created by the use of **any** representation, which may be in any form and may or may not use the Listed Expressions. Although the Listed Expressions are a helpful guide they are not the only thing a court would look at so it shouldn't be assumed that if a Listed Expression is not used, LOCOG's right will not be infringed. For example the following advert illustrates how an infringing association under the 2006 Act may be created.



Example: An advert which creates an association with London 2012 through use of images and text