

Olympic Insignias

A number of construction industry companies sponsored Sydney's successful Olympic bid and displayed sponsorship logos on their letterheads. Association with the Sydney 2000 Olympics will likely also attract the interest of commerce and industry generally, including consultants, construction companies, specialist contractors and suppliers. Consequently, the following brief item should be of interest regarding Sydney 2000 Olympics intellectual property rights. - J.T.

Federal parliament has passed legislation expanding restrictions on using Olympic insignia. The Olympic Insignia Protection Act 1987 Act allows the Australian Olympic Federation (now Australian Olympic Committee, AOC) to regulate the use of the five interlocking ring Olympic symbol and the Olympic motto. This has been amended to protect also the Olympic torch and flame.

The policy underpinning the Act is to ensure that the AOC can obtain licensing fees from those wishing to use Olympic insignia and to prevent misleading conduct in relation to the use of Olympic symbols.

Tougher, stricter, tighter

The protection given to the Latin version of the Olympic motto - "citius, altius, fortius" - has been extended to cover the English translation "faster, higher, stronger". A trademark that contains the motto, or so nearly resembles it that it is likely to be mistaken for it, cannot be registered under the Trademarks Act 1955.

Torch and flame

The AOC may only register one Olympic torch and flame design for each summer and winter Olympic Games. The design will be protected for a period from three years before the Games until one year after the Games - the design will then pass into the public domain. The period can be reduced to enable registration of another design, but not extended.

Decathlon of designs

The AOC may only have ten designs registered at any one time. If it wishes to register another design or insignia, then it must allow one of the ten to be deregistered.

What's in a name

The protection given to the AOC extends to the prohibition on the use of certain names by companies. Regulations introduced under the federal Corporations Law prohibit the use of names such as Sydney, 2000, Olympic, Paralympic, etc.

Existing rights continue

The AOC is taken to be the owner of the Olympic symbol and designs and has monopoly rights in these insignia. The AOC can raise funds by licensing the use of

Olympic insignia but can't assign ownership.

There are a number of existing registered trade marks, business names and brand names which make some reference to Olympic or the Olympic motto. The Act specifically protects these existing rights and focuses largely on the potential for Olympic insignia to be misused.

Sanctions

Application to the Federal Court for injunction, damages, etc are possible as well as recourse to the Trade Practices Act 1974.

Opportunities

Businesses may enter into licence agreements with the AOC to use Olympic symbols and insignia and have the protection of this Act.

The protection against unauthorised use of Olympic insignia largely centres on the importation, manufacture or sale in the Australian domestic market. Section 8(2) still appears to afford an opportunity for people in Australia to use an Olympic symbol if it is not intended to use the article in Australia at a later time. Manufacturers could use Olympic insignia on products for the export market.

While business can benefit from the Sydney 2000 Olympics, it is important to ensure that contravention of the Olympic Insignia Protection Act doesn't occur.

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