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Keywords

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GOING FOR GOLD IN TRADEMARK ENFORCEMENT: OLYMPIC BRANDING

by Chelsea Zimmerman

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Only fifteen days until London 2012. Athletes are training for their competitions, spectators are preparing for their favorite events, and businesses are organizing marketing strategies to take advantage of this international event and boost their profits.

As businesses and individuals around London gear up to celebrate the Olympics, however, they are facing strict limitations on the manner in which they demonstrate their support for the Games. Knitting the Olympics logo onto a doll's sweater for a charity event? That's a violation. Decorating a cake with Olympic-themed embellishments for a baking competition? Also a violation. Displaying multi-colored floral wreaths in a flower shop for the torch arrival? Yes, a violation.

The Olympic symbols—the five multi-colored rings, the logo, the motto, etc.—are protected by trademark, copyright, and common law, in addition to new domestic laws intended to preserve the prestige of the Olympic brand (cities that bid to host the Olympic games must ensure that legislation will be passed to protect trademark infringement). One year after London claimed host to the 2012 games, the British Parliament enacted the London Olympic Games and Paralympic Games Act 2006 to protect the internationally-recognized symbols and the Games' sponsors. Any violation of the act—including associations with the protected words or symbols—can give rise to civil and criminal actions.

One reason for such aggressive enforcement efforts stems from concerns over ambush marketing and the potential damage ambushing can do to the official sponsors and the Olympic Games. Strict rules were enacted to prevent opportunities for ambush marketing with specific emphasis on the use of social media; athletes are restricted from posting pictures to Facebook or messages on Twitter regarding non-sponsor brands, products, or services.

Brand identification is another important component to restricting use of the Olympic

marks. Sponsors of the Olympics pay significant amounts of money to gain exclusive access to the coveted symbols, logos, phrases, and mottos. Strong regulations have been enacted to ensure that only recognized sponsors use these important marks.

Preventing ambush marketing and trademark infringement is vital to ensure the continued funding of the Olympics from private sponsors. The London Organising Committee of the Olympic and Paralympic Games (LOCOG) has been tasked with ensuring that this investment is protected. In addition to protecting the symbols as valuable monetary assets, LOCOG also intends to protect the “emotion [and] excitement” associated with the Olympic brand.

Although use of the Olympic trademarks is an important component of Olympic sponsorship, the stringent effort to protect the associated symbols and words is facing significant critique. In May, the Guardian conducted a public opinion poll on the necessity of strict rules protecting Olympic branding during the upcoming games; the majority (91%) of respondents disagreed with the necessity of these rules. While trademark protection is crucial to protect the Olympic marks, there is some concern that efforts to prevent unauthorized use of the Olympic symbols have exceeded acceptable restrictions on use of these prominent symbols. Local businesses are concerned that their inability to flaunt support for the Olympics in certain ways will hinder the anticipated economic incentive from London hosting the Games. Individuals are concerned that their celebrations will violate trademark regulations.

To provide clarification on appropriate use of the protected marks, LOCOG has provided guidelines regarding use of the protected brand by businesses and individuals. These rules are expected to protect the Olympic symbols from infringement and dilution while still encouraging businesses and

individuals to support the Games.