

London 2012 Brand Protection: Information for the Tourism Sector

- A practical guide to referring to the Games

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1. Introduction

These guidelines are intended as a practical manual to help tourism businesses of all sizes understand the laws which protect the London 2012 Olympic and Paralympic Games (the 'Games'). They provide relevant examples of what can and cannot be done when communicating to customers about tourism products and services related to London 2012.

One of the major benefits of staging the London 2012 Olympic and Paralympic Games will be the international and domestic interest they attract. We want to help maximise our ability to harness this to benefit the UK tourism industry and promote the UK as a visitor destination. We also want to ensure visitors to and around the UK in 2012 are warmly welcomed and have a fantastic experience – whether they are visiting for the Games or for any other purpose.

We will be working with non-commercial organisations such as VisitBritain, Visit England, Visit London and the Tourism Alliance to promote the Games and the UK domestically and overseas. Due to the manner in which the Games are funded

however, we must ensure that businesses in the tourism sector do not promote themselves in a way which suggests they have an association with the Games. This would undermine the rights of the official sponsors of the Games, known as 'London 2012 Partners' (which include British Airways, Thomas Cook and Intercontinental Hotel Group from the tourism sector). Our Partners contribute very significantly to the staging of the Games through the provision of funding, goods and services. **Without them, the Games could not happen** so preserving their exclusive rights is essential.

The purpose of this document is to explain how tourism products can be described and communicated, with appropriate inclusion of information and references to the Games which are necessary and helpful to visitors. However, to preserve the exclusive rights of our Partners, the inclusion of such information (as described over the following pages) **must always be ancillary to the product offered and not be so prominent as to convey the impression that the product is Games-themed or that the business or product being advertised is otherwise associated with the Games.**

We have the opportunity to work with the tourism industry for our mutual benefit. It is hoped that these guidelines can assist those in the tourism industry in contributing to, and benefiting from, the international enthusiasm for the Games while ensuring our rights, and its ability to fund the Games, are protected.

This document 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 london2012.com/brandprotection and via the tourism2012games.org website. A further booklet written for non commercial organisations, entitled 'Brand Protection: Information for Non commercial Organisations' is also available at this link.

Important note:

The guidance in this document:

- applies to activities taking place in the UK and from UK-focused websites only. Point 5(j) below addresses inbound promotion about the Games in a limited context, however before undertaking any activities overseas, local laws must be considered
- is not a substitute for legal advice
- may be updated periodically to reflect changes in the law and other factors.

2. Why we must protect our brand

The London Organising Committee of the Olympic Games and Paralympic Games Limited ('LOCOG') is the organisation responsible for organising and hosting the London 2012 Olympic Games and Paralympic Games. We also have responsibility for protecting the Olympic and Paralympic brands in the United Kingdom.

Our £2 billion budget for organising and hosting the Games is generated wholly from private sources. (Note that this budget is distinct from the publically funded budget of the Olympic Delivery Authority which is delivering the permanent venues and infrastructure for the Games). A very significant proportion of our budget is raised through our sponsorship and licensing programmes – such as by licensing the use of 'Protected Marks' (see pages 4-5) to our official sponsors and licensees and granting them exclusive rights to be associated with London 2012. We need to protect the exclusivity and value offered to our sponsors and licensees by preventing other businesses exploiting and creating an association with the Olympic and Paralympic Games for free.

3. How we protect our brand

LOCOG benefits from a number of special legal rights, which in addition to relying on traditional legal rights such as trade marks and copyright allow us to preserve the exclusive association we offer to our Partners. Our rights are illustrated over the following two pages.

Although we do benefit from strong legal rights and must exercise these to protect our ability to fund the Games, the idea that the law prevents businesses from ever mentioning the Games is a myth. The law provides for various defences and exceptions which allow, for example, businesses to make non-promotional factual statements and to provide relevant information.

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

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**

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.

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.

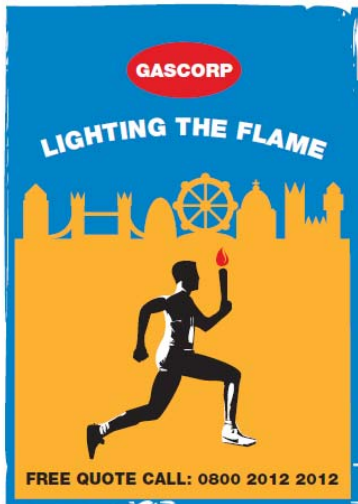
The Listed Expressions are:

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

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

Protected by copyright:

All films, musical works, artistic works and designs (e.g. the Games' emblems, mascots and posters) created by LOCOG or other official Olympic and Paralympic bodies (already or in the future) in connection with the Games are (or will be once created) protected by copyright.

4. Key principles

Below are a few key principles for business in the tourism sector (excluding London 2012 Partners) to bear in mind if they are proposing to provide information to visitors or undertake any activity or promotion in relation to, or which refers to, the Games. Unless otherwise specified, the key principles are relevant to all forms of promotion, marketing, customer information and advertising, in whatever media.

- **We encourage the tourism industry to inform their customers and clients about the Games and about services that they routinely provide which may be used by visitors to the Games: this document explains how you can do this.**
- **Subject to the following provisos (see below) tourism businesses may make statements of fact which refer to the Games in the context of providing relevant information about the facilities or services they offer, or to give necessary information to visitors.**
- **Provisos: References to the Games should only be made in a way which does not suggest or imply that the business is associated with the Games.**
In particular statements about the Games must:
 - (i) **be informative rather than promotional**
 - (ii) **proportionate and in a relevant context**
 - (iii) **only be made where/when it would be normal and relevant to provide information related to a major event happening in the UK (or as otherwise indicated in these guidelines)**

Note:

To ensure a statement is **non-promotional and proportionate**, statements about the Games must not be highlighted, or otherwise featured in a way designed to use the Games to draw attention to an advertisement or promotional message etc

- **Businesses must not use any of the London 2012 Protected Marks (as illustrated on pages 4 and 5)**
- **Businesses must not undertake or produce any PR, promotions, adverts, products, special offers, websites, or other promotional media which are Games-themed as these will inevitably create an association with the Games**

NOTE:

To ensure that a marketing communication is not '**Games-themed**' references to the Games must be **ancillary** to the main thrust of the communication and **not convey the impression that the overall product being marketed is a Games-specific product**. By way of some obvious examples, an 'Olympic Vacation' promotion, 'Welcome to the Games' package or an advert which prominently used Games-related imagery, would be considered Games-themed.

- **It is acceptable to make promotional use of the words 'summer of 2012', in ways which do not create an association with the Games.**

Note that these key principles apply to the **Olympic and Paralympic Torch Relays**, official **Test Events** (ie sports events at Games venues at which LOCOG will test their operations), London 2012 **Live Sites**, and all **other official Games activities**. They also apply in relation to other activities and events where references to the Games are necessary to accurately describe them – an example of this may be informative walking-tours around the perimeter of the Olympic Park. The examples given in point 5 below relate to the Games themselves, but in the majority of cases these can be adapted to apply to these other Games-related events and activities

5. Examples

The following examples are intended as illustrations of the key principles above, or aspects of them, in specific contexts.

Where positive statements are made as to what can be done, this is always subject to the provisos that these must:

Not suggest an association with the Games

Be proportionate

Be non-promotional

These provisos (the '**provisos**') should be read into every example.

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) Useful information about the Games for visitors to the UK

Most visitors thinking of coming to (or staying in) the UK in 2012 will be aware that the Games are happening. We need to ensure that this does not deter them and that they are well informed about what the opportunities and impacts will be.

To facilitate this there is a fact sheet downloadable at tourism2012games.org/factsheet which can be provided to people thinking of visiting the UK.

Key facts about the Games (examples of which are given below) are also available from tourism2012games.org/keyfacts which can be included in any print advert*, brochure or website etc targeting visitors to the UK in 2012 subject to the provisos always being respected.

To comply with the provisos, below are some guidelines concerning proportionality when using the key facts:

- the **facts must**:
 - be in text no bigger than the smallest text used in the editorial content of the material in question (excluding small print);
 - not constitute more than 20 per cent of the total text;
 - represent no more than 10 per cent of the total size of the page/screen/advert in question; and
 - not be highlighted so as to use the Games to draw attention to the material.

*The key facts may not be used on outdoor or indoor display adverts larger than A2, in TV advertisements, or online banner advertisements.

The key facts can be translated but note that before using them overseas, you should check you are complying with local laws.

Some examples of the key facts are given below. Additional facts are available, and will be updated from time to time, on tourism2012games.org:

'The London 2012 Olympic Games will be held in London and across the UK from 27 July to 12 August 2012, followed by the Paralympic Games from 29 August to 9 September 2012.'

'Visitors to [London/Weymouth/Glasgow/Manchester/other] in July to September 2012 can find information about visiting for or during the Olympic and Paralympic Games at London2012.com/visiting.'

'Information about visiting for or during the London 2012 Games can be found at london2012.com/visiting.'

'The London 2012 [Olympic/Paralympic] Torch Relay will be passing through [PLACE] on [DATE] 2012.'

(Note that the route for the Torch Relays will be announced in due course and will be available at london2012.com).

(b) Information about services

Businesses may make statements of fact that would be relevant to visitors to the Games, for example:

- a hotel may state that it is well located in relation to a Games venue or event, within general text describing the geographical location of the hotel
- a transport provider may state that it is putting on additional services for visitors to the Games
- day trips may be offered for Games-related guests, designed to fit within their itineraries and locations.

(c) Games specific services for guests

Businesses offering accommodation, transportation or other services during the Games can provide their guests with information about services they are offering for those who are visiting for the Games. For example:

- a rural hotel can state that it is arranging transport to and from London for visitors wishing to travel to the Olympic and Paralympic venues
- normal hours of service may be changed, such as offering 'Early breakfasts and late suppers during the Olympic and Paralympic Games'

(d) Business as Usual

Businesses may make factual statements that they are operating as usual during the Games, or that the business offer is unaffected by the conduct of the Games. Similarly they may state that advanced bookings are required during the Games.

This may be done by reference to the period during which the Games will take place; e.g. 'the summer of 2012' or the following statements may be used where relevant:

'We are open as usual during the 2012 Olympic and Paralympic Games.'

'Advanced bookings are required during the 2012 Olympic and Paralympic Games'

Such statements must however comply with the provisos and the guidance relating to proportionate use of the key facts as set out at (a) above should be followed.

(e) Special offers

Special offers are inherently promotional rather than informative, therefore special offers should not be offered exclusively to Games-related visitors and should never be Games-themed or presented as specific 'Olympic Offers'. However, businesses may make general 'special offers' which will inevitably be as attractive to Games-related visitors as to anyone else. This could include offers such as:

- 'seven nights for the price of five during the summer of 2012'
- 'free transport to and from local rail station from July to September'
- '4 theatre tickets for the price of 3 when you visit London in 2012'

(f) Torch Relays, Test Events and Live Sites

We recognise that communities throughout the UK will wish to support, engage in and celebrate these activities, and we encourage them to do so. Tourism, travel and hospitality businesses will be involved in the bona fide provision of services in these locations on these occasions. Potential customers may be informed of the availability of these services provided that all references to and statements about these events must: (i) not suggest an association with the Games; (ii) be proportionate; and (iii) be non-promotional.

Promotional activities should not therefore be run in connection with these events but relevant factual information can be provided on the same principles set out above.

For example:

- a restaurant may state in advertising that it is open for business on the day that the Torch Relay is passing by, and take advance bookings
- a transport provider may state that it is putting on additional services to people staying late at a Live Site to watch the Games

(g) Showing broadcasts of the Games at bars, restaurants and hotels

Subject to licensing laws, businesses may show the Games live on TV screens in their establishments for their customers.

An official notice/poster will be produced ahead of the Games which will be available for establishments to display on, in, or adjacent to the premises (i.e. in the establishments' window or another relevant place) during the Games.

Businesses can also run advertisements during the month before or during the Games which include a factual statement informing that the Games will be shown at the establishment, provided:

- it is normal for the business to state that it showing an event;
- the advert is specific to a single establishment (ie it isn't run for a chain of restaurants or bars); and
- no commercial logos other than that of the establishment are included within the advert.

(h) Games tickets & hospitality packages

Tickets for the Games will go on sale to the general public in 2011. Tickets will only be available to purchase through London 2012 and official ticket resale agents appointed by LOCOG or, overseas, by the local National Olympic Committee and National Paralympic Committee. We will also be offering official Games hospitality packages (including tickets to the Games) through official partners.

Travel intermediaries who are providing other services to Games-related visitors should direct tourists to these official sources.

Under UK legislation, it is a criminal offence to sell, or advertise for sale, 'Olympic tickets' if the seller is not authorised by LOCOG.

'Olympic tickets' is defined to include anything which is, or purports to be, a ticket for an event held as part of the London 2012 Olympic and/or Paralympic Games – whether sporting or not.

These offences will catch people selling, advertising, or offering to sell, 'Olympic tickets' in the course of a business or to make a profit. This includes people giving a ticket to someone who pays or agrees to pay for some other goods or services (for example accommodation or other hospitality) and people using tickets within promotional offers or customer competitions.

Principally, this offence will be used to prevent sales of London 2012 tickets on the black market. The offences also prohibit the sale of tickets in a public place. So, for example, ticket touts will not be able to sell tickets outside London 2012 venues.

The ticket touting offences are already in force and apply to people selling or offering fake London 2012 tickets before official tickets come on sale.

Note: Please exercise caution if you are dealing with anyone you think may be putting together an unauthorised Games hospitality package. For example, if you are making your services or products available to be included in a package during the Games, you may want to check that the package provider is complying with the key principles set out in this document and is not illegally re-selling tickets.

(i) Destination management groups

Although the key principles set out above are still relevant, Tourist Boards and destination management/marketing organisations that comprise public and private sector participants (and that are recognised by their National Boards or English Regional Development Agency's Delivery Partners) play a special role and a few exceptions to the guidelines set out in this document can therefore apply to them.

In particular they may, in addition to the approved references described in this document:

- communicate for marketing/promotional purposes destination-related information specific to visitors to the Games in their official publications, and to members of the media or trade intermediaries
- offer and facilitation of familiarisation trips, services and supporting material to journalists and media whose visits are motivated by the occasion and locations of Games events
- undertake programmes (such as skills training etc) with one of the explicit purposes being to prepare the industry for the Games.

However, these dispensations apply only to destination-related materials and programmes produced and undertaken by these official boards and destination organisations. The materials/programmes must also clearly originate solely from the organisation (rather than their member businesses) and must not be sponsored by a commercial organisation.

The materials or programmes must be presented in a generic manner (ie not as the destinations' 'Olympic Offer ' or '2012 Programme ') but can explicitly refer to the Games for promotional purposes. So, for example, editorial content of materials may explicitly promote the destination as somewhere to visit during or in connection with the Games, provided references to individual tourism businesses such as attractions, hotels, restaurants. are not made in a way which suggests they are associated with the Games. Advertisements, listings or editorial for or about local businesses can be

included in promotional brochures etc which include such content but again, should not be positioned in such a way as to suggest an association with the Games. Any advertisement must also of course comply with all the principles explained in these guidelines.

(j) Inbound tour operators and other travel intermediaries

Inbound tour operators and other travel intermediaries can, subject to compliance with local laws (for example if advertising in source markets where local legal restrictions on using Olympic and/or Paralympic words/associations may apply), provide the types of information referred to at (a) to (f) above. For example:

- tours can be offered, with availability ‘throughout the summer of 2012 ‘
- reference can be made to the dates of the Olympic and Paralympic Games in accompanying text
- transportation to Games venues can be included, and advised

6. Facilitating the tourism benefits of the Games

LOCOG will do/has done, the following things (amongst others) to benefit the tourism industry and promote the UK in connection with the Games:

- **Produce London 2012-branded tourism-focused promotional materials with VisitBritain for distribution through their channels worldwide including, where appropriate, through businesses**
- Work with VisitBritain, Visit England, Visit London and others to deliver the tourism2012games.org website which will be the definitive information site for the UK’s tourism industry on the Games
- Showcase the UK during the Games by using its landmarks as backdrops to the sporting and cultural events which will be viewed by millions (if not billions) of people worldwide (for example by using Greenwich Park, Horse Guards Parade and Weymouth as venues for Equestrian events, Beach Volleyball and Sailing respectively)
- Use ‘Look of the Games ‘ branding to highlight and draw the media’s attention to iconic sites which will be projected to millions of viewers worldwide (you may recall the stunning use of the Olympic Rings on Sydney harbour bridge in 2000 – we aim to create similarly memorable moments)
- Encourage our Partners to activate their sponsorship rights in a way which will enhance the visitor experience and provide opportunities for tourism businesses and attractions to engage in the Games
- Enable non-commercial organisations in the tourism sector to engage in the London 2012 Inspire programme – for example we will recognise projects which are inspired by the Games to train young people to gain relevant skills and/or to ensure a fantastic welcome for visitors. (See further london2012.com/beinspired).

In addition to these guidelines, the Tourist Boards may make generic branding, logos, imagery and/or wording promoting the UK available for use either on a licensed basis or for general unregulated use. As such branding will be unrelated to the Games, the limitations in this document will not apply to them, although hopefully they will enhance the image of the UK to Games-related visitors.

We will continue to work with the industry to develop these ideas and introduce new initiatives to benefit tourism between now and 2012.