



INTERNATIONAL
OLYMPIC
COMMITTEE

Commercial regulations for Participants during the Tokyo 2020 Olympic Games

**Incorporating South African Sports
Confederation and Olympic Committee
(SASCOC) Guidelines**

SASCOC Overview and Approach

The mission of the South African Sports Confederation and Olympic Committee (**SASCOC**) aims to empower Team SA athletes to achieve sustained competitive excellence and well-being. Central to that, is the commitment to providing access to resources that support the athlete journey as they train for, and compete in, the Olympic and Paralympic Games.

Generating balanced commercial revenue is a fundamental driver for the benefit of all Team SA athletes and all other Olympic teams around the world regardless of their profile. The recognition of the critical role individual athlete marketing plays in supporting personal athlete and fan engagement is pivotal.

As an active member and leader in the Olympic and Paralympic movements, SASCOC works to promote the unique global nature of the Games. We fully acknowledge and support the Olympic Charter, and the intention of Rule 40 as a tool to enable, full, global participation in the Games, through a commercial model that provides exclusive use of intellectual property and official rights of association with the Olympic Movement and Olympic teams in exchange for funding of Olympic teams and the Games worldwide.

The IOC's (International Olympic Committee's) approach to Rule 40 demonstrates that official partners, personal sponsors and specific athlete marketing can co-exist without compromising on the official Olympic sponsorship and the financial sustainability of the Games. SASCOC supports that approach : we would like to support where possible, the empowerment of athletes to attract personal sponsors to support and celebrate their careers,–recognizing that personal sponsorships often exist well before and after the Games period.–We believe that this will indeed help official Olympic sponsors maximize and activate their commitment to the Games. This 2020 guidance is intended to simplify implementation, while supporting athletes' ability to attract personal sponsorships.

Purpose and Implementation

This document sets out the Key Principles of use of Participants' Images for Advertising (each as defined in the "Scope" section, below) that are applicable to the Tokyo 2020 Olympic Games. Further to Bye-law 3 to Rule 40 of the Olympic Charter it seeks to clarify what is allowed during the Games Period (as defined below), placing Participants in a better position to work with their sponsors in a manner consistent with their rights and responsibilities under the Athletes' Declaration and the Olympic Charter.

"All Participants are permitted to promote their sponsors, and all sponsors are permitted to use Participant Images, during the Games Period, in accordance with the Principles in this document."

It is the sole responsibility of all Participants to comply with these Principles. Furthermore, organisations using athletes in their advertising, sports federations and agents who are involved in advising athletes in relation to their advertising activities, will need to ensure that they are acting and advising athletes in accordance with these Principles. The Principles enable athletes and their sponsors to continue to run and optimise their well-planned campaigns that do not seek to take undue advantage of the Olympic Games themselves.

Roles and responsibilities

Each National Olympic Committee (**NOC**) is responsible for the implementation of these Principles in its territory. The legal framework may vary from country to country depending on the applicable laws, regulations, relevant case law and specific agreements between NOCs and Participants (in particular with regard to the financial support and the support in kind that the NOCs provide to Participants). As a result, the implementation of these Principles by NOCs may vary.

Each NOC will oversee compliance with these Principles in connection with the advertising activity targeted at its territory. Therefore, the relevant NOC must be notified of advertising targeted at **a particular territory** in accordance with Key Principle 2. Advertising is regarded as **targeted** to a territory if it (1) uses a Participant who represents the NOC of that particular territory, and (2) either:

- is in the local language of that territory or country, and/or
- in the case of paid media, is published in media outlets targeted at that territory or country

The International Olympic Committee (**IOC**) will oversee compliance with these Principles in connection and conjunction with international advertising activity, in consultation with relevant NOCs. Therefore, the IOC must be notified of advertising not targeted at a particular territory or targeted at more than one country.

Context

Ensuring Global Participation at the Olympic Games

The Olympic Games are unique. They are the only truly global multisport event and represent the highest sporting endeavour of an athlete's career. It is essential that as many countries as possible are represented from around the world.

To ensure the funding of all team preparation and competition at the Olympic Games, the IOC runs an international marketing programme based on the principle of solidarity. NOCs participate and receive revenues from this specific global programme with the understanding that revenues will be shared with every other NOC in order to fund the operation of NOCs, sports development and Olympic Games participation, as well as to support the hosting of the Olympic Games themselves. This programme helps secure funding of all national Olympic teams, regardless of the individual profile, commercial and/or sporting success of their athletes.

In addition, NOCs run national marketing programmes within their territories to fund their operations, sports development, Olympic Games participation and other programmes. The organising committees of the Olympic Games also run national marketing programmes to generate private funding for the Games – funding through these programmes from the private sector helps reduce reliance on taxpayer funding of the Games.

Like most sponsorship programmes, Olympic marketing programmes are based on granting exclusive rights of association with the Olympic Movement, through the use of Olympic marks and images for advertising purposes. However, part of the enduring appeal of the Olympic Games, in comparison with most other major sports properties, is the commercialisation of the Olympic environment which is highly limited, to ensure the focus remains on the athletes' sports performances. For example, venue branding is restricted, with no advertising hoardings around the field of play.

The implication of an association with the Olympic Games through use of athletes is particularly powerful during and immediately before the Olympic Games. Accordingly, the Olympic Charter has traditionally established limitations on the ability of athletes (and other Games participants) to use their images for advertising during the Olympic Games. These limited restrictions help to maintain the distinctiveness of official Olympic marketing programmes and so sustain the funding of global athlete participation and the organisation of the Olympic Games.

Athletes' Rights and Responsibilities

To determine appropriate principles for the Tokyo 2020 Olympic Games, the IOC has put the athletes' interests first. In particular, these new Principles have been informed by the Athletes' Rights and Responsibilities Declaration, a historic athlete-driven initiative, developed by athletes and for athletes through a worldwide consultation process.

Specifically speaking, the Declaration *“aspires to promote the ability and opportunity of athletes to [...] leverage opportunities to generate income in relation to their sporting career, name and likeness, while recognising the intellectual property or other rights, rules of the event and of sports organisations as well as the Olympic Charter” and “encourages athletes to [...] respect the solidarity principle of the Olympic Movement, which allows assistance and support to be provided among athletes and members of the Olympic Movement.”*

The Principles explained in this document have been developed in accordance with the above rights and responsibilities.

The Principles are clear – athletes are able to generate income through personal sponsorships and appearing in branded advertisements for those particular sponsors. They can continue to do so by being involved with well-planned advertising during the Olympic Games. In addition, it is hoped that the worldwide exposure provided to athletes participating in the Olympic Games through media coverage, including the IOC's global broadcast arrangements, can help raise the athletes' profile for years to come.

By accepting a number of limited restrictions on these activities during the Games, athletes who enjoy personal sponsorship deals are helping to secure funding to support all national Olympic teams, regardless of the profile or success of their athletes. In this way, those fortunate athletes are helping ensure athletes from around the world are able to participate at the Olympic Games, on an economically viable basis by supporting the principle of solidarity.

Similarly, in the case of the NOCs' marketing programmes - by accepting some limited restrictions on their activities during the Games, athletes who enjoy personal sponsorship deals are helping to support all participants within their national Olympic team, other teams and their specific NOC's and many other sports development programmes. These limited restrictions also support the funding of the Olympic Games at which the athletes compete, by enabling the organising committees to ensure private funding of the organisation of the Games.

Scope

These Principles apply during the **Games Period** also known as the Rule 40 period, meaning the period from the date of opening of the Olympic Village of the Tokyo 2020 Olympic Games until the date two days after the Closing Ceremony of the Tokyo 2020 Olympic Games inclusive (i.e. **14 July 2020** until **11 August 2020** inclusive).

These Principles apply to competitors, coaches, trainers and officials who are participating in the Games, who are referred to collectively in this document as **Participants**. These Principles do not apply to Olympians who have competed in previous Games but who are not participating in the Games in any capacity. Nor do they apply to other accredited people, including broadcasters and volunteers.

These Principles are specific to the Olympic Games, but there are similar rules for the Paralympic Games. However, the rules are distinct and apply for different periods. Therefore, Olympians and other Olympic Games Participants are not subject to the restrictions during the Paralympic Games after the Olympic Games Period has ended.

The use of **Participants' Images** includes any reference to a Participant, whether by their personal appearance, use of their image (or any representation of that image), name or sports performance (including performance at the Games and recent historical performance).

These Principles apply to **Advertising**, meaning all forms of commercial promotion, including social media and social network posts and promotions by organisations or by Participants as a part of, or relating to a commercial relationship with the organisation (whether paid-for or not), as well as traditional advertising in paid-for space (including press adverts, billboards, television and radio adverts and online advertising), direct advertising, PR (including personal appearances and press releases), lending or gifting of products to Participants, on-product and in-store promotions.

Compliance

The IOC, the Tokyo 2020 OCOG or the relevant NOC can revoke the permissions granted by these Principles, or require Advertising to be withdrawn or amended, if the letter or spirit of these Principles are not complied with. Ultimately, Participants who do not comply with terms of this document may be sanctioned by the IOC, the Tokyo 2020 OCOG and/or their NOC (**SASCOC**).

This SASCOC Policy applies to all marketing using Games Participants during the Rule 40 period in South Africa regardless of the media platform and how it is distributed. Advertising purposes include all forms of commercial promotion, including but not limited to, traditional advertising (e.g., print, TV, out of home, online), direct advertising (e.g., emails, text messages, direct mail), social and digital media (e.g., posts, retweets, shares by athletes or sponsors), point of sale (e.g., on-product, on-retail premises) and public relations (e.g., press releases, personal appearances, lending or gifting of products). There is no distinction for Rule 40 between non-profit or for-profit organizations.

Process for Obtaining Rule 40 Permission

Athletes are required to first notify SASCOC of their personal sponsors by registering online rsa.rule40@sascoc.co.za . This registration can happen at any time before [from 28 February 2020], or during, the Rule 40 period defined above as long as it precedes any athlete marketing during the Games. As always, personal sponsors are responsible for obtaining athlete consent for all uses of name, likeness and/or image.

Step 1

Each athlete must email SASCOC at rsa.rule40@sascoc.co.za to register personal sponsors. Registration will include the organization, name and contact information. Athletes may update this information at any time, and we encourage keeping this information up to date.

Step 2

Once registered, each personal sponsor identified by an athlete will receive a Personal Sponsor Commitment form that requires compliance with this guidance. Rule 40 permission will be issued upon successfully completing the Personal Sponsor Commitment. If a personal sponsor has not successfully completed the Personal Sponsor Commitment, it will not be granted permission, and will not be permitted to market an athlete in South Africa during the Rule 40 period.

Note:

*Permission will not be granted without the explicit, advance consent of the athlete for his/her name, image and/or likeness to be used in the relevant campaign. **There are no exceptions.** Personal sponsors who are also official Games or Team SA sponsors should continue to work with SASCOC in relation to campaigns featuring athletes during the Rule 40 period.*

Key Principles

Incorporating SASCOC Guidelines for South African participants

All Participants are permitted to promote their sponsors, and all sponsors are permitted to use Participant Images (in each case including Olympic Partners and Non-Olympic Partners), during the Games Period, in accordance with the following Principles and SASCOC Guidelines.

1. Advertising by Olympic Partners

- i. **Olympic Partners** are those brands or companies that have sponsorship contracts with the IOC, the Tokyo 2020 OCOG, or NOCs, and the official Olympic broadcasters which have been granted rights to broadcast the Olympic Games by the IOC.
- ii. Olympic Partners are permitted to use Participant Images for Advertising, subject only to:
 - a. the **terms of the relevant Olympic Partner's contract** with the IOC, the Tokyo 2020 OCOG or an NOC (as applicable),
 - b. obtaining any necessary **consents** from the Participants featured, and
 - c. respecting the **supplementary guidelines** for Olympic Partners, which will be issued by the IOC and NOC prior to the selection of the Participant by their NOC and which in the case of the SASCOC Supplementary Guidelines are incorporated in this document alongside or beneath the Key Principle to which they relate.
- iii. Olympic Partners may undertake Congratulatory Advertising during the Games Period (see Key Principle 4 for more details).

- iv. Advertising activities by Olympic Partners in accordance with this Key Principle 1 are not subject to any additional consents or process, other than the normal approvals processes that may apply under their contract with the relevant Olympic organisation.

2. Advertising by Non-Olympic Partners

- i. **Non-Olympic Partners** are those brands or companies which are not Olympic Partners.
- ii. Non-Olympic Partners are permitted to use Participant Images for Advertising during the Games Period:
 - a. subject to obtaining any necessary **consents** from the Participants featured,
 - b. subject to respecting the policies of the IOC and relevant NOCs in respect of activities incompatible with the values of the Olympic movement or a particular NOC, for example: prohibitions on sponsorships in connection with tobacco, prohibited drugs and other categories (e.g. alcohol, gambling and pornographic or immoral businesses)
 - c. if that advertising **does not use any Olympic Properties** (as described below),
 - For the purposes of these principles, **Olympic Properties** include:
 - the Olympic symbol
 - the Olympic flag
 - the Olympic motto, anthem and identifications
 - the Games emblem, flame, designations, torches, mascots, pictograms and Games graphics
 - any NOC emblem or emblem of a national Olympic team
 - the words “Olympic”, “Olympics”, “Olympic Games”, “Olympiad”, “Olympiads”
 - the name of the host city of the Games and the year of the Games (i.e. “Tokyo 2020”)
 - any Olympic-related words and symbols registered as trademarks and/or protected by relevant legislation in the country of the NOC which the Participant represents, or the country in which the Advertising is made available

- the names of Olympic teams, such as “Team SA” or “Team South Africa”
 - the Olympic motto “Citius – Altius – Fortius”
 - all films, musical works, audio visual, artistic works and designs created by the IOC, the Tokyo 2020 OCOG or any NOC
 - any other symbols, designs, works, words or expressions that are translations of, or which could be confused with, those listed above
- d. if that advertising constitutes **Generic Advertising** (as described in Key Principle 3 below) and is compliant with any Generic Advertising rules of the Tokyo 2020 OCOG and/or an NOC.
- iii. To benefit from the permission granted under this principle, **Non-Olympic Partners must notify (rsa.rule40@sascoc.co.za) the IOC, the Tokyo 2020 OCOG and the affected or targeted NOC (SASCOC) of their Generic Advertising plans by no later than 15 May 2020** through a designated online platform. The IOC will inform the NOCs of the details of the notification platform and when it will be active to accept notifications.
- iv. This notification requirement simply enables the IOC, the Tokyo 2020 OCOG and any relevant NOCs to be aware of activity that is planned for their marketplace and verify compliance with these principles and the policies referred to in paragraph (ii) above. Any feedback on Advertising plans will be provided within ten (10) days of receipt by the IOC or NOC (as applicable).
- v. For social media Advertising, it is **not necessary to provide advance notice of each individual post**, but notice must be given setting out a description of the social media Advertising plan, including the nature and planned content of the posts, by no later than 15 May 2020.
- vi. To provide opportunities to athletes who may qualify for the Games after 15 May 2020, the IOC will consider Advertising plans notified after this date, so long as at least fifteen (15) days’ advance notice is given through the notification platform before any Advertising is published.

3. Generic Advertising

- i. **Generic Advertising** means any advertising of a company or brand:
 - a. where the only connection between, on one hand, the Games, the IOC, the Tokyo 2020 OCOG and/or an NOC and/or an NOC's national Olympic team and, on the other hand, the relevant marketing activity, is the fact that the advertising uses a Participant's Image,
 - b. which has been in market for at least ninety (90) days before the Games Period, and
 - c. which is run consistently and not materially escalated during the Games Period.
- ii. To provide flexibility for athletes also participating in other sports competitions shortly before or after the Games Period, the IOC and SASCOC will consider exemptions to the elements (b) and (c) of the Generic Advertising requirements described in (i) on a case-by-case basis, so long as the element (a) is respected.
- iii. Similarly, the IOC and SASCOC will consider exemptions on a case-by-case basis to elements (b) and (c) for Advertising activity that properly relates to business-as-usual advertising by brands to which an athlete is affiliated. The IOC and SASCOC will require information substantiating any kind of business-as-usual activity and, in any event, element (a) of the description of Generic Advertising must still be respected.
- iv. Examples of Advertising that do, and that do not, constitute Generic Advertising are being prepared and will be shared with the NOCs shortly.

4. Congratulatory advertising

- i. For these purposes, **congratulatory advertising** means both:
 - **supporting messages** encouraging, commiserating or otherwise supporting an athlete or a national Olympic team in connection with their participation at the Olympic Games, and
 - **congratulatory messages** praising the athlete or a national Olympic team for their achievement at the Olympic Games.
- ii. **Congratulatory advertising is not regarded as being Generic Advertising**, because of the intrinsic connection with the Olympic Games. Therefore, during the Games Period, **only Olympic Partners can undertake congratulatory advertising.**

- iii. Non-Olympic Partners can undertake Congratulatory Advertising in support of their contracted athletes **before and after the Games Period/Rule 40 Period**, but without using any Olympic Properties.

5. Online messages by Participants

- i. Participants may provide simple messages of thanks on their personal websites and/or personal social media accounts to Olympic Partners and/or their personal Non-Olympic Partners, including during the Games Period, but their posts must:
 - not include any statement or imply that a product or service **enhanced the Participant's performance**,
 - not include a **personal endorsement** of the relevant product or service (as distinct from thanking the sponsor for their support), and
 - respect the policies of the IOC and relevant NOCs in relation to activities incompatible with the values of the Olympic movement or a particular NOC, for example: prohibitions on sponsorships in connection with tobacco, prohibited drugs and other categories (e.g. alcohol, gambling and pornographic or immoral businesses), or in respect of limits on using images or videos of the athlete in his or her national Olympic team kit or any Olympic medal, which in the case of SASCOG is prohibited under the Athlete and Official Agreement.
- ii. **Thank you messages to Non-Olympic Partners are limited to one thank you message per personal Non-Olympic Partner**, posted via the Participant's social media accounts, following each occasion the Participant competes during the Games period. A single identical message, posted at the same time on a number of social media platforms, would count as one (1) message for these purposes. Such posts (including any accompanying image or video) must not suggest a commercial connection between the IOC, the Olympic Games, NOC or a national Olympic team and a Non-Olympic Partner.
- iii. Participants may **repost or share content from the IOC's, the Tokyo 2020 OCOG's, their national Olympic team's or their NOC's social media accounts**. However,

such reposts or sharing must not include messages of thanks, or otherwise refer, to Non-Olympic Partners.

- a. It's not necessary for Participants to notify the IOC or their NOC before posting messages online, but Participants should consult with their NOC if they have any doubts as to whether the message complies with these Principles.
- b. Athletes should also be aware of the influence they have over their fans' buying decisions if they promote a brand in their posts. Athletes (like other influencers) should be **honest, transparent and not mislead** their followers about whether they have been paid, incentivised or rewarded to promote a brand in their posts. This should be clearly stated when a brand is referenced in a post in any way.