

Status: Point in time view as at 31/12/2006.

Changes to legislation: There are currently no known outstanding effects for the London Olympic Games and Paralympic Games Act 2006, Cross Heading: Olympics association right: limitations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

OLYMPIC SYMBOL PROTECTION

Olympics association right: limitations

4 For section 4(1) to (10) (infringement of Olympics association right: limitations) substitute—

“(1) A person does not infringe the Olympics association right (despite section 3) by the use of a controlled representation—

- (a) in publishing or broadcasting a report of a sporting or other event forming part of the Olympic Games,
- (b) in publishing or broadcasting information about the Olympic Games,
- (c) as an incidental inclusion in a literary work, dramatic work, artistic work, sound recording, film or broadcast, within the meaning of Part I of the Copyright, Designs and Patents Act 1988 (c. 48) (copyright), or
- (d) as an inclusion in an advertisement for a publication or broadcast of a kind described in paragraph (a) or (b).

(2) But the exceptions in subsection (1)(a) and (b) do not apply to advertising material which is published or broadcast at the same time as, or in connection with, a report or information.

(3) A person does not infringe the Olympics association right by using a controlled representation in a context which is not likely to suggest an association between a person, product or service and the Olympic Games or the Olympic movement; and for the purpose of this subsection—

- (a) the concept of an association between a person, product or service and the Olympic Games or the Olympic movement includes, in particular—
 - (i) any kind of contractual relationship,
 - (ii) any kind of commercial relationship,
 - (iii) any kind of corporate or structural connection, and
 - (iv) the provision by a person of financial or other support for or in connection with the Olympic Games or the Olympic movement, but
- (b) a person does not suggest an association with the Olympic Games or the Olympic movement only by making a statement which—
 - (i) accords with honest practices in industrial or commercial matters, and
 - (ii) does not make promotional or other commercial use of a protected word by incorporating it in a context to

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which the Olympic Games and the Olympic movement are substantively irrelevant.

- (4) The Secretary of State may by order specify what is to be or not to be treated for the purposes of subsection (3) as an association between a person, product or service and the Olympic Games or the Olympic movement; and an order under this subsection—
- (a) may include incidental, consequential or transitional provision (which may include provision amending subsection (3)(a) or (b)),
 - (b) shall be made by statutory instrument, and
 - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (5) A person does not infringe the Olympics association right by using a controlled representation in relation to goods if—
- (a) they were put on the market in the European Economic Area by the proprietor or with his consent,
 - (b) the representation was used in relation to the goods when they were put on the market, and
 - (c) the proprietor does not oppose further dealings in the goods for legitimate reasons (including, in particular, that the condition of the goods has been changed or impaired after they were put on the market).”

5 At the end of section 5 (Olympics association right: power to prescribe further limitations) add—

“(4) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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