



# **ATHLETE ADVERTISING/RULE 40**

GUIDELINES FOR NON-OLYMPIC SPONSORS

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PYEONGCHANG 2018

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# INTRODUCTION

These Guidelines provide a brief overview of Rule 40 of the Olympic Charter and outline how businesses who are not Olympic Sponsors (“**Non-Olympic Sponsors**”) may feature athletes in advertising in Canada during the PyeongChang 2018 Games period, subject to the receipt of Rule 40 waivers from the Canadian Olympic Committee (“**COC**”).

The purpose of the Rule 40 waiver process is to enable the continuation of in-market, generic (i.e. non-Olympic themed) athlete advertising by Non-Olympic Sponsors during the Games period, while also serving to protect the exclusive rights of Olympic Sponsors to associate with the Canadian Olympic Team and PyeongChang 2018 Games.

If you have any questions about these Guidelines or the Rule 40 waiver process, please contact us at [branduse@olympic.ca](mailto:branduse@olympic.ca).

Please note these Guidelines are intended to provide guidance only and are not exhaustive. COC reserves the right to make revisions to these Guidelines at any time. The information provided does not constitute legal or professional advice.



# WHAT IS RULE 40?



Rule 40 of the International Olympic Committee’s (“IOC”) Olympic Charter governs eligibility for participation in the Olympic Games. Sub-rule 40.3 states that:

*“Except as permitted by the IOC Executive Board, no competitor, coach, trainer, or official who participates in the Olympic Games may allow his person, name, picture or sports performance to be used for advertising purposes during the Olympic Games.”*

By signing the applicable IOC/COC Athlete and Support Team Agreements, athletes selected to the Canadian Olympic Team are bound by the provisions of the Olympic Charter, including Rule 40.\*

While it is the responsibility of each athlete to ensure compliance with Rule 40, Non-Olympic Sponsors also need to comply with Rule 40 and these Guidelines to ensure they do not put their sponsored athletes in breach of Rule 40.

\*These guidelines apply to all participants at the Games including athletes, coaches, trainers and officials. Any reference to athletes in these Guidelines includes all Games participants.

# WHAT IS RULE 40? (cont'd)



Rule 40 restricts how athletes participating in the PyeongChang 2018 Games can be featured in, or engage in, any advertising, marketing or other promotional activities during the PyeongChang 2018 Games period, which runs from February 1 - 28, 2018 (the “Games Period”).

Rule 40 applies to all uses of an athlete’s name, image or sport performance in any form of advertising or promotion (including print, digital, broadcast, out-of-home, social media, personal appearances etc.) during the Games Period.

One of the reasons why Rule 40 is in place is to help prevent unauthorized marketing or consumer messaging by Non-Olympic Sponsors that seeks to capitalize on the goodwill surrounding the Games. Only Olympic Sponsors are permitted to use the Olympic brand – the various marks and imagery used in association with the Olympic Movement – or suggest an affiliation or connection with the Canadian Olympic Team, the Olympic Movement or the Games.

# GUIDELINES – KEY PRINCIPLES



Non-Olympic Sponsors may continue to use sponsored athletes\* for advertising or promotional purposes (including print, digital, broadcast, out-of-home, social media, etc.) during the Games Period where:

1. The advertising is athlete-focused and does not create, directly or indirectly, any association between the sponsor/brand and Team Canada, the PyeongChang 2018 Games or the Olympic Movement;
2. The advertising is in market at least four months prior to the start of the Games Period (i.e. October 1, 2017), run continuously and not materially escalated during the Games Period; and
3. All advertising campaigns and specific executions are submitted to and approved by the COC per the Rule 40 waiver application process outlined in these Guidelines.

\*Non-Olympic Sponsors are responsible for obtaining the prior consent of their sponsored athlete for all uses of the athlete's name, image or likeness.

# GUIDELINES - KEY PRINCIPLES (cont'd)



The COC cannot approve any advertising that creates an association with Team Canada or the Olympic Games, so executions cannot:

- Reference an athlete's performance or participation in the Games;
- Use Olympic images or video footage; or
- Use Olympic trademarks or other IP (including, but not limited to, the examples below).



**Team Canada  
Olympics  
PyeongChang 2018  
Winter Games**

**#teamcanada  
#olympics  
#pyeongchang2018  
#wintergames**

Factual, biographical descriptions of an athlete's achievements, including their status as an Olympian or Olympic medalist, are permitted where Olympic achievements are balanced with other accomplishments (e.g. results from Word Cups, World Championships, National Championships, etc.).

# GUIDELINES - SOCIAL MEDIA



The same principles apply to social media executions, so Non-Olympic Sponsor social content cannot:

- Reference an athlete's performance/participation at the Games;
- Reference Team Canada or the Games;
- Include use of Olympic marks or other IP (including as hashtags); or
- Include use of Olympic imagery/video.

All proposed social content (e.g. templated posts) as well as a schedule outlining the dates of proposed social activity during the Games Period **must be submitted per the waiver application process.**

**Exception:** In recognition of the important role Non-Olympic Sponsors play in athletes' careers, COC may approve Sponsor to do one of the following during the Games Period (subject to receipt of Rule 40 waiver):

- Option A: Post one congratulatory message about their sponsored athlete where Sponsor regularly posts about their athlete's accomplishments and the post has been pre-approved by COC; or
- Option B: Share a 'thank-you' message posted by their sponsored athlete where the athlete message complies with COC's Athlete Social Media Guidelines.



# SOCIAL MEDIA EXAMPLES

## Generic Content



## APPROVED

- ✓ Assuming post is part of a long-standing social campaign involving athlete, and rate of social activity is not escalated during Games Period.
- ✓ No association between sponsor/brand and Team Canada or the Games.
- ✓ No use of COC marks or Games imagery.

## Congratulatory Message



## APPROVED

- ✓ Assuming post has been pre-approved by COC.
- ✓ Post is specific to sponsored athlete and no association is made between sponsor/brand and Team Canada or the Games.
- ✓ No use of COC marks or Games imagery.



# SOCIAL MEDIA EXAMPLES (cont'd)



**❌ NOT APPROVED**

- X Use of COC marks and Games imagery.
- X Association between sponsor/brand and Team Canada and the 2018 Games.



**❌ NOT APPROVED**

- X Non-Olympic Sponsors cannot repost/share Olympic-themed social content.



# WAIVER PROCESS - KEY DATES



All advertising campaigns featuring athletes scheduled to run during the Games Period must be submitted to and approved by the COC, bearing in mind the following key dates:

- By **September 1, 2017** – Non-Olympic Sponsors seeking Rule 40 waivers must submit all proposed advertising campaigns to the COC online at: <http://athletewaiver.olympic.ca/> by the September 1<sup>st</sup> deadline. Every final marketing/advertising execution incorporating an athlete will require COC approval and a waiver.
- COC will review all submissions and either approve, reject or provide feedback on submissions within 10 working days of receipt.
- No later than **October 1, 2017** – Advertising campaigns must be in market and run continuously.

# WAIVER PROCESS (cont'd)



- **Early Submissions/Questions:** Non-Olympic Sponsors are encouraged to submit their requests as early as possible. Sponsors are also welcome to contact us at [branduse@olympic.ca](mailto:branduse@olympic.ca) to discuss initial campaign plans prior to submission of final campaigns and tactics by September 1<sup>st</sup>.
- **What to Submit:** All campaign executions/tactics featuring athletes scheduled to run during the Games Period along with a media schedule demonstrating that the campaign will be in market and run continuously beginning no later than four months – October 1, 2017 – in advance of the Games Period.
- **Global Campaigns:** If an advertising campaign is a global campaign (i.e. will be featured in multiple countries), the campaign must also be submitted to the IOC for global approval.
- **International Athletes:** If an advertising campaign features non-Canadian athletes, the National Olympic Committees of the featured athletes must provide their approval.

# WAIVER PROCESS - HOW TO SUBMIT



All campaigns should be submitted to the COC's Athlete Advertising Waiver System online at: <http://athletewaiver.olympic.ca/>

A User Guide providing step-by-step instructions on how to use the website is available on the homepage. The website is available in French and English.

A copy of these Guidelines can also be found on the homepage.

If you have any questions about how to use the website, please contact [branduse@olympic.ca](mailto:branduse@olympic.ca).



WELCOME TO THE CANADIAN OLYMPIC COMMITTEE'S (COC) ATHLETE ADVERTISING WAIVER SYSTEM



