



Olympic Symbol etc. (Protection) Act 1995

1995 CHAPTER 32

The Olympics association right

4 Limits on effect.

- [^{F1}(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

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- (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 which the Olympic Games and the Olympic movement are substantively irrelevant.
- (4) The Secretary of State ^{F2}...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).]
- (11) The Olympics association right is not infringed by use of a controlled representation where—
 - (a) the use is for the purposes of an undertaking, and
 - (b) the way in which the representation is used for the purposes of the undertaking is a way in which it has been continuously used for those purposes since a date prior to the commencement of this Act.
- (12) In the case of a representation of a protected word, the Olympics association right is not infringed by use as part of—
 - (a) the name of a company, being a name which was the company's corporate name immediately before the day on which this Act comes into force, or
 - (b) the name under which a business is carried on, being a business which was carried on under that name immediately before the day on which this Act comes into force.
- (13) The Olympics association right is not infringed by use of a controlled representation where the use—
 - (a) takes place under a right subsisting immediately before the day on which this Act comes into force, or
 - (b) is liable to be prevented by virtue of such a right.
- (14) The Olympics association right is not infringed by use of a controlled representation where the use—
 - (a) takes place under a right created by—
 - (i) the registration of a design under the ^{M1}Registered Designs Act 1949 on or after the day on which this Act comes into force, or

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- (ii) the registration of a trade mark under the ^{M2}Trade Marks Act 1994 on or after that day, or
- (b) is liable to be prevented by virtue of such a right.
- (15) The Olympics association right is not infringed by use of a controlled representation for the purposes of—
- (a) judicial or parliamentary proceedings, or
- (b) a Royal Commission or statutory inquiry.
- (16) In subsection (15) above—
- “judicial proceedings” includes proceedings before any court, tribunal or person having authority to decide any matter affecting a person’s legal rights or liabilities;
- “parliamentary proceedings” includes proceedings [^{F3}of the Scottish Parliament,][^{F4}of the National Assembly for Wales,][of the Northern Ireland Assembly or of the European Parliament;
- “Royal Commission” includes a Commission appointed for Northern Ireland [^{F5}by a Minister, within the meaning of the Northern Ireland Act 1998, or Northern Ireland department in pursuance of the prerogative powers of Her Majesty exercisable by the Minister or department under section 23 of that Act]; and
- “statutory inquiry” means an inquiry held or investigation conducted in pursuance of a duty imposed or power conferred by or under an enactment.
- (17) In this section, references to use of a work in relation to goods include use of a work on goods.

Textual Amendments

- F1** S. 4(1)-(5) substituted for S. 4 (1)-(10) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 4](#) (with s. 40(5))
- F2** Words in s. 4 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 2\(b\)](#)
- F3** S. 4(16): words in definition of “parliamentary proceedings” inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, [Sch. 1 Pt. I para. 12](#)
- F4** Words in s. 4(16) inserted (25.5.2007) by [Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 1(2), [Sch. 1 para. 45](#)
- F5** S. 4(16): words in definition of “Royal Commission” substituted (2.12.1999) by [1998 c. 47](#), s. 99, [Sch. 13 para. 15](#) (with s. 95); [S.I. 1999/3209](#), art. 2, [Sch.](#)

Modifications etc. (not altering text)

- C1** S. 4(11)-(14) modified (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 3\(2\)](#) (with s. 40(5))
- C2** S. 4(11)-(14) applied (with modifications) (temp.) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(d)(8), [Sch. 4 para. 10](#)

Marginal Citations

- M1** 1949 c. 88.
- M2** 1994 c. 26.

Changes to legislation:

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