



# **ATHLETE MARKETING/RULE 40**

## **GUIDELINES FOR ATHLETES AND PERSONAL SPONSORS**

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### **TOKYO 2020**



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# INTRODUCTION

These guidelines outline how the Canadian Olympic Committee (“COC”) will implement Rule 40 in Canada during the Tokyo 2020 Olympic Games (the “Games”), including how athletes may continue to promote their personal sponsors (i.e. brands and companies who are not Olympic partners), and how these sponsors may continue to feature athletes in advertising during the Rule 40 period, which runs from July 14, 2020 – August 11, 2020 (the “Games Period”).

The purpose of these guidelines is to encourage athletes and sponsors to continue to run long-standing, generic (i.e. non-Olympic themed) advertising campaigns during the Games Period, while ensuring protection for official Olympic partners who support Team Canada and the Games.

These guidelines only apply to Team Canada athletes and sponsor campaigns targeted at Canada. Athlete sponsors who are also Olympic partners should continue to work with their COC account teams in relation to campaigns featuring athletes.

If you have any questions about these guidelines, 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 revise these guidelines at any time. The information provided does not constitute legal or professional advice.



# RULE 40 BACKGROUND



Rule 40 of the Olympic Charter is a rule of the International Olympic Committee (“IOC”) which governs eligibility for participation in the Olympic Games. Byelaw 40.3 states: “Competitors, team officials and other team personnel who participate in the Olympic Games may allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games in accordance with the principles determined by the IOC Executive Board.”

The IOC has released guidance which includes the “key principles” determined by the IOC Executive Board for implementation of byelaw 40.3 for the Games. The COC is responsible for the implementation of these key principles in Canada, and these guidelines set out COC’s approach.

The purpose of Rule 40 is to help maintain the unique global nature of the Olympic Games. The rule helps ensure global participation at the Games, the funding of the Games and the long-term health of the Olympic Movement by maintaining the appeal of Olympic sponsorship both globally and nationally. At the global level, the IOC sponsorship program helps secure funding for all national Olympic teams regardless of their profile or commercial or sporting success, based on the principle of solidarity. At the national level, COC relies heavily on its sponsorship program to fund all COC programs and Team Canada’s participation in the Games.

COC is committed to balancing its need to generate revenue for the benefit of all Team Canada athletes with supporting the ability of athletes to attract personal sponsors to support their careers. Since Vancouver 2010, COC has continued to adapt its position on Rule 40 in Canada to enable athletes and their personal sponsors to promote their relationships during the Games Period while respecting the rights of Olympic partners to exclusive use of COC’s IP and rights of association with Team Canada and the Games.

Rule 40 applies to all athletes, coaches, trainers and officials who will participate in the Games. It does not apply to Olympians or other participants who have competed in previous Olympic Games but will not be participating in Tokyo. While these guidelines often refer to athletes, please note these guidelines apply to all Team Canada Games participants as defined above.

Unless defined in these guidelines, all capitalized terms used in these guidelines have the meaning given to them in the Olympic Charter.



# GUIDELINES – KEY PRINCIPLES



Athletes may continue to promote their sponsors, and sponsors may continue to use their sponsored athletes for advertising purposes, during the Games Period, where the following key principles are met:

1. The advertising is generic (as defined on page 6);
2. The advertising (i) has been in market for at least ninety (90) days prior to the Games Period, (ii) is advertised consistently during that period and (iii) is not objectively escalated during the Games Period\*; and
3. The COC is notified of the advertising plans by May 15, 2020 through COC's online platform.

These guidelines apply to all uses of an athlete's name, image or sport performance in advertising during the Games Period. Advertising includes all forms of commercial promotion, including 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, whether paid or unpaid), point of sale (e.g. on product, in-store promotions) and public relations (e.g. press releases, personal appearances, lending or gifting of products).

Sponsors are responsible for obtaining all necessary consents and approvals from the athlete(s) to be featured in advertising.

\*COC will consider exemptions on a case-by-case basis including, for example, where athletes are selected to Team Canada after May 15, 2020, or sponsors can demonstrate their 'business as usual' advertising activity (e.g. back to school) does not align with the Rule 40 timeline.

# GUIDELINES – GENERIC ADVERTISING



Generic advertising means any advertising by an athlete or sponsor that does not:

- Create, directly or indirectly, any association between the sponsor or any of its products/services and Team Canada, the Games or the Olympic movement;
- Reference an athlete's performance or participation in the Games;
- Use Olympic images or video; or
- Use Olympic marks or IP (including, but not limited to, the examples below).



**Team Canada  
Olympics  
Tokyo 2020  
Summer Games**

**#teamcanada  
#olympics  
#tokyo2020  
#summergames**

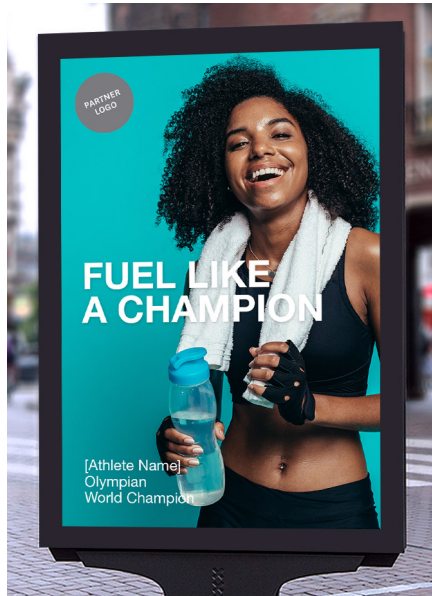
Factual, biographical descriptions of an athlete's achievements, including their status as an Olympian or Olympic medalist, are permitted where Olympic achievements are balanced with other accomplishments (e.g. results from World Cups, World Championships, National Championships, etc.).



# GENERIC ADVERTISING EXAMPLES



**ALLOWED**



WHY?

- Assuming advertisement is part of long-standing campaign with athlete.
- Generic advertisement and tagline, specific to athlete's relationship with sponsor.
- Olympic accomplishment balanced with other achievement in biography.



**NOT ALLOWED**



WHY?

- Athlete is wearing Team Canada branded apparel.
- Uses Olympic IP (e.g. Team Canada, Tokyo 2020, Olympic medals, etc.).
- Advertisement creates association between sponsor and the Games.
- Does not balance Olympic accomplishment with a non-Olympic achievement in biography.

# GUIDELINES – SPONSOR SOCIAL MEDIA



## GENERIC CONTENT

Sponsors may continue to feature athletes in social media advertising during the Games Period where the key principles are met. As the same principles apply to social media content, sponsor content must be generic and cannot:

- Create, directly or indirectly, any association between the sponsor or any of its products/services and Team Canada, the Games or the Olympic movement;
- Reference an athlete's performance or participation in the Games;
- Use Olympic images or video; or
- Use Olympic marks or IP (including as hashtags).

## CONGRATULATORY CONTENT

Congratulatory content refers to supportive and/or congratulatory messages posted by a sponsor on social media which reference their sponsored athlete's performance or participation at the Games.

Sponsors can post one (1) message congratulating or recognizing their sponsored athlete, and/or repost or share one (1) 'thank-you' message posted by their sponsored athlete (without further text/edits) during the Games Period where the post/repost do not:

- Include photos/videos from any Games venues or of the athlete in Team Canada branded apparel or with an Olympic medal;
- Mention or promote the sponsor's products or services;
- Mention or tag Team Canada, the Games, or include other Olympic marks (including as hashtags e.g. #TeamCanada, #Tokyo2020, etc.); or
- Include reposts/shares of Team Canada, IOC, Games or other Olympic social media content.

Sponsors who plan to post congratulatory content during the Games Period are asked to notify and share their planned posts with COC before posting.

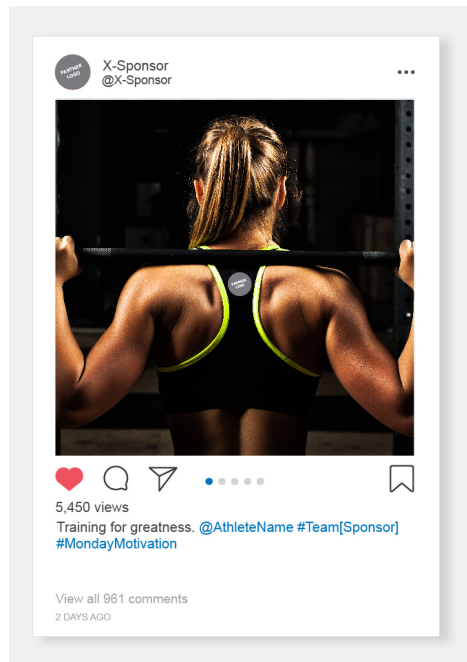


# SOCIAL MEDIA EXAMPLES

## GENERIC CONTENT



 **ALLOWED**



WHY?

- Assuming post is part of long-standing social campaign with athlete and rate of social activity is not escalated during Games Period.
- Post uses generic image and copy.
- No use of Olympic marks or Games imagery.
- Post is specific to athlete and no association is made between sponsor and Team Canada or the Games.

 **NOT ALLOWED**



WHY?

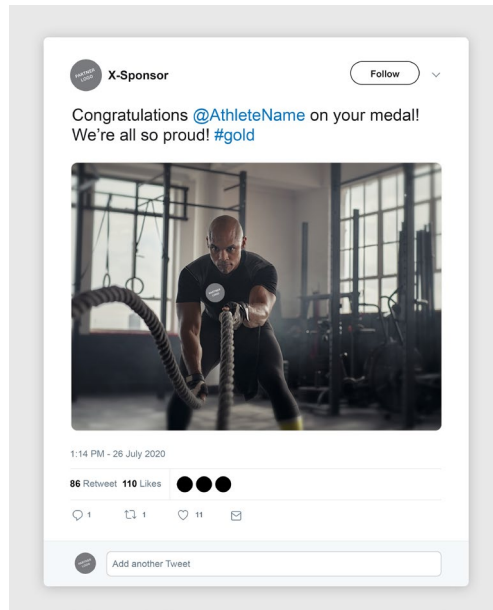
- Post uses Games imagery.
- Copy includes Olympic marks (e.g. #Tokyo2020, #Team Canada, #Olympics).
- Post creates association between sponsor and Team Canada and Games.
- Post promotes a sponsor product in association with athlete's participation in Games.

# SOCIAL MEDIA EXAMPLES

## CONGRATULATORY CONTENT



**ALLOWED**



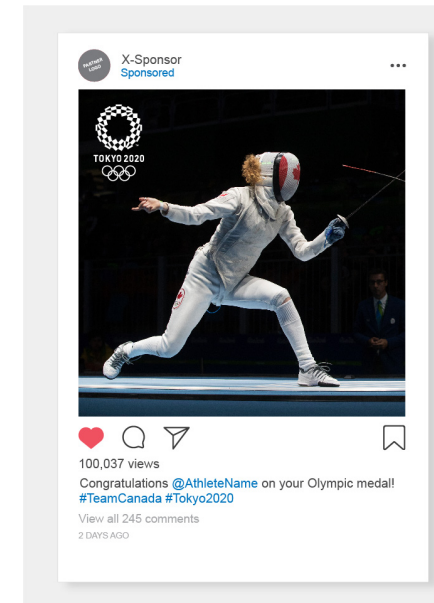
\*The same post could be replicated on different social platforms (e.g. Instagram, Facebook, Twitter) at the same time.

WHY?

- Assuming post has been reviewed by COC and sponsor posts just one congratulatory message per athlete during Games Period.
- Assuming post is organic with no paid spend behind it (unless sponsor routinely does so with congratulatory posts).
- Post uses generic image and copy.
- No use of Olympic marks or Games imagery.
- Post is specific to athlete and no association is made between sponsor and Team Canada or the Games.



**NOT ALLOWED**



WHY?

- Post uses Games imagery.
- Copy includes Olympic marks (e.g. #Tokyo2020, #TeamCanada, etc.).
- Post creates association between sponsor and Team Canada/Games.
- Post is sponsored.



# GUIDELINES – ATHLETE SOCIAL MEDIA



## GENERIC CONTENT

Athletes may continue to promote their sponsors and/or sponsor products or services on social media during the Games Period where the key principles are met. As the same principles apply to social media content, athlete content must be generic and cannot:

- Create, directly or indirectly, any association between the sponsor or any of its products/services and Team Canada, the Games or the Olympic movement;
- Reference an athlete's performance or participation in the Games;
- Use Olympic images or video; or
- Use Olympic marks or IP (including as hashtags).

## THANK-YOU CONTENT

Athletes can post one (1) 'thank you' message per sponsor during the Games Period to recognize the sponsor for their support, provided it does not:

- Include photos/videos from any Games venues;
- Include photos/videos of the athlete in Team Canada branded apparel or with an Olympic medal;
- Mention or promote the sponsor's products or services;
- Mention or tag Team Canada, the Games, or include other Olympic marks (including as hashtags e.g. #TeamCanada, #Tokyo2020, etc.); or
- Include reposts/shares of Team Canada, IOC, Games or other Olympic social media content.

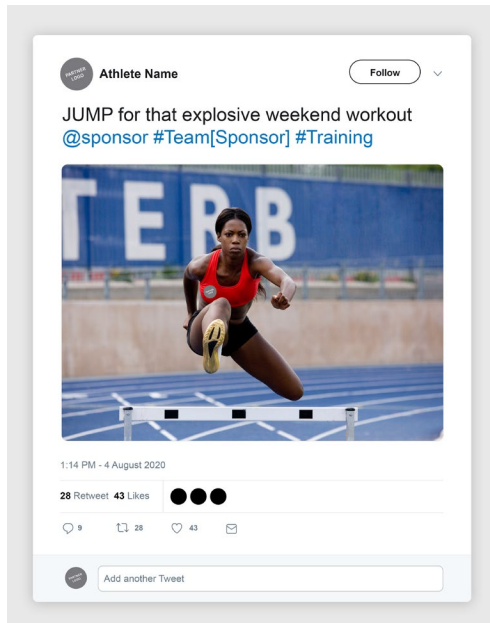
Athletes are not required to notify or share their planned thank-you posts with COC before posting but should ensure compliance with these guidelines and contact COC if they have any questions.

# SOCIAL MEDIA EXAMPLES

## GENERIC CONTENT



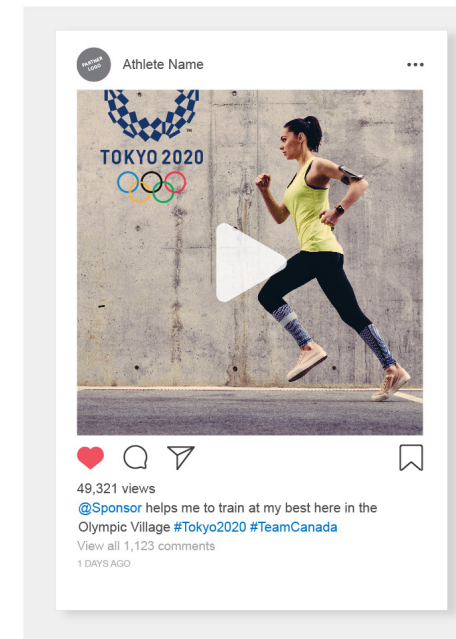
✓ **ALLOWED**



WHY?

- Assuming post is part of long-standing social campaign with sponsor and rate of social activity is not escalated during Games Period.
- Post uses generic image and copy.
- No use of Olympic marks or Games imagery.
- Post is specific to athlete and no association is made between sponsor and Team Canada or the Games.

✗ **NOT ALLOWED**



WHY?

- Post uses image taken from within Games venue.
- Copy includes Olympic marks (e.g. #Tokyo2020, #Team Canada, etc.).
- Post creates association between sponsor and Team Canada/Games.
- Post promotes a sponsor product in association with athlete's participation in the Games.

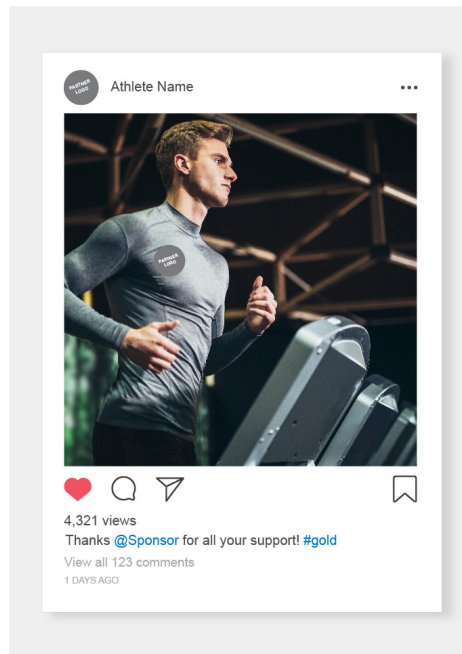


# SOCIAL MEDIA EXAMPLES

## THANK YOU CONTENT



### ✓ ALLOWED

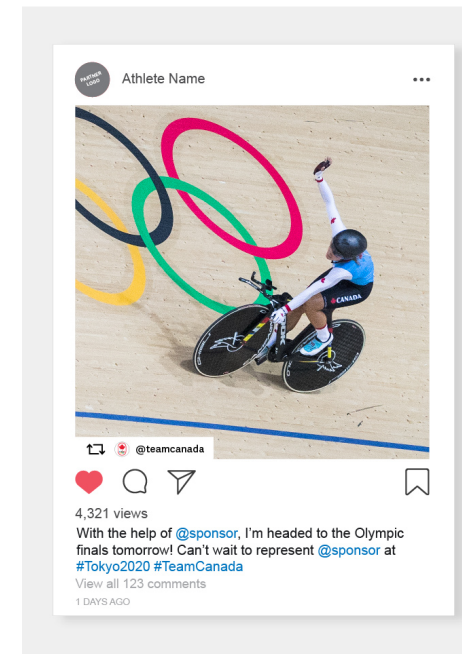


\*The same post could be replicated on different social platforms (e.g. Instagram, Facebook, Twitter) at the same time.

#### WHY?

- Assuming athlete posts just one thank-you message per sponsor during Games Period.
- Post uses generic image and copy.
- No use of Olympic marks or Games imagery.
- No sponsor product/service is promoted.
- Post is specific to sponsor, and no association is made between sponsor and Team Canada or the Games.

### ✗ NOT ALLOWED



#### WHY?

- Post uses Games imagery.
- Copy includes Olympic marks (e.g. #Tokyo2020, #TeamCanada, etc.)
- Post creates association between sponsor and Team Canada/Games.
- Athlete cannot repost/share Olympic social content and tag or reference sponsor.

# NOTIFICATION PROCESS



**Notification Process:** Athletes and sponsors are asked to notify COC of their advertising plans by May 15, 2020 through COC's online platform available at: <http://athletewaiver.olympic.ca/>. This notification requirement enables COC to be aware of activity that is planned for the Canadian market and verify compliance with these guidelines. Any feedback on advertising plans will be provided within ten (10) days of receipt.

**What to Submit:** Notice of advertising plans should include a representative sample of each planned tactic along with a media schedule demonstrating that the campaign will be in market and run continuously at least 90 days in advance of the Games Period. COC will provide a templated submission document to be made available at: <http://athletewaiver.olympic.ca/>. It is not necessary to submit every piece of campaign collateral that will be in market during the Games Period, however sponsors wishing to post congratulatory content during the Games Period will be asked to share templated posts as part of their submission.

**Compliance:** By signing the Tokyo 2020 Conditions of Participation Form and COC Athlete Agreement for the Games, athletes selected to Team Canada are bound by the provisions of the Olympic Charter, including Rule 40. While it is the responsibility of each athlete to comply with Rule 40 and these guidelines, any sponsor using a Team Canada athlete for advertising purposes during the Games Period will want to ensure they are not putting the athlete in breach of Rule 40. Athletes who do not comply with Rule 40 and these guidelines may be sanctioned by IOC, Tokyo 2020 Organizing Committee and/or COC.

**International Campaigns/Athletes:** These guidelines apply only to Team Canada athletes and sponsor campaigns targeted at Canada. Team Canada athletes and their sponsors must also obtain IOC approval for any use of their image in advertising outside Canada during the Games Period. Similarly, any use of the image of a non-Team Canada athlete in advertising in Canada during the Games Period requires the consent of the athlete's National Olympic Committee. The COC can assist in obtaining these approvals and can also assist in providing approval for use of a Team Canada athlete's image for advertising purposes outside of Canada.

**Questions:** Athletes and sponsors with questions about Rule 40 or these guidelines are encouraged to contact us at [branduse@olympic.ca](mailto:branduse@olympic.ca).



