

REAL 2010

Protecting the Brand



About the Brand

Vancouver 2010 graphics use colours and shapes that highlight the breathtaking coast, forests and mountain peaks in the Host Region. Abstract urban graphics and digitally inspired elements represent Canada's modern cities and leading-edge technology and innovation.

Together, Vancouver 2010's visual images reflect the many faces of Canada's Games: a welcoming spirit, a setting that combines a vibrant city with a stunning natural environment, and a country shaped by both ancient spirits and the exciting call of tomorrow's possibilities.



Vancouver 2010 Olympic Winter Games Emblem

For centuries, the Inuit people of Canada's Arctic stacked rock in human form to create the inukshuk, a steadfast guidepost that provided direction across the vast horizons of the North. Over time, the inukshuk has become a symbol of hope and friendship, an eternal expression of the hospitality of a nation that warmly welcomes the people of the world with open arms every day.

The Vancouver 2010 Olympic Winter Games emblem is a contemporary interpretation of the inukshuk. It is called Ilanaaq, which is the Inuktitut word for friend. This is the symbol of Canada's Games – our friend who will help us greet the world in 2010.



Vancouver 2010 Paralympic Winter Games Emblem

The Vancouver 2010 Paralympic Winter Games emblem represents the harmony that exists between athlete, sport and environment. A dynamic human form is created by the valley, mountains and sun of the West Coast, and reflects the athletes' mountainous inner strength and personal transformation as they push themselves to new heights in the pursuit of excellence.

The emblem symbolizes the heart of the Vancouver 2010 Paralympic Winter Games, a celebration that will bring together Paralympic athletic heroes and Canada's passion for sport and nature in one of the world's most breathtaking winter playgrounds.



The Responsibility of the Organizing Committee

One of the key conditions of being awarded the right to host the 2010 Winter Games was a commitment to the International Olympic Committee (IOC) that the Olympic Brand would be protected in Canada. As part of its role to plan, organize, finance and stage the 2010 Winter Games, the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) has custodianship of the Olympic and Paralympic Brands in Canada.

At VANOC, the custodianship of the Olympic and Paralympic Brands is managed by the Commercial Rights Management team.

In addition, the Government of Canada has enacted legislation — *the Olympic and Paralympic Marks Act* ("Act") — to specifically protect the Olympic/Paralympic Brand in Canada. The legislation ensures that Canada keeps its commitment to the IOC and that VANOC meets its obligation to protect the exclusive rights it has granted to its marketing partners.

We hope the following pages will serve as a useful reference tool for understanding VANOC's interpretation of what is fair and unfair use of the Olympic/Paralympic Brand. To celebrate Canada's Games successfully, it is vital that this information is widely available and understood.





Why Protect the Olympic/Paralympic Brand?

VANOC is legally obligated to the IOC and its marketing partners to protect against unauthorized use of the Olympic and Paralympic Brands in Canada. But there are other reasons why it is important that VANOC protect and strengthen the Olympic/Paralympic Brand:

Securing Sufficient Funds

Virtually all the revenue required to support the operating costs of the 2010 Winter Games (\$1.63 billion) is derived from sales — sponsorship, broadcast, merchandise and tickets — that involve the Olympic/Paralympic Brand. This revenue is critical to the financial success of the 2010 Winter Games and is also critical for legacy purposes. After the 2010 Winter Games are over, any surplus generated by VANOC will go toward amateur sports development in Canada.

Hosting Spectacular 2010 Winter Games

If VANOC's marketing partners are assured their investments will be protected, and VANOC is able to meet or exceed its revenue target, VANOC will be able to host and deliver a spectacular 2010 Winter Games it has promised Canada.

Assisting Canadian Athletes

Canada has committed to owning the podium in 2010. Own the Podium 2010 is a national initiative designed to help Canada's winter athletes win the most medals at the Vancouver 2010 Olympic Winter Games, and place in the top three nations at the Vancouver 2010 Paralympic Winter Games. VANOC's sponsors have agreed to make a contribution to Own the Podium 2010 to further this goal. Protecting sponsor rights will encourage continued support of Canadian athletes by corporate sponsors and foster the success of our athletes.

Our partners and sponsors are instrumental in helping VANOC create and deliver an extraordinary Olympic and Paralympic experience with lasting legacies.

WORLDWIDE PARTNERS PARTENAIRES MONDIAUX



NATIONAL PARTNERS PARTENAIRES NATIONAUX



GOVERNMENT PARTNERS PARTENAIRES GOUVERNEMENTAUX



SPORT PARTNERS PARTENAIRES SPORTIFS



HOST FIRST NATIONS PREMIÈRES NATIONS HÔTES



VENUE CITIES VILLES SITES



For a complete list of our sponsors and partners, please visit vancouver2010.com

VANOC's Approach

VANOC's approach is to educate the marketplace on how to appropriately align with the 2010 Winter Games, while respecting the exclusive commercial rights of the marketing partners.

VANOC will enforce its rights in a fair and reasonable manner, which includes proactively engaging the public and implementing a fair process for assessing infringement.

In particular, VANOC uses a wide range of tools:

Public Education

VANOC has implemented an educational campaign to inform the public and key business sectors of opportunities presented by the 2010 Winter Games, while highlighting the parameters of permissible engagement and association.

Grandfathering Longstanding Use

Businesses that used the word "Olympic" (or similarly protected terms) in their names or marks prior to March 2, 2007 will be grandfathered, provided that subsequent use of the protected term is not expanded and the business is not otherwise creating a misleading business association with the Olympic/Paralympic Brand.

Engaging Small Business

VANOC and its government partners recognize the importance of ensuring small businesses are able to connect to 2010 Winter Games-related business opportunities without infringing on the Olympic/Paralympic Brand. VANOC works with the Province of British Columbia through its 2010 Commerce Centre to identify opportunities where Canadian small businesses can connect with the 2010 Winter Games.

Engaging Non-Commercial Entities

VANOC is committed to allowing fair and meaningful non-commercial engagement with the 2010 Winter Games. Communities and non-commercial organizations will be encouraged to find ways to harness the energy, creativity and enthusiasm created by the Vancouver 2010 Olympic and Paralympic Winter Games without creating an unauthorized association.



Real 2010 Merchandise

If you are a consumer...

The trade in counterfeit Olympic and Paralympic goods is a serious issue. Not only is it illegal, but it directly and negatively impacts the 2010 Winter Games and Canadian athletes. Counterfeit goods include merchandise that bears unauthorized reproductions of protected trademarks and copyrights.

Official 2010 Winter Games merchandise is produced according to a high level of ethical sourcing and social responsibility, as well as to strict safety and quality assurance standards. VANOC encourages consumers to always check merchandise for the security device affixed to each item, confirming the product's authenticity. Only by doing so can consumers be assured the product is safe, ethically sourced and that it supports the 2010 Winter Games.

VANOC has also established an anti-counterfeit initiative and is working closely on this issue with law enforcement and the Canada Border Services Agency.

Real 2010 Tickets

If you plan to attend the 2010 Winter Games and/or invite guests...

Ticketing is an important source of revenue vital to the successful staging of the Vancouver 2010 Olympic and Paralympic Winter Games. As such, VANOC is taking significant measures to address the issue of secondary ticket sales. With the support of the IOC, these measures include deploying "secret shoppers" to purchase tickets from unauthorized dealers, tracing the origin of the tickets and disabling all tickets from that source. In addition, VANOC may establish a centralized resale and distribution resource where members of the public can safely exchange and purchase tickets through a reliable arm of the secondary market. VANOC is committed to protecting consumers and ensuring that access to the 2010 Winter Games is achieved using authentic tickets purchased at market prices.

VANOC's message is simple: to ensure authenticity buy directly from vancouver2010.com or Jet Set Sports — along with its affiliate company CoSport — VANOC's official hospitality services provider for the 2010 Winter Games. Tickets bought from elsewhere may not be valid and may not be accepted for entry to 2010 Winter Games events.

Real 2010 Sponsors

If you are an advertiser or communicator...

Official sponsors, licensees and government partners of the Olympic/Paralympic Movement have made significant investments to ensure the successful staging of the Vancouver 2010 Olympic and Paralympic Winter Games, in addition to funding Canadian athletes. In return they are granted the exclusive right to access the marks, images and stories that make the Olympic and Paralympic Brand a sought-after marketing tool. Unfortunately, certain commercial bodies frequently attempt to capitalize on the goodwill of the Olympic/Paralympic Movement by creating unauthorized associations with the Movement, the Games and/or its athletes, without making the financial investment required to secure official sponsorship rights.

This form of marketing — often called “ambush marketing” — is unfair because it allows the marketer to benefit from associating with the 2010 Winter Games without providing financial support for either the Games or the Canadian Olympic/Paralympic athletes.

VANOC has established an assessment model to review such advertising and communication tactics. The model considers such factors as the use of proprietary marks, messaging, the timing of the advertising or communication and the strategic placement, which, when blended together, may create an unauthorized association with the Olympic and Paralympic Movement. The following pages outline how VANOC analyzes and assesses these elements to determine if there is an infringement of the brand or a misleading business association.



VANOC's Method

VANOC is committed to enforcing its rights in a disciplined, sensitive, fair and transparent manner using the following two-step method of assessment:

1 Infringement assessment

VANOC assesses whether there has been an infringement of the brand or the creation of a misleading business association that is prohibited under applicable law.

2 Enforcement assessment

If VANOC concludes that there has been either an infringement or the creation of a misleading business association, it will consider what appropriate enforcement action, if any, is required.

Infringement Assessment

When analyzing whether the brand has been infringed or a misleading business association has been created in any particular situation, VANOC carefully considers all circumstances. In particular, while not exhaustive, VANOC generally considers the following six factors:

1 Factually accurate use

The brand (or other marks or images that have the potential to create a business association with the Olympic or Paralympic Movements) must be accurately used, without distortion or modification.

2 Relevant use

Use of the brand or other marks will be of low concern to VANOC if they are relevant to a larger initiative or storyline and do not constitute gratuitous references (or a disproportionate number of references) to the Olympic or Paralympic Movements in an overtly promotional manner.

3 Commercially neutral

Use of the brand or marks will be of low concern to VANOC if they are used in a commercially neutral manner that does not contribute to the creation of an unauthorized business association between the Olympic/Paralympic Movement and a commercial entity, or that is not used in a manner that otherwise commercially exploits the brand.

4 Undue prominence

Use of the brand or marks will be of low concern to VANOC if they do not enjoy undue prominence within the context of the overall initiative or storyline. For example, the use of the brand which is included in a proportional manner within a larger list, story or calendar of events with other similar, non-commercial marks, statements or concepts will be a matter of low concern for VANOC, provided such use does not create an unauthorized association with the Olympic or Paralympic Movements.

5 Use of Olympic or Paralympic visuals

Use of Olympic or Paralympic visuals — logos, archival Games imagery, team uniforms or Olympic medals — in connection with a business will typically be of high concern. By their nature, such visuals would create an association with the Olympic or Paralympic Movements.

6 Unauthorized association

The final factor considered is whether there are any other elements that constitute an infringement of the brand or an unauthorized business association. Such elements include the timing and strategic placement of the advertising or communication tactics in question.

Each of these factors is assessed and assigned a rating between **1** (low concern) and **3** (high concern), generating an aggregate score.

A score of 8 or below is considered, in most instances, unlikely to infringe and the case is closed subject only to periodic monitoring.

A score between 9 and 13 is a potential infringement and subject to further review to determine whether an infringement has likely occurred.

A score of 14 or higher is considered, in most instances, to be a likely infringement.

Please see examples on the following pages.

Low concern

A company that sponsors an athlete wants to create an advertisement to recognize the athlete's achievement. [Is this permissible?](#)



A congratulatory advertisement (including the name and branding of the sponsor/advertiser) displayed in local newspapers celebrating and identifying an Olympic athlete's achievements and using non-Olympic imagery in a context that, except for the identification of the athlete's Olympic achievements, is unrelated to the Olympic Games.

Considerations of Acceptable Use	Rating (1=low to 3=high concern)		
Accurate Use	1		
Relevant Use	1		
Commercially Neutral Use		2	
Undue Prominence	1		
Use of Olympic or Paralympic Visuals	1		
Unauthorized Association	1		
SCORE	7		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)	

Infringement Assessment — Despite the promotional use of the phrase “Olympic Gold Medalist” in an advertisement by a non-2010 Winter Games marketing partner, **this would be considered as unlikely to infringe** because the athlete's Olympic achievement is listed in the context of other accomplishments and the theme of the advertisement is non-Olympic in nature. The athlete's Olympic team uniform is not being worn and an Olympic medal is not being displayed solely on its own.

High concern

A company that sponsors an athlete wants to create an advertisement to recognize the athlete's achievement. [Is this permissible?](#)



A congratulatory advertisement (including the name and branding of the sponsor/advertiser) with prominent use of the brand and other marks that create an association with the Olympic Movement (Olympic marks used within tagline, Olympic team uniform, Olympic Games photo, Olympic medal use). Of the athlete's accomplishments, only the athlete's Olympic Games achievements are mentioned.

Considerations of Acceptable Use		Rating (1=low to 3=high concern)		
Accurate Use		1		
Relevant Use				3
Commercially Neutral Use				3
Undue Prominence				3
Use of Olympic or Paralympic Visuals				3
Unauthorized Association				3
SCORE		16		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)		

Infringement Assessment — In this case, the advertisement's theme is Olympic-focused (through the use of Olympic marks within the headline, use of an Olympic Games image and the citation of the athlete's Olympic Games achievements without reference to other achievements). As a result, [this would be considered as likely to infringe](#).

Low concern

An artist uses the Olympic Rings in a piece of artwork titled “Olympic Spirit,” which has not been produced for commercial sale. [Is this permissible?](#)

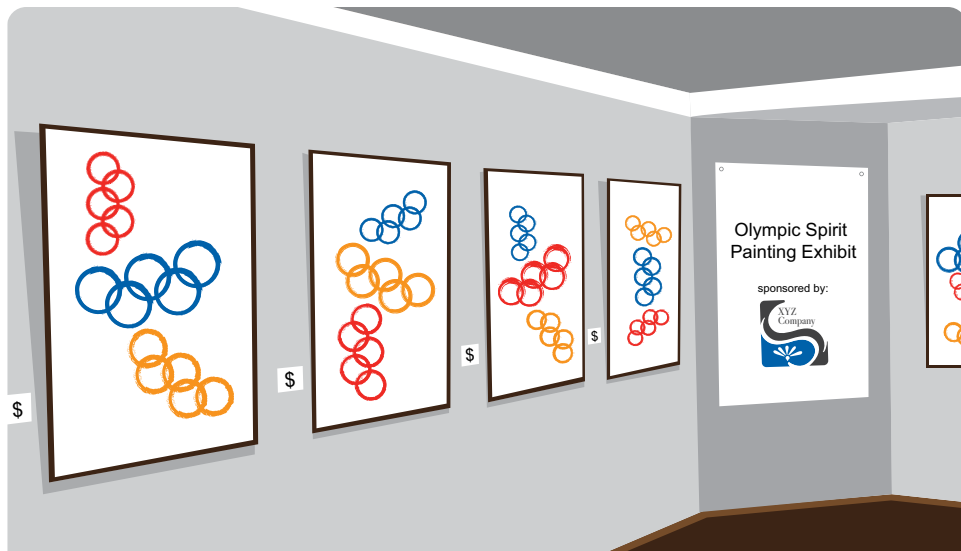


Considerations of Acceptable Use	Rating (1=low to 3=high concern)		
Accurate Use		2	
Relevant Use	1		
Commercially Neutral Use	1		
Undue Prominence	1		
Use of Olympic or Paralympic Visuals	1		
Unauthorized Association	1		
SCORE	7		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)	

Infringement Assessment — Despite the prominence of the brand, an individual piece of artistic work that is not produced for commercial gain is of low concern to VANOC. [This would be considered as unlikely to infringe.](#)

High concern

A local artist creates an Olympic Games-themed painting exhibit titled “Olympic Spirit” sponsored by XYZ Company. [Is this permissible?](#)



Considerations of Acceptable Use		Rating (1=low to 3=high concern)	
Accurate Use		2	
Relevant Use		2	
Commercially Neutral Use			3
Undue Prominence			3
Use of Olympic or Paralympic Visuals			3
Unauthorized Association			3
SCORE		16	
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)	

Infringement Assessment — Despite the initiative being artistic in nature, because it prominently features the brand and is sponsored by a commercial organization that is not a marketing partner, [this would be considered as likely to infringe.](#)

Low concern

A bakery has operated under the name “Olympic Bakery” since 1965. The company’s logo is simply a loaf of bread. [Is this permissible?](#)



Considerations of Acceptable Use	Rating (1=low to 3=high concern)		
Accurate Use	1		
Relevant Use		2	
Commercially Neutral Use			3
Undue Prominence		2	
Use of Olympic or Paralympic Visuals	1		
Unauthorized Association	1		
SCORE	10		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)	

Infringement Assessment — Despite the use of the brand in the business name, because use of the name began prior to March 2, 2007 and there is no other use of the Olympic/Paralympic Brand, [this would be considered as unlikely to infringe.](#)

High concern

A bakery has adopted the business name “Olympic Bakery” within the last three months. The company’s logo includes a torch. [Is this permissible?](#)



Considerations of Acceptable Use	Rating (1=low to 3=high concern)		
Accurate Use	1		
Relevant Use			3
Commercially Neutral Use			3
Undue Prominence			3
Use of Olympic or Paralympic Visuals			3
Unauthorized Association			3
SCORE	16		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)	

Infringement Assessment — Because the company registered the business name after March 2, 2007 and uses the Olympic Torch, the use in question creates an unauthorized third-party commercial association. [This would be considered as likely to infringe.](#)

Low concern

A public library wants to create a 2010 Winter Games book display using the Official Emblem of the 2010 Winter Games. [Is this permissible?](#)



Considerations of Acceptable Use	Rating (1=low to 3=high concern)		
Accurate Use	1		
Relevant Use	1		
Commercially Neutral Use	1		
Undue Prominence		2	
Use of Olympic or Paralympic Visuals		2	
Unauthorized Association	1		
SCORE	8		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)	Score = 14–18 (likely to infringe)	

Infringement Assessment — Because the use is for educational purposes and is non-commercial in nature, [this would be considered as unlikely to infringe](#).

High concern

A community leader is organizing a winter festival where part of the event will include a “Vancouver 2010 Hockey Challenge” sponsored by XYZ Company. **Is this permissible?**



Considerations of Acceptable Use	Rating (1=low to 3=high concern)		
Accurate Use	1		
Relevant Use		2	
Commercially Neutral Use			3
Undue Prominence			3
Use of Olympic or Paralympic Visuals	1		
Unauthorized Association			3
SCORE	13		
Score = 6–8 (unlikely to infringe)	Score = 9–13 (potential infringement that could enforce assessment)		Score = 14–18 (likely to infringe)

Infringement Assessment — In this case, because the proposed use of the brand and the event itself is being sponsored by a commercial organization that is not a marketing partner, **this would be considered as likely to infringe.**

Relevant Law

Any enforcement actions by VANOC will be in accordance with applicable law. In particular, the Government of Canada has enacted legislation — the *Olympic and Paralympic Marks Act* (“Act”) — to specifically protect the Olympic/Paralympic Brand in Canada. The legislation ensures that Canada keeps its commitment to the IOC concerning protection of the Olympic Brand, and that VANOC meets its obligation to protect the exclusive rights it has granted to its marketing partners. The Act also ensures that Canada is aligned with the international community in granting special protection for the Olympic/Paralympic Brand.

The Act also prohibits a person, in association with a trademark or other mark, from promoting or otherwise directing public attention to their business, wares or services in a manner that is likely to mislead the public into believing that the person’s business, wares or services are approved, authorized or endorsed by VANOC, the Canadian Olympic Committee (COC) or the Canadian Paralympic Committee (CPC), or that a business association exists between the person’s business and the Olympic Games, Paralympic Games, VANOC, the COC or the CPC. This misleading association is often referred to as “ambush marketing.”

The Act should not be considered in isolation from other laws of general application that prohibit the unauthorized use of trademarks and copyright, and guard against deceptive business practices. These other laws, including Canada’s *Trademark Act*, *Copyright Act* and *Competition Act*, prohibit the unauthorized use of trademarks and copyright, and guard against deceptive business practices.

VANOC is committed to balancing the need to protect the Olympic and Paralympic Brands with our vision to engage all Canadians during the 2010 Winter Games. For more information, please visit vancouver2010.com/en/LookVancouver2010/ProtectingBrand.

These guidelines are not legal advice and any information contained herein does not in any way limit VANOC’s legal rights and remedies. If you think you may have infringed VANOC’s rights, or you are proposing to do something which you think may infringe VANOC’s rights, we recommend that you seek independent legal advice.

Reporting Brand Infringements

If you encounter ambush marketing, counterfeit merchandise or other infringements of the Olympic/Paralympic Brand, we encourage you to send an e-mail to brandprotection@vancouver2010.com.



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