



# CANOC Sports Law

SEPTEMBER 18-19,  
2019



*Hosting the  
Commonwealth Youth  
Games in the  
Caribbean: Brand  
Protection and Stadium  
Safety*

# The heart of sports sponsorship

- ❖ The central feature:  
**EXCLUSIVITY**
- ❖ That exclusivity is severely threatened when Ambush Marketing occurs



**TOKYO 2020**



**Brand Protection  
Tokyo 2020  
Games**

# Brand Protection Tokyo 2020 Games

Emblems and names associated with the Olympic and Paralympic Games and *other intellectual property are the exclusive property of the IOC and IPC,* and the *management of this intellectual property* has been entrusted to the organising committee in Japan for the Tokyo 2020 Games...

## Brand Protection Tokyo 2020 Games

The *unauthorized use, abuse or misappropriation of marks associated with the Olympic and Paralympic Games and other intellectual property* is known as **ambush marketing**. This not only infringes on the intellectual property rights of the IOC and IPC, but also results in a reduction of sponsorship funds and other forms of funding from sponsors and other organizations.

## Brand Protection Tokyo 2020 Games

This could therefore seriously compromise the operation of the Games and impede efforts to develop the athletes. Hence, the organising committee has the duty **to protect the intellectual property**, in order to observe Japanese law, *including the Trademark Act*, and its pledge to the IOC, while facilitating the smooth operation of the Olympic and Paralympic Games and develop athletes.

# Keeping it in the region



## Learning from GLASGOW 2014-Policy Considerations

“Major events such as the Commonwealth Games attract large audiences and have positive values associated with their brand. They are, therefore, attractive to businesses seeking to promote their goods or services. Such businesses pay significant sums to the organisers of these events to become official sponsors, thereby securing the right to promote themselves and their goods or services as associated with the event. The sale of such sponsorship rights provides a significant revenue stream for events which would otherwise have to rely more heavily on public subsidy.”

# GLASGOW 2014-Policy Considerations

- If sponsors do not have confidence in the exclusivity of such sponsorships rights, their value as a source of revenue can become eroded. Ambush marketing, or parasitic marketing, describes the actions of companies or advertisers who seek to capture these benefits for themselves without the authorisation of the event organisers...Such practices can frustrate an event's ability to attract private investment and undermine its revenue base. Many sponsors now insist that protection against such tactics is in place before they commit.
- ***Glasgow Commonwealth Games Act 2008***
- ***Major Events Act 2014 (Australia)***
- ***Birmingham Commonwealth Games Act 2019***

# Birmingham CG 2022

## “3 **Unauthorised association with the Games**

(1) A person acting in the course of a business may not use any representation (of any kind) in a manner likely to suggest to the public **that there is an association between the Games and**— (a) goods or services, or (b) a person providing goods or services. (2) The following are examples of an association between the Games and a person providing goods or services— (a) a contractual relationship; (b) a commercial relationship; (c) a corporate or structural connection; (d) the provision of financial or other assistance.

# West Indies as a Host Nation

➤ **ICC CWC West Indies 2007-**  
***“Sunset” Legislation -ICC Cricket***  
***World Cup West Indies 2007 Act,***  
***2006***

# Conclusion

- ▶ Does CYG 2021 warrant the passage of legislation to protect the investment of sponsors or can the LOC use other measures?

# THANK YOU!

Jason Haynes

LLB (Hons. UWI), LLM (Dist, UoN), PhD  
(Durham), PGCAP (Durham), LEC (NMLS)

Attorney-at-Law | Legal Consultant

Kingstown, St Vincent and the Grenadines

Bridgetown, Barbados

[hayneslaw@mail.com](mailto:hayneslaw@mail.com) | 1-246-261-5454

J.Tyrone Marcus

Sports Law Consultant | Mediator |  
Arbitrator

Adjunct Lecturer in Sports Law,  
University of the West Indies,  
St. Augustine, Trinidad.

[jtm.sportslegal@gmail.com](mailto:jtm.sportslegal@gmail.com) | 1-868-463-  
6831