

HISTORY AND LEGAL ISSUES IN USE OF WORD "Olympic"

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United States Olympic Committee USOC was formally organized in 1921. USOC received its first corporate charter in 1950.

Trademark Act of 1946 (Lanham Act) established remedies for trademark violations. USOC was granted in 1978 more control over the word "Olympic" than what is set forth in the 1946 Trademark Act. USOC's use of the word "Olympic" differs from the normal trademark protection: (1) USOC need **NOT** prove that a contested use is likely to cause confusion and (2) unauthorized user does **NOT** have available the normal statutory defenses.

Amateur Sports Act (ASA) 1978, (Sec. 10) grants USOC the right to prohibit certain commercial and promotional uses of the word "Olympic" and various "Olympic" symbols, namely, "Olympiad", "Citius, Altius, Fortius", and the IOC symbol of 5 interlocking rings, emblem of USOC. The USOC is seen as the "protector" of the Olympic name.

USOC's control over the "Olympic" name, as granted by Congress in the **Amateur Sports Act** has been upheld by:

- (1). **Federal District Court** in No. California 1982 in case: *San Francisco Arts & Athletics (Gay Olympics) v. USOC and IOC*;
- (2). **US Court of Appeals** for 9th Circuit 1986 in case: *San Francisco Arts & Athletics v. USOC and IOC*;
- (3). **United States Supreme Court**, June 25, 1987, upholding the rulings of Federal District Court and US Court of Appeals.

NON PROFITS: It should not be assumed that the enforcement of the provisions of the Amateur Sports Act are limited to the "commercial" uses of the name "Olympic". Enforcement of the USOC's franchise of the name extends to any "promotional use" of the name. **NOTE:** the USOC won its case in 1982, 1986 and 1987 against the *San Francisco Arts & Athletics (Gay Olympics) organization*, a **non profit** association.

Exception: (Grandfather clause). **From ASA** "Any person who used the word "Olympic" or the symbols for any lawful purpose prior to September 21, 1950, shall **not** be prohibited from continuing such lawful use for the same goods and services."

Amendment of 1998 to Amateur Sports Act: US Congress, under Washington Senator Slade Gorton's leadership passed an amendment to the **Amateur Sports Act**, which grants limited exemptions to the **Amateur Sports Act**, with such exemptions pertaining to the geographic region of Western Washington, especially, the Olympic Peninsula.

U.S. Code: Title 36 : Section 220506(3): Exclusive right to name, seals, emblems, and badges. [text of **Amateur Sports Act**]

"Use of the word "Olympic" to identify a business or goods or services is permitted by this section where –

(A) such use is not combined with any of the intellectual properties referenced in subsections (Footnote 1) (a) or (c) of this section (those controlled by the USOC, for example, the 5 interlocking rings emblem.)

(B) it is evident from the circumstances that such use of the word "Olympic" refers to the naturally occurring mountains or geographical region of the same name that were named prior to Feb. 6, 1998, and not to the corporation or any Olympic activity; and

(C) such business, goods, or services are operated, sold, and marketed in the State of Washington west of the Cascade Mountain range and operations, sales, and marketing outside of this area are not substantial." [emphasis added]

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DISCLAIMER: GRANDFATHERED USE: [this is a sample only] *If the business or goods and services using the word "Olympic" existed prior to Sept 21, 1950, a disclaimer can refer to the 'grandfathered' use of the word.*

BOTTOM LINE: To challenge the USOC's control of "Olympic" name, a challenger is taking on the **United State Olympic Committee**, the **International Olympic Committee**, the **United States Congress** and the **United States Supreme Court**.