

## **#Rule40GB #OneTeamGB**

### What are we doing?

Bringing a case against the British Olympic Association (BOA) in response to their lack of willingness to have an open conversation about Rule 40 of the Olympic Charter and relax the unfair restrictions it places on British athletes around the Olympic Games.

### What is Rule 40 and how does it affect me?

Once you qualify for the Olympic Games, or potentially even before, you will be asked to sign and return a Team Members Agreement (TMA). This agreement commits you to the rules and regulations put in place by Rule 40 of the Olympic Charter.

Rule 40 limits athletes participating in the Olympic Games from appearing in any advertising during the "Games Period", a window a few weeks either side of the Olympics. The way in which Rule 40 is implemented in the UK is determined by the BOA.

Rule 40 applies to all uses of an athlete's image, name or performance in any type of advertising (including print, online and digital - including social media and in mobile apps, broadcast, outdoor, as well as any personal appearances).

Rule 40 is in place to help protect the rights of the International Olympic Committee (IOC) and BOA partners around the Games and to prevent so called "ambush marketing". It directly affects, and currently unreasonably prohibits, how your personal sponsors can use your image and name around the Olympic Games. In some cases it can prohibit athletes from securing sponsorship.

### Why are we doing this?

We believe that the way in which the BOA is conducting its commercial behavior is anti-competitive and fundamentally unfair to others participating in the sponsorship market, primarily the athletes that form Team GB. The BOA is excessively restricting athlete rights in and around the Olympic Games and is prohibiting athletes' abilities to engage in individual partnerships around the moment at which the sports and the athletes that make up the Olympic Games are most relevant. A ruling on the restrictive nature of Rule 40 in Germany, earlier this year, supports this argument. This enforced the relaxation of Rule 40 in Germany based on European competition law.

### Did the BOA recently change their rules?

Yes, in October the BOA released new guidelines around Rule 40 here in the UK. Their primary changes were as follows:

- Athletes can send one generic 'thank you' message for each personal sponsor during the Games, provided it doesn't contain any Olympic branding (e.g. a medal, or Team GB kit) or references.
- Non-Olympic brands who sponsor an athlete directly are permitted to use an athlete in advertising during the Games Period, if: they have notified the BOA of its intended advertising by no later than 15 April 2020; the advertising is generic and does not contain any references to, or intellectual property of, the Games, the Olympic Movement or Team GB; and the advertising has been in the market since pre 15 April 2020, and is run consistently in both nature and frequency during this time.

We consider these changes to be insufficient as they do not add any tangible value to athletes and their current or potential sponsors. For example, 380 athletes tweeting “Thank you [sponsor] for your support” simultaneously around the games makes a mockery of individual partnerships and adds zero value in 21<sup>st</sup> century marketing. The shifting of approval dates to 15 April 2020 means that the majority of athletes would need to have found a sponsor and started a campaign before they even know if they have been selected for the Olympics in Tokyo.

#### What do we hope to achieve?

We are asking the BOA to relax their implementation of Rule 40 in the UK to help improve the commercial appeal of British athletes on every level to individual partners. We are asking for the same concessions that have been granted in Germany:

1. Remove the requirement for prior approval from the BOA in writing by supplying its marketing / advertising / usage plans (with detail around nature, frequency, duration and location of usage) by no later than 15 April 2020;
2. Permit not only ongoing, but also new advertising activities;
3. Permit messages of greeting and congratulations from Non-Olympic Brands;
4. Permit the use of terms like “medal, gold, silver, bronze, winter or summer games”;
5. Permit the use of competition pictures and non-competition pictures taken during the Games. For example, pictures of competitions not showing any Olympic symbols or registered intellectual property;
6. Permit the use of social media more freely during the Games and permit some content to be shared and combined with messages of greeting or thanks to the sponsor;
7. Remove sporting sanctions in the event of disputes on whether an advertising measure is admissible or not and permit ordinary civil courts to decide on such disputes.

In Germany athletes also receive prize money for Olympic medals, we are not asking for this in the UK.

#### How much money does the BOA make from its commercial sponsors and will this impact its ability to send teams to Olympic Games?

The BOA is a privately funded organisation and the money that it raises from sponsorship is key to sending athletes to the Olympic Games and other events that are part of the Olympic movement. The BOA claims that it requires £64.8 million in revenue from 2017-2020 to send teams to the Olympic, Winter Olympic and Youth Olympic Games. We applaud the work that the BOA does to raise these funds and engage sponsors around the Olympic movement.

We believe that providing small concessions to athletes for marketing around the Olympic Games will not dramatically impact the BOA’s ability to engage official partners. We believe that by engaging brands in individual partnerships across the athlete body, we will increase investment in sport across the board and help to build the profile of all Team GB athletes, not just those sponsored by Team GB partners. More brands engaging in sponsorship around the Olympic Movement and an increase in the number of athletes having their stories celebrated will only serve to increase the interest and appetite for Team GB partnerships in the long term.

#### How much money does Team GB make and where does it go?

We don’t have the exact details of how much is made from each partner and how that money is spent but their financial report gives some indication. The funding target for this cycle is £64.8 million and in the

2018 end year statement the BOA stated that they were 73% of the way to raising these funds. They also highlighted that the 2018 annual revenue was £10.8 million, compared with £6.6 million in 2014.

Here is what we know about the BOA's brand partnerships and expenditure:

- On their website Team GB list 13 Worldwide Partners – these are partners who support the global Olympic movement through the IOC's TOP programme.
- On their website Team GB list 11 Official Partners - official partners are typically considered within the industry to be partners who pay for the right to be associated with a team, federation or athlete.
- On their website Team GB list 3 providers / supplier – providers and suppliers are generally understood to be brands who provide services or goods free of charge in exchange for rights.
- Cumulatively these sponsors and partners contributed £7,753,836 in sponsorship in 2018.
- Based on their 2018 statements the BOA has 54 employees and a total wage expense of £4,001,210. That's an average wage of over £74,000 per person, not including social security and pension fund contributions.

#### Does this apply to the Winter and Summer Olympic and Paralympic Games?

As of today, this is an action directed at the BOA and as such it has relevance to both the Summer and Winter Olympics. Paralympics GB is organized by the British Paralympic Association (BPA) and although we have not approached them directly, we would hope to see them follow any precedent set by the BOA. Any support from Winter and Summer Olympic and Paralympic athletes is welcomed for this action.

#### What can I do to help the cause?

Reading this is a great start, thank you. Aside from that there are 4 things that you could do to help:

- Sign up - please support our cause by following the link provided and giving as much information as you can. All your data is GPDR protected and will only be used to build the case.
- Share your story and perspective – this is about supporting all athletes, if you have a story about your ability or lack of ability to market around the Games please do share that. Points of view are also welcomed and encouraged.
- Be sure to spread the message – speak to your teammates, ask them to join the movement and share relevant thoughts and articles on social media using the hashtags #Rule40GB #OneTeam
- Stay engaged with our communications and emails when they come through, we'll let you know how things are going and where else you can help.

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