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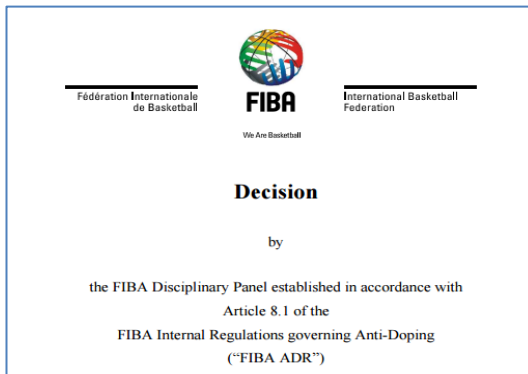
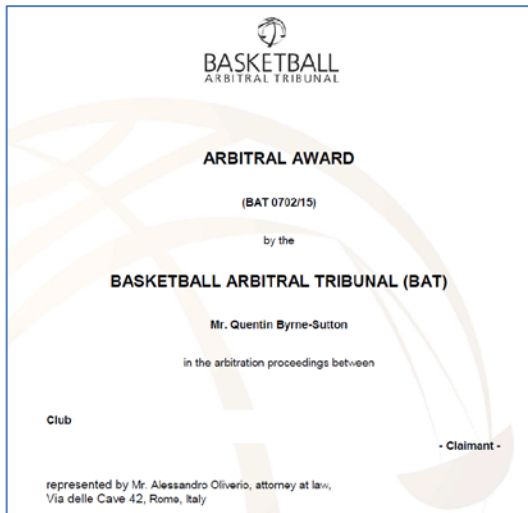
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- **isportlaw** est le Département pour le Droit du Sport du cabinet OLF international boutique law firm avec bureaux a Rome (ITA)
  - Les services sont consacrés aux : organisations sportives, athlètes, clubs, sponsors, investisseurs
  - Le secteur principal d'expertise est dans la résolutions de litiges nationales et internationales
  - Avec son réseau de professionnels, OLF fournit des services sur une base mondiale
  - Le compte [Twitter @isportlaw](#) donne les dernières nouvelles et les publications du Département
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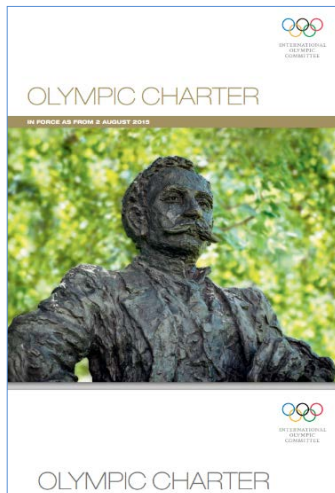


- Résolutions des litiges
- Procédures disciplinaires
- Conformité des Règlements
- Contrats
- Club Gouvernance
- Assurance
- Impôt
- Droits de propriété intellectuelle
- Transfer de joueurs
- VISA
- Intégrité sportive
- Jeu, matches truques
- Dopage

Les services sont dédiés à : organes directeurs , clubs, athlètes , commanditaires , syndicats, associations , universités et autres organisations



- Procédure d'arbitrage auprès de :
  - TAS (Tribunal Arbitral du Sport )
  - DRC de FIFA (Dispute Résolution Chambre)
  - BAT de FIBA (Basketball Tribunal arbitral)
  - Les Fédérations Nationale et Internationales (FIs), Comités Olympiques Nationaux (CONs)
  - Autres résolutions auprès des différents chambres
- Procédures disciplinaires
- Cas de dopage
- Sentences arbitrales d'exécution



- Les relations entre le CIO, NOCs, FIs, NFs, les ligues de clubs, parrainent et d'autres parties prenantes
- Représentation d'athlètes avant unions(syndicats) et associations : UNI World Athletes, EU Athletes
- Règlements nationales et internationales : interprétation, conformité, exécution

- Statuts et règlements administratifs
  - Gouvernance: conseil d'administration, assemblées générales
  - Operations Extraordinaries: vérifications préalables, appel de fonds, achat, vente
  - Contrats
  - Assurance
  - Conformité des Règlements
  - Droit de la propriété intellectuelle : marques, équité, ambush marketing.  
Protection et litige
  - Relations avec organisation sportives (comme NOCs, FIs NFs) et autre organes institutionnelles
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- Contrats (1): négociation de contrats avec les clubs, les agents et les directeurs
  - Contrats (2): comptabilité, fiscalité. Statut de l'athlète
  
  - Transfer national et international de joueurs
  - Intermédiaires FIFA et FIBA
  
  - Droit d'Image
  - Assurance
  - Immigration. VISA
  - Représentation d'athlètes: unions, associations, syndicat
-



Négociation, projet et exécution des accords sportives

Y compris :

- athlète/club, athlète/agent;
- approbations de sponsoring;
- droit d'image/TV/medias;
- gestion des sites et des installations sportif.

Contentieux. Contractuel and droit de la responsabilité civile délictuelle.





- **Matches truques**
  - Responsabilité pénale et civile
  - Sport justice
  - Manipulation de la concurrence
  - *Modus operandi* de fixateurs match
- **Intégrité de Sport**
  - Campagnes des athlètes
  - Programmes éducatifs
  - 3R: Reconnaissez – Resist – Rapport
  - Codes de conduite
- **Pari Industrie**
  - Rugles et règlement

# Événements & Conférences isportlaw

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- Organisation d'événements. Accords entre les organisateur, les promoteurs, les sponsors, et les autorités locales
  - Participation aux dernières conférences
  - St. John's Université, International Sports Law Practice, LL.M. (USA)
  - Stetson Université, faculté de Droit (USA)
  - Miami Université, faculté de Droit (USA)
  - Présence à séminaires légaux sportifs et conférences
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## Olympic Rule 40 Guidelines: #WeDemandClarification

During the London 2012 Olympic games, athletes raised serious concerns about the way the International Olympic Committee (IOC) managed commercial marketing and restricted athletes' possibilities to exploit their image rights in the context of the games. The #WeDemandChange campaign uncovered stringent regulations that protected official sponsors and reduced the athlete's possibilities to capitalise on the Olympic opportunity. Alessandro Oliverio, Chair of the Sports Law Practice, and Christopher M. Delp, Of Counsel, at OLF Law Firm, review the new guidelines from the IOC to address these concerns and pose new questions concerning potential prejudices contained within the new set of rules.

### Introduction

The Olympic Movement (the 'Olympics') is governed by its own private legal order whose jurisdiction is based on the participating athletes' contractual agreement to recognise the Olympics' authority'. Under the Olympic Charter, Rule 40, the International Olympic Committee ('IOC') determines the type of advertising permitted during the Olympic Games'. Rule 40's restrictions on advertising protect the Olympics' intellectual property from ambush marketing by third parties who are not official Olympic sponsors'.

While protecting the Olympics' interests, Rule 40's prohibition can unduly limit Olympians' ability to profit from the unique opportunity that their participation in the Olympic Games affords them by depriving them of the rightful fruit



Alessandro Oliverio

of their accomplishments'. Athletes participating in the London Olympic Games in 2012 raised awareness of this injustice by launching a social media campaign called #WeDemandChange.<sup>3</sup> With Rio 2016's opening ceremony less than a year away, the IOC has still not repealed Rule 40, but instead, has issued vague guidelines to address Olympians' Rule 40 waiver requests.<sup>4</sup>

This Article examines the Rule 40 guidelines and concludes that the IOC must clarify the guidelines to avoid potential arbitrary, unreviewable, and disparate determinations on Olympians' Rule 40 waiver requests.

### How Rule 40 operates

The Olympic Charter, Rule 40 gives the IOC's executive board the exclusive right to determine the conditions under which any form of promotion and publicity is permitted during the Olympic Games, including any promotion or publicity in which the athletes themselves might participate in'.<sup>5</sup>

Rule 40 generally prohibits Olympians from advertising with unofficial sponsors during the Games'. Consequently, Olympians are not permitted publicly to acknowledge, endorse, or even mention unofficial sponsors, including on Olympians' social networking accounts'.<sup>6</sup>

The Olympics have an interest in maintaining their financial model, as well as the exclusive right to advertise, which is enjoyed by the IOC and the official sponsors of the various National Olympic Committees ('NOCs')<sup>7</sup>. Rule 40 was passed in 1991 to shield these interests primarily from unofficial sponsors' ambush marketing, in which third party brands benefit from the athlete's association with the Olympic Games without having to pay a royalty to the IOC or any of the NOCs.<sup>8</sup>

The Olympic Charter extols the Olympics' high ethical values and de-emphasis of the commercialisation of sports'.<sup>9</sup> The massive amounts of money that official sponsors dole out to be associated with the Olympics, however, tend to obscure that idealistic picture'.<sup>10</sup> At its core, Rule 40's purpose is to discourage ambush marketing and by implication, force interested advertisers to sign up as official sponsors (for a pretty penny, of course).

The IOC's recourse against an unofficial sponsor's ambush marketing is to either sue in court or to wield its own authority over the athlete featured in the advertisement with the ultimate *in terrorem* penalty: stripping the athlete of their medals!<sup>11</sup>

### Guidelines for Rule 40 waivers

Amid the protests over Rule 40's draconian restrictions, the IOC could have amended or even repealed Rule 40's advertising prohibition. The IOC chose to leave the Olympic Charter's language untouched in this regard and instead issued guidelines under which unofficial sponsors could apply to NOCs to waive Rule 40's prohibition, allowing athletes to engage in certain promotions, advertisements, and publicity'.<sup>12</sup> In February 2015, the IOC delegated practically all responsibility for processing these waiver requests to the various NOCs, and the IOC issued a set of guidelines for the NOCs to follow in deciding whether to grant the athletes' waiver requests (the 'Guidelines')<sup>13</sup>. Whether Olympians may advertise with unofficial sponsors during the 2016 Olympic Games in Rio de Janeiro depends on how NOCs interpret the Guidelines.

### Procedural flaws

The Guidelines open with a

- Olympic Charter Rule 40 Guidelines: #WeDemandChange becomes #WeDemandClarifications (ENG)
- Olympic Charter Rule 40: the dispute between Olympians and the IOC (ENG)
- Match fixing: Italian and international measures (ENG)
- The *broad meaning* in the FINA rules (ITA)
- The autonomy in sports law. Restrictions. Case study: player release (ITA)

Liste de magazines légaux sportifs avec nos publication:

- *World Sports Law Report*
- *Diritto dello Sport*
- *Rivista di diritto ed economia dello Sport*

La liste de publications est disponible à [isportlaw.com](http://isportlaw.com)

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