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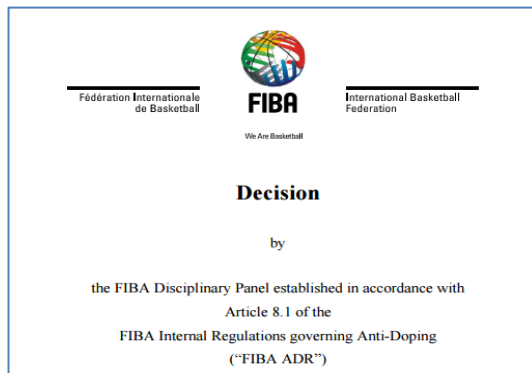
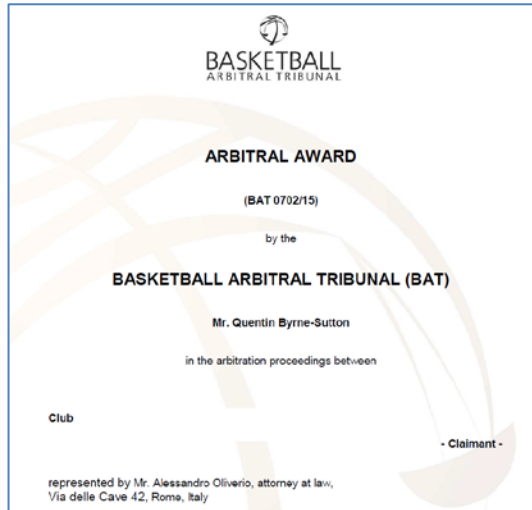
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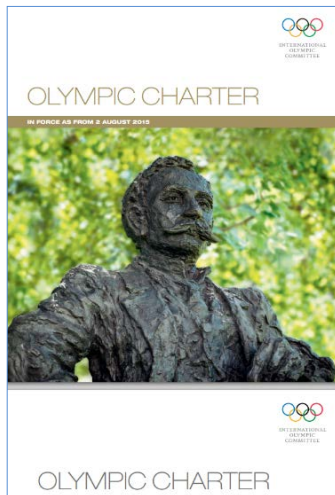
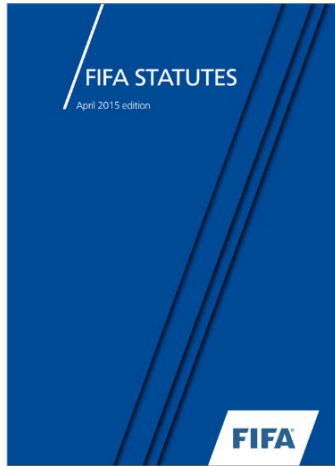


- 紛争解決
- 懲戒手続
- コンプライアンス
- 契約関係
- クラブのガバナンス確立
- ブランディング
- 租税
- TV等放映権
- 肖像権
- スポンサーシップ
- 移籍交渉
- ビザ
- ドーピング
- 賭博・マッチフィクシング
- 保険

競技団体、クラブ、アスリート、スポンサー、選手会、大学、学会、その他関連団体に対し、サービスを提供しています。



- 以下の仲裁手続
- スポーツ仲裁裁判所 (CAS, Court of Arbitration of Sport)
- 国際サッカー連盟(FIFA)のDRC (Dispute Resolution Chamber)
- 国際バスケットボール連盟(FIBA)のBAT (Basketball Arbitral Tribunal)
- 国際競技連盟 (IFs)における仲裁機関
- 国内オリンピック委員会(NOCs) 及び国内競技連盟 (NFs)における仲裁機関
- その他紛争解決機関
- 懲戒手続
- ドーピング違反をめぐる手続
- 仲裁判断の執行



- 国際オリンピック委員会(IOC), 国際競技連盟(IFs), 国内オリンピック委員会(NOCs), 国内競技連盟(NFs), クラブのリーグ、スポンサー及びその他ステークホルダー間の関係構築
- 選手会運営、アスリートの代理:
UNI World Athletes, EU Athletes
- 国内、国際的な規程の解釈・執行等

- 規程・規則等の作成
- ガバナンス: 理事・役員、総会、内部規定の遵守
- デューデリジェンス、株式取得、資産評価
- 契約の作成、レビュー
- 保険
- 規程の遵守
- 知的財産権の保護、訴訟:
商標権、ブランディング、アンブッシュ・マーケティング
- 統括団体 (NOCs, IFs NFs等) その他関係組織との関係構築

- 契約関係(1): クラブ、エージェント、マネージャーとの交渉及び契約書作成
- 契約関係(2): 会計、税務等
- 保険関係
- 肖像権、スポンサーシップ
- 選手の移籍(国内・海外)
- 入国関係(ビザ等)
- 選手の代理、選手会の運営等



- スポーツイベントの組織運営、主催者・運営者・プロモーター・スポンサー及び行政機関との合意形成
- 直近の講演等
 - セント・ジョーンズ大学(St. John's University)LLM(米国)、国際スポーツ法実務(International Sports Law Practice)
 - ステツソン大学(Stetson University)法学部(米国)
 - マイアミ大学(Miami University)法学部(米国)
- スポーツ法セミナーやシンポジウム等への参加

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.³³ 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.³⁴

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'.

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'.

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')³⁵. 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 NOCs³⁶.

The Olympic Charter extols the Olympics' high ethical values and de-emphasis of the commercialisation of sports³⁷. The massive amounts of money that official sponsors dole out to be associated with the Olympics, however, tend to obscure that idealistic picture³⁸. 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!³⁹

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 publicity⁴⁰. 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')⁴¹. 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

タイトル

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

出版社等

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

その他著作物に関する詳しい情報は、isportlaw.com をご参照下さい。

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