



Community Engagement Considerations

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1. Purpose

As the commencement of the Vancouver 2010 Olympic Torch Relay draws near, communities across Canada will want to join in the celebration of the relay's arrival in their area. In recognition of this growing excitement, the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) has developed the following set of considerations to ensure all Canadians can feel connected to the journey of the Olympic Torch Relay. These factors outline the ways in which communities can show their support, while respecting the marketing and promotional rights of our corporate partners.



2. Background

The Spirit of the Games

To deliver a truly unique and memorable Olympic experience, and in keeping with the philosophies of Olympism, VANOC believes that the focus of any Olympic event should be on the sport or spectacle, and not on commercial messaging. It is with this in mind that VANOC will manage all commercial messaging during the Olympic Winter Games, the Cultural Olympiad and the Olympic Torch Relay.

Signature Properties

Along with the Cultural Olympiad, the Olympic Torch Relay is one of VANOC's signature properties. As such, existing VANOC and IOC marketing partners must make an incremental investment in order to gain the right to associate with the Olympic Torch Relay. Through this association, Olympic Torch Relay partners have the exclusive ability to market or promote using torch relay images, marks or associated language. The following VANOC/IOC partners have made a significant investment in order to gain these rights:

Presenting Partners Coca-Cola and RBC

Coca-Cola and RBC recognize the importance of sponsor relationships to the success of the Vancouver 2010 Olympic Winter Games. As presenting partners of the Olympic Torch Relay, Coca-Cola's and RBC's commitment will help to ensure that every Canadian has the opportunity to be touched by the spirit of the Olympic Flame and make a personal connection to our Games.

Signature Supporters and Signature Suppliers

VANOC will have a number of Tier II and III partners, such as Bombardier and HBC, who will play a key role in ensuring the successful delivery of the Olympic Torch Relay. VANOC will keep communities apprised as partners at these levels are confirmed.

Government Partner

The Government of Canada has committed to investing a significant amount of funding in order to support the community celebrations as well as the operational considerations of the torch relay itself.

Protecting the Olympic/Paralympic Brands

One of the key conditions of being awarded the right to host the 2010 Winter Games was a commitment to the International Olympic Committee (IOC) that the Olympic brand would be protected in Canada. As part of its role to plan, organize, finance and stage the 2010 Winter Games, VANOC has custodianship of the Olympic and Paralympic Brands in Canada.



Ambush Marketing

VANOC is legally obligated to its marketing partners, the IOC and the International Paralympic Committee (IPC) to protect against unauthorized use of the Olympic/ Paralympic Brands and ambush marketing in Canada. Only official sponsors, licensees and government partners of the Olympic/Paralympic Movements in Canada are allowed to suggest an affiliation or connection with the Olympic/Paralympic Movements or any Olympic/Paralympic Games. Unfortunately, those exclusive rights can be infringed by “ambush marketing” — marketing that capitalizes on the goodwill of the Olympic/ Paralympic Movements by creating a false, unauthorized association with the Olympic/ Paralympic Movements, Olympic/Paralympic Games, Olympic/Paralympic athletes or the Olympic/Paralympic Torch Relays without making the financial investment required to secure official sponsorship rights.

Relevant Law

Any enforcement actions by VANOC will be in accordance with applicable law. In particular, the Government of Canada has recently enacted legislation, the Olympic and Paralympic Marks Act (“Act”), to specifically protect the Olympic/Paralympic Brands in Canada. The legislation ensures that Canada keeps its commitment to the IOC and IPC concerning protection of the Olympic/Paralympic Brands and that VANOC meets its obligation to protect the exclusive rights it has granted to its marketing partners. The Act also ensures that Canada is aligned with the international community in granting special protection for the Olympic/Paralympic Brands.

VANOC’s Approach to Protecting the Brand

VANOC is committed to enforcing its rights in a disciplined, sensitive, fair and transparent manner using the following two-step assessment method:

1. Infringement assessment

VANOC assesses whether there has been an infringement of the brand or the creation of a misleading business association that is prohibited under applicable law. When analyzing whether the brand has been infringed or a misleading business association has been created in any particular situation, VANOC carefully considers all circumstances. In particular, while not exhaustive, VANOC generally considers the following six factors:

- **Factually accurate use:** the brand (or other marks or images that have the potential to create a business association with the Olympic/Paralympic Movements) must be accurately used, without distortion or modification.
- **Relevant use:** use of the brand or other marks will be of low concern to VANOC if they are relevant to a larger initiative or storyline and do not constitute gratuitous references (or a disproportionate number of references) to the Olympic/Paralympic Movements in an overtly promotional manner.



- **Commercially neutral:** use of the brand or marks will be of low concern to VANOC if they are used in a commercially neutral manner that does not contribute to the creation of an unauthorized business association between the Olympic/ Paralympic Movements and a commercial entity, or that is not used in a manner that otherwise commercially exploits the brand.
- **Undue prominence:** use of the brand or marks will be of low concern to VANOC if they do not enjoy undue prominence within the context of the overall initiative or storyline. For example, the use of the brand which is included in a proportional manner within a larger list, story or calendar of events with other similar, non-commercial marks, statements or concepts will be a matter of low concern for VANOC, provided such use does not create an unauthorized association with the Olympic/Paralympic Movements.
- **Commercially neutral:** use of the brand or marks will be of low concern to VANOC if they are used in a commercially neutral manner that does not contribute to the creation of an unauthorized business association between the Olympic/ Paralympic Movements and a commercial entity, or that is not used in a manner that otherwise commercially exploits the brand.
- **Use of Olympic or Paralympic visuals:** use of Olympic or Paralympic visuals (logos, archival Games imagery, team uniforms or Olympic medals) in connection with a business will typically be of high concern. By their nature, such visuals would create an association with the Olympic/ Paralympic Movements.
- **Unauthorized association:** the final factor considered is whether there are any other elements that constitute an infringement of the brand or an unauthorized business association. Such elements include the timing and strategic placement of the advertising or communication tactics in question.

Each of these factors is assessed and assigned a rating between 1 (low concern) and 3 (high concern), generating an aggregate score. A score of 8 or below is considered, in most instances, unlikely to infringe and the case is closed subject only to periodic monitoring. A score between 9 and 13 is a potential infringement and subject to further review to determine whether an infringement has likely occurred. A score of 14 or higher is considered, in most instances, to be a likely infringement.

2. Enforcement assessment:

If VANOC concludes that there has been either an infringement or the creation of a misleading business association, it will consider what appropriate enforcement action, if any, is required.

For more information on VANOC's Olympic and Paralympic Brand Management Guidelines, and updates on Olympic Torch Relay partners, please visit our website at vancouver2010.com.

3. Olympic Torch Relay Considerations

The following is a non-exhaustive list of potential initiatives that a community may contemplate in sharing in the spirit of the Olympic Torch Relay. Please note that the following considerations are not equally applicable to Olympic Torch Relay sponsors as they have the exclusive right to promote their association with the relay.

Pre-event Activities

- 1. Promotional Ads:** The right to create any commercial advertisement referencing the Olympic Torch Relay (OTR) is reserved exclusively for OTR sponsors or host municipalities.



✓ Example 1A: A municipality takes out an ad in the local paper using the approved Olympic Torch Relay ad template would be of little or no concern.



✗ Example 1B: A local business advertises in the local paper that you can experience the relay from their location would be of high concern.

2. **Signage:** Any signage created in reference to the OTR must be factually accurate, non-commercial, non-promotional, without any call to action and should be welcoming in nature.



- ✓ Example 2A: A handmade "Welcome to our town OTR!" sign hung in a local business window would likely be of low concern.



- ✗ Example 2B: A large banner hung in a local business stating "Share the flame – two-for-one specials while OTR is in town" would be of high concern.

NOTE: VANOC will consider timing, placement and reoccurrence of concerning activities when assessing appropriate courses of action.

3. **Preferred Seating/Viewing Areas:** Businesses situated along the relay route may be used for viewing areas, but cannot be used to create a commercial or promotional association to the relay.



- ✓ Example 3A: A local business on the route allows families to set up seating and view the relay from their location would likely be of low concern.



- ✗ Example 3B: A local business on the route creates a branded "VIP torch relay viewing area" would be of high concern.

4. **Signage:** Any signage displayed along the relay route should not be promotional, commercial, or any other form of propaganda, unless distributed by VANOC or official OTR sponsors.



- ✓ Example 4A: Local school children hold up a sign that states "Welcome OTR from Mrs. Johnson's 4th Grade" would be of low concern.



- ✗ Example 4B: Members of a local business, dressed in uniform hold up a sign that states "ABC Company welcomes the OTR to our town" would be of high concern.

5. **Sampling:** Distribution of any propaganda or commercial products along the relay route is not permitted unless distributed by VANOC or official OTR sponsors.



- ✓ Example 5A: A local municipality makes paper Canadian flags available for spectators along the route would be of low concern.



- ✗ Example 5B: A commercial company distributing samples of their products to spectators, or a local politician distributing pamphlets along the route, would be of high concern.

6. **Concessions:** Except as expressly permitted by VANOC, no concessions may be set up along the relay route.



- ✓ Example 6A: A Community Task Force grants advance permission to a local business to set up a display of arts, crafts and products associated with the region along the route would be of low concern.



- ✗ Example 6B: A business sets up a stand along the route to sell snacks and beverages without permission from VANOC would be of high concern.



7. Other activities

- Commercially branded blimps, hot air balloons, airplanes towing banners or sign writers displaying corporate messages above the route or celebration sites would be of high concern to VANOC and will not be permitted in advance of the relay, and will be asked to desist.
- Other forms of product placement, such as branded vehicles parked along the relay route, or large blocks of spectators dressed in corporate uniforms lining the route in view of cameras would also be of high concern to VANOC and asked to desist.

4. Compliance

To help ensure that all Canadians experience a memorable, inspiring and reasonably commercially neutral Olympic Torch Relay experience, VANOC relies on the spirit of fair play and goodwill across all communities in complying with these considerations. VANOC will seek the assistance of Community Task Forces in helping to minimize and manage any activities that would be of concern.

Communities are requested to report to their Regional Route Coordinators any information that suggests ambush marketing activities are likely to occur, by whom and when. Regional Route Coordinators will communicate this information to the Olympic Torch Relay Marketing team, who will, in turn, report to VANOC's Commercial Rights Management Team, should the infringement prove to be of high concern.

Council staff may also be asked to actively participate in enforcing VANOC's rights normally undertaken by VANOC staff, with necessary training or information provided. In some instances, communities are better placed than VANOC to control or prevent such conduct.

DISCLAIMER: Please note that these guidelines, including the usage examples provided, are for illustrative purposes only and are without prejudice to any rights which VANOC may have in any particular case. The information does not constitute legal or professional advice and as such, should be relied upon at the reader's own risk. Anyone using this document must accept that VANOC will evaluate potential infringements on a case-by-case basis and that it is impossible to predict or describe every type of potentially infringing activity. Consequently, the information provided in this document is given without liability or restriction on the part of VANOC and does not constitute any form of authorization, permission, consent, license, waiver or estoppel (express or implied) that in any way limits or prejudices the statutory or common law rights of VANOC in any circumstances.