

## **Rule 40 of the Olympic Charter – What you need to know as an athlete**

The following document will give you the answers to some of the questions you may have regarding Rule 40. It will also explain why we have this rule.

### **What is Rule 40 and when does it apply?**

Bye-law 3 to Rule 40 of the Olympic Charter (referred to as Rule 40) states that:

*“Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games.”*

Any reference to a participating athlete, whether by their personal appearance, use of their image, name or sports performance in any kind of commercial promotion during the Olympic Games period from 30 January to 26 February (nine days prior to the Opening Ceremony until three days after the Closing Ceremony of the Olympic Games) falls within the scope of Rule 40.

### **What is the Olympic Charter?**

The Olympic Charter is the guiding document for the entire Olympic Movement. It defines the mission and role of the International Olympic Committee (IOC), National Olympic Committees (NOCs) and other Olympic entities. It also provides rules for the organisation and administration of the Olympic Games, as well as guidance on disciplinary procedures and other governance issues. The Charter calls on the IOC “to oppose any political or commercial abuse of sport and athletes.”

### **What is the purpose of Rule 40?**

Rule 40 is in place for various reasons, including the following:

Rule 40 helps preserve the unique nature of the Olympic Games by preventing over-commercialisation. It also helps to preserve sources of funding used to ensure that athletes from countries around the world can compete at the Olympic Games, for the development of sport worldwide and for the continued celebration of the Olympic Games. It helps combat ambush marketing, which can jeopardise that funding and undermine the Olympic Games. Together with other Olympic Charter principles, Rule 40 also aims to ensure that the performance of the athletes remains the focus of the Olympic Games.

### **Who does Rule 40 apply to?**

Rule 40 applies only to competitors, coaches, trainers and officials participating in the relevant edition of the Olympic Games. It does not apply to Olympians who have competed in previous Olympic Games but are not participating in the current edition of the Olympic Games in any capacity.

### **What is regarded as “advertising” for the purposes of Rule 40?**

Any kind of commercial promotion, including (for example) traditional press adverts, billboards, television, radio and online advertising, PR (including personal appearances and press releases), on-product promotions, in-store promotions, corporate websites, social networking sites, blogs and viral adverts.

So, for example, an athlete sharing information about, or commenting on, one of his or her sponsors on social media or on the athlete's own website would be considered to be engaging in “advertising” under Rule 40 and would not be allowed. In the context of your internet and social media activities, you should also keep in mind the provisions of the “IOC Social Media, Blogging and Internet Guidelines” for participants and other accredited persons at the Sochi 2014 Olympic Winter Games and any additional restrictions imposed by your NOC.

### **Does Rule 40 restrict an athlete's ability to get personal sponsorship?**

No.

Athletes can have personal sponsorship or endorsement deals with commercial partners. The limited application of Rule 40 during the Olympic Games period means that athletes and their sponsors can still activate such sponsorships or endorsements outside this short period.

### **Are there any exceptions to Rule 40?**

Yes.

#### *Exceptions for Olympic commercial partners*

Athletes can, during the period of the Olympic Games, allow their image to be used by Olympic commercial partners who have obtained the required permission, without being in breach of Rule 40. If you have any doubt about the ability of an official Olympic partner to use your image, or the kinds of advertising allowed, please contact your NOC.

Specifically, Olympic commercial partners can, during the Olympic Games, use competitors for certain types of advertising, with the permission of the athlete and relevant Olympic body. These partners include the international sponsors of the Olympic Movement (the TOP partners), the sponsors of the Olympic Games, the sponsors of NOCs and their Olympic teams and the official broadcasters of the Olympic Games.

These exceptions are managed by the IOC (in the case of TOP partners and official broadcasters), the Organising Committee for the Olympic Games (in the case of sponsors of the Olympic Games) and the National Olympic Committees (in the case of NOC and National Olympic Team sponsors).

#### *Exceptions for entities other than Olympic commercial partners*

In addition, certain NOCs may allow entities that are not Olympic commercial partners to use an athlete's image for advertising during the Olympic Games, which could include an athlete's personal sponsor. It is for each NOC to decide whether or not to allow this and certain conditions may apply, so please check with your NOC.

**Who manages Rule 40?**

The NOCs are responsible for the implementation of this rule in their respective territories and are your first point of contact for any questions in this regard. NOCs can issue their own requirements in relation to Rule 40 and its implementation, and participants should not hesitate to request guidance from their NOC on these matters. Local laws may also impact how Rule 40 is implemented in a specific country or territory.

**What happens if I breach Rule 40?**

If the IOC is made aware of a potential breach of Rule 40, it will treat each case individually depending on what is said or done.

**Who should I contact for further information?**

This document is intended as a practical guide for athletes on the application of Rule 40. It is not a comprehensive guide to Rule 40, or the Olympic Charter. The management of Rule 40 in each country is delegated to the NOC of the relevant country, or to the Organising Committee for the Olympic Games in the host country. NOCs may impose additional requirements.

You should get in touch with your NOC for further information. If they are in doubt in regard to specific questions, they will contact the IOC.

**Can I also contact the IOC directly?**

The IOC Athletes Commission may be contacted for any athlete-related questions, advice and information at [athletes@olympic.org](mailto:athletes@olympic.org).