

Athlete Marketing for the Olympic and Paralympic Games Tokyo 2020

Rule 40 Guidance for the United States

Prepared by The U.S. Olympic & Paralympic Committee
Updated March 5, 2021

Rule 40 Background

Rule 40 of the Olympic Charter is an eligibility rule introduced by the International Olympic Committee for the purpose of maintaining the unique and universal competitive environment offered by the Olympic Games. The rule helps ensure global participation at the Games, the funding of the Games and the long-term health of the Olympic Movement by maintaining the appeal of Olympic sponsorship at global and national levels. This supports funding of all Olympic teams around the world, based on principles of solidarity and regardless of the profile or success of those teams, including all members of Team USA.

Specifically, Bylaw 40.3 of the [Olympic Charter \(Rule 40\)](#) states: “Competitors, team officials and other team personnel who participate in the Olympic Games may allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games in accordance with the principles determined by the IOC Executive Board.”

There is a similar rule in the International Paralympic Committee’s Paralympic Handbook that governs participants in the Paralympic Games. References to Rule 40 in this document are intended to include both the Olympic rule and the Paralympic rule. If subsequent IPC guidance conflicts with this information, a supplementary Paralympic guidance will be distributed.

The IOC issued its Commercial Opportunities for Participants during the Olympic Games Tokyo 2020 on July 4, 2019, which include the “key principles” determined by the IOC Executive Board for implementation of Bylaw 40.3 of the Olympic Charter. The USOPC is responsible for the implementation of those key principles in the United States. Therefore, this guidance document sets out the USOPC’s approach to implementation of the IOC’s key principles.

Tokyo 2020 Rule 40 Term

The Olympic Rule 40 period begins July 13, 2021, and runs through August 10, 2021. The Paralympic Games period will be announced by the IPC.

Defining Participants

Rule 40 applies to participants in the Olympic Games Tokyo 2020 (**Olympic Games**), while the equivalent IPC rule applies to participants in the Paralympic Games Tokyo 2020 (**Paralympic Games**). Participants include current Team USA competitors, coaches, trainers and officials. It only applies to Team USA participants in the current Games and is not applicable to alumni. We often refer to athletes generically in this guidance, but please note these guidelines apply to all Team USA Games participants as defined above.

USOPC Overview and Approach

The mission of the United States Olympic & Paralympic Committee (**USOPC**) is to empower Team USA athletes to achieve sustained competitive excellence and well-being. Central to that commitment is providing access to resources that support the athlete journey as they train for, and compete in, the Olympic and Paralympic Games. This includes a balance of generating commercial revenue for the benefit of all Team USA athletes and all other Olympic teams around the world, regardless of their profile, and enabling individual athlete marketing in recognition of the critical role it plays in supporting personal athlete development and fan engagement.

As an active member and leader in the Olympic and Paralympic movements, the USOPC works to promote the unique global nature of the Games. We fully acknowledge and support the Olympic Charter, and the intention of Rule 40 as a tool to enable full, global participation in the Games through a commercial model that provides exclusive use of intellectual property and official rights of association with the Olympic Movement and Olympic teams in exchange for funding of Olympic teams and the Games worldwide.

The IOC's approach to Rule 40 demonstrates that official partners, and personal sponsors and athlete marketing can coexist without compromising official Olympic sponsorship and the financial sustainability of the Games. The USOPC supports that approach in the United States: we want to empower athletes to attract personal sponsors to support and celebrate their careers, recognizing personal sponsorships often exist well before and after the Games period, and help official Olympic sponsors maximize and activate their commitment to the Games. This 2020 guidance is intended to simplify implementation, while supporting athletes' ability to attract personal sponsorships.

USOPC 2020 Guidance Summary

This athlete marketing guidance explains how the USOPC will implement Rule 40 during the Olympic and Paralympic Games Tokyo 2020 – and underscores a commitment to participate actively in the evolution of athlete marketing in the Olympic and Paralympic space while ensuring value for USOPC and IOC partners. All Team USA athletes should have the knowledge and tools to attract personal sponsors to support their athlete lifecycle in a way that complements, but does not compete with, official sponsors. Personal sponsor activity must respect intellectual property rights, teammates, competitors, the USOPC, the IOC and the unique nature of, and necessity for global participation at, Olympic and Paralympic Games.

This guidance applies to athletes and their personal sponsors. Current Team USA partners and official Olympic and Paralympic partners maintain their exclusive marketing rights and gain enhanced protection and enforcements.

The Tokyo 2020 guidance makes it easier for athletes to engage in marketing by allowing athlete personal sponsors to obtain permission to use athlete images pursuant to Rule 40 through a fair and straightforward process for campaigns that do not use Olympic or Paralympic IP and do not imply any association with the Games, the USOPC, the Olympic and Paralympic movements, a National Governing Body or Team USA.

The two-step process creates shared responsibility among personal sponsors and athletes through a contractual mechanism for enforcement that will protect official Olympic sponsors – while allowing for a more streamlined approach to athlete marketing in the United States. We will work to ensure the domestic implementation and enforcement of Rule 40 is carried out consistently, properly and fairly.

Any campaign that uses Team USA athletes, which extends outside the U.S. is also subject to the IOC's Key Principles. Any campaign in the U.S. that uses athletes other than Team USA athletes is subject to the IOC's Key Principles and any supplementary guidance issued by that athlete's National Olympic Committee.

Key Updates

Team USA athletes gain:

- Increased opportunity to honor existing and engage new personal sponsors
- Less restrictive timelines for aligning with personal sponsors and creative execution
- Ability to recognize personal sponsors during the Games period
- Ability to be recognized by personal sponsors during the Games period
- Streamlined verification process with improved clarity on sponsor responsibility and compliance
- Shared responsibility with personal sponsors; previously the responsibility was on the athlete alone

IOC/USOPC partners gain and maintain:

- Exclusivity around Team USA and Games marks and imagery
- Unlimited athlete marketing via social and digital media
- Increased ambush protection through the Personal Sponsor Commitment
- Enhanced education and enforcement efforts
- Exemption from registration; continuance of all existing partner benefits related to timing and support of USOPC partner staff
- Ability to include more than one athlete in all campaigns

Process for Obtaining Rule 40 Permission

Athletes are required to first notify the USOPC of their personal sponsors by registering online. This registration can happen at any time before, or during, the Rule 40 period defined above as long as it precedes any athlete marketing during the Games. As always, personal sponsors are responsible for obtaining athlete consent for all uses of name, likeness and/or image.

Step 1

Each athlete must visit a dedicated portal to register personal sponsors. Registration will include organization name and contact information. Athletes may update this information at any time, and we encourage keeping this information up to date.

Step 2

Once registered, each personal sponsor identified by an athlete will receive a link to a click-through Personal Sponsor Commitment that requires compliance with this guidance. Rule 40 permission will be issued upon successfully completing the Personal Sponsor Commitment. If a personal sponsor has not completed the Personal Sponsor Commitment, it will not be granted permission, and is not permitted to market an athlete in the United States during the Rule 40 period.

Note:

Permission will not be granted without the explicit, advance consent of the athlete for his/her name, image and/or likeness to be used in the relevant campaign. There are no exceptions.

Personal sponsors who are also official Games or Team USA sponsors should continue to work with their partnership management and activation account managers in relation to campaigns featuring athletes during the Rule 40 period.

Athlete Marketing and Rule 40 Guidelines in the United States

This 2020 guidance makes it easier for athletes to activate their personal image rights during the Games through well-planned execution, while strengthening protections for official sponsors who support the Games and Team USA. Personal sponsors should understand three key elements for athlete marketing around the 2020 Games:

Rule 40 Permission

Any brand or organization marketing an athlete in the United States during the Rule 40 period must obtain permission from the USOPC to use Team USA athletes participating in the Games (this is in addition to obtaining individual consent from the relevant athlete).

Timing

Team USA athletes should feel empowered to continue to be involved in campaigns with their personal sponsors regardless of when Games rosters are announced. Unlike previous guidance, the in-market time requirement has been relaxed and there is no mandatory advance campaign submission, though campaign collateral and tactics may be submitted to the USOPC for review if desired by the personal sponsor. However, personal sponsor advertising during the Rule 40 period of the Olympic and Paralympic Games should, where possible, be reflective of a continuous campaign and pre-existing relationship between a brand and an athlete, and not increased in frequency or substantially changed during the Rule 40 period as compared to the same period in non-Games year. Permission can be requested at any time starting March 5, through the end of the Rule 40 period.

Commitment

Personal sponsors must comply with the Personal Sponsor Commitment designed to balance the interests of official sponsors and competitors, by making the granting of Rule 40 permission contingent on agreeing to specific anti-ambush terms. This is in addition to standard protections for Olympic and Paralympic IP that apply at all times. Even with this contract, at its core, Rule 40 is an IOC and IPC eligibility rule. As always, it is the shared responsibility of personal sponsors and athletes to be mindful of regulations as to not jeopardize athlete eligibility. Failure to comply may jeopardize the athlete's Games eligibility.

Rule 40 Compliant Marketing

In the United States, Rule 40 permission allows athlete marketing in two ways:

1. Generic marketing of the product, service and brand, which includes one or more athletes, **or**
2. Athlete-focused marketing reflecting a personal sponsor's support of an athlete's participation in the Games

In both cases, the marketing must not use Olympic or Paralympic IP, including Games imagery, or otherwise imply any relationship between that personal sponsor or any of its products/services and Team USA, an NGB or the Games. The USOPC retains the right and sole discretion to determine if a use implies any relationship.

In order to avoid any implication that a personal sponsor is a sponsor of Team USA or the Games, marketing that specifically promotes brands, products or services can never be combined with advertising promoting the athlete's Games participation in any manner. For example, during the Rule 40 period, athletes cannot retweet or repost generic marketing content promoting brands, products or services.

All marketing must adhere to these guidelines to comply. When in doubt, contact the USOPC commercial team for review via email: athlete.marketing@usopc.org.

Defining Marketing

This USOPC guidance applies to all marketing using Games participants during the Rule 40 period in the United States regardless of the media platform and how its distributed. Advertising purposes include all forms of commercial promotion, including traditional advertising (e.g., print, TV, out of home, online), direct advertising (e.g., emails, text messages, direct mail), social and digital media (e.g., posts, retweets, shares by athletes or sponsors), point of sale (e.g., on-product, on-retail premises) and public relations (e.g., press releases, personal appearances, lending or gifting of products). There is no distinction for Rule 40 between nonprofit or for-profit organizations.

Generic Marketing

Generic advertising promotes the personal sponsor's brand, products or services, where the only connection between the Games, USOPC, the IOC or Team USA is the fact the advertising uses an athlete's image. In particular, it may not use Olympic or Paralympic IP, Games images, or make any direct or indirect visual or verbal reference to Team USA, USOPC, the Olympic or Paralympic movements, an NGB or the Games. Additionally, generic advertising can never imply a relationship between a brand, product or service and Team USA, USOPC, the Olympic or Paralympic movements, an NGB or the Games.

✓ PERMITTED



WHY?

- Generic advertisement and tagline, specific to athlete's relationship with personal sponsor.
- No implied association with the Games or Team USA.

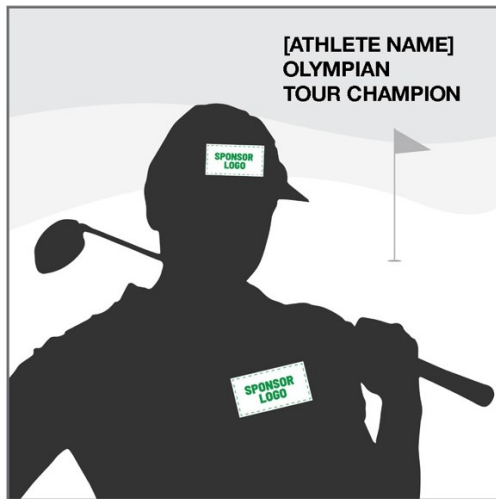
✗ NOT PERMITTED



WHY?

- Uses Olympic IP (Rings and tagline "Made for an Olympian")
- Athlete personal sponsors are not permitted under any circumstances to use Olympic, Paralympic or Team USA trademarks.

✓ PERMITTED



WHY?

- Generic advertisement, specific to athlete's relationship with personal sponsor.
- Balances Olympic accomplishment with a non-Olympic accomplishment in biography.

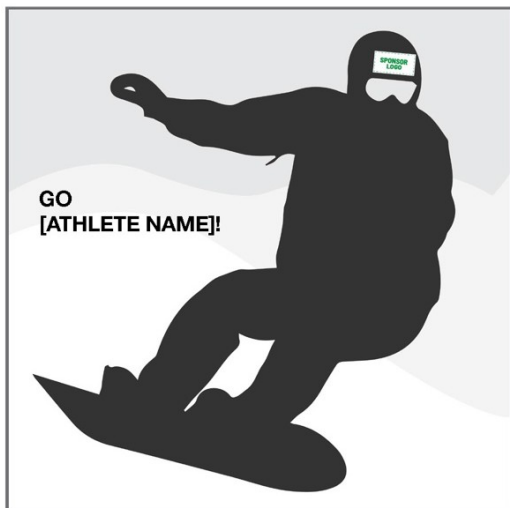
✗ NOT PERMITTED



WHY?

- Athlete is wearing apparel with Team USA branding.
- Does not balance Olympic accomplishment with a non-Olympic accomplishment in biography.

✓ PERMITTED



WHY?

- Generic advertisement, specific to athlete's relationship with personal sponsor.

✗ NOT PERMITTED



WHY?

- Uses Olympic IP (Rings), Team USA IP ("Go Team USA") and an image taken from within Olympic venue.

Athlete-focused Marketing

Athlete-focused advertising is a piece of content that includes the likeness of an athlete, including: athlete name, image or voice. This advertising may not use Olympic or Paralympic IP, Games images, or imply a relationship between a personal sponsor and Team USA, USOPC, the Olympic or Paralympic movements, an NGB or the Games. Athlete-focused advertising may make balanced, factual reference to an athlete's story. Separate campaigns for each athlete are allowed, but no more than one athlete may be included in any single campaign to avoid any suggestion that the advertisement is connected to Team USA, USOPC, the Games, the Olympic or Paralympic movements, NGB or national sport team.

Athlete-focused advertising may not mention or promote the personal sponsor's products or services. Athlete-focused advertising may make a single reference to the brand sending the message. In social media, this would be the brand's standard avatar with a message such as "congratulations @athlete."

Athlete-focused advertising can come in two forms:

1. Athletes thanking personal sponsors
2. Personal sponsors recognizing athletes/performance

Athlete Thanking of Personal Sponsors

As part of athlete-focused marketing, athletes may thank personal sponsors that have obtained Rule 40 permission on their personal social media channels and personal websites. **Athletes may post a total of seven (7) thank you messages that include reference to personal sponsors during the Games period.** In line with existing rules, athlete "thank you" advertising may not mention or promote the personal sponsor's products or services, and may not use Olympic or Paralympic IP, including but not limited to the Olympic or Paralympic symbol, the Games emblems, the Games wordmarks (e.g. "Tokyo 2020"), official Games/Team apparel and medals, any still or moving images from inside a Games venue, reposts of Team USA, USOPC, IOC, IPC, Games or other Olympic or Paralympic movements social media content, or imply a relationship between a personal sponsor and Team USA, the USOPC, the Olympic or Paralympic movements, an NGB or the Games.

There is no limit to the number of times athletes may thank official sponsors – both IOC and USOPC – during the Rule 40 period.

In order to avoid confusion, athletes may not thank Olympic or Paralympic sponsors and personal sponsors in the same message (e.g., not ok to say "Thank You, Coca-Cola, Visa and [personal sponsor].")

Personal sponsors may retweet or repost a single athlete thank you on the original social media channel, without further text or edits, during the Games period. Additionally, personal sponsors cannot engage in paid advertising to support retweets or reposts of athlete thank you messages.

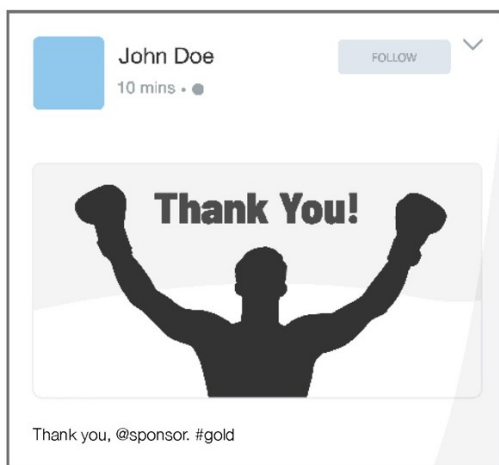
Athletes should review the IOC Guidance on online messages by participants for further IOC rules on online activities.

Thank You Advertising Examples

Permitted: “Thank you @company for supporting my journey”
 “Thank you @company. #personal best”
 “Thank you @company. #gold”

Not Permitted: “Thank you @company. #Tokyo2020”
 “Thank you @company. #TeamUSA”
 “Thank you @company. Your [product] is the best”
 “Thank you @company. You made my Olympic dreams come true”
 “Thank you @company. Your [product] helped me win today”

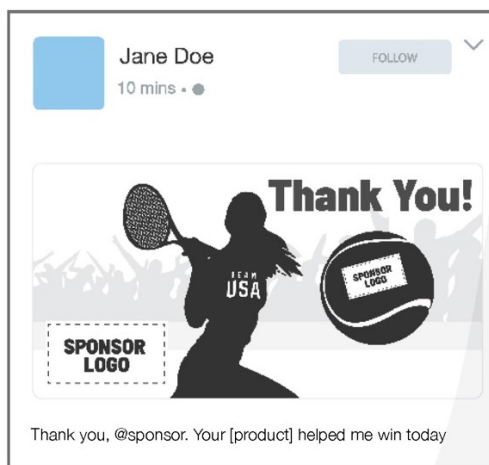
✓ PERMITTED



WHY?

- Post uses generic, unbranded image and copy.
- Sponsor logo included only in conjunction with “thank you” messaging.
- Sponsor mentioned only once (copy).

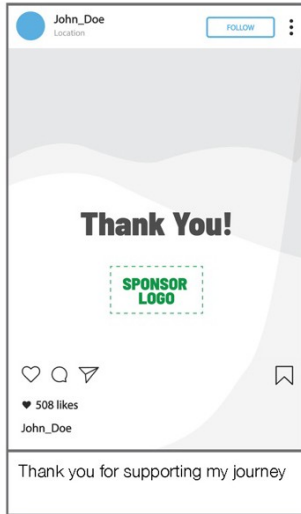
✗ NOT PERMITTED



WHY?

- Post includes Team USA branded apparel.
- Post promotes a product or service (e.g., copy and image - tennis ball).
- Sponsor mentioned more than once (copy and image).
- Sponsor logo apart from thank you messaging.

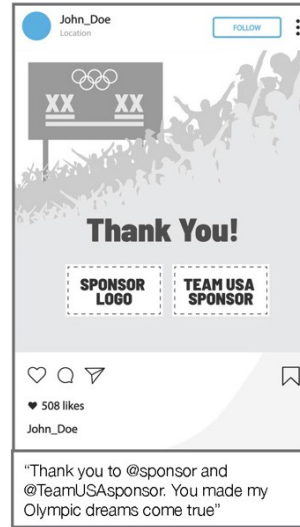
✓ PERMITTED



WHY?

- Post uses generic, unbranded image and copy.
- Sponsor mentioned only in conjunction with “thank you” messaging.
- Sponsor mentioned only once (image).

✗ NOT PERMITTED



WHY?

- Post uses an image taken within an Olympic venue.
- Sponsor mentioned with a Team USA sponsor.
- Olympic-specific reference (e.g. “Olympic dreams come true”).

Personal Sponsors Recognition of Athletes/Performance

During the Rule 40 period, personal sponsors with Rule 40 permission may create and post one message congratulating or recognizing sponsored athletes on their performance, or providing other well wishes. This message can only be posted on the personal sponsor’s social media or corporate website targeted to a U.S. audience and in accordance with the following requirements.

With the exception of Team USA sponsors, any other media beyond social, including traditional media (e.g., print, TV, out of home), may not be used to recognize athletes during the Rule 40 period. The athlete recognition message may not mention or promote the personal sponsor’s products or services; may not use any still or moving images of the athlete at the Games, or any Olympic or Paralympic IP, including but not limited to the Olympic or Paralympic symbol, the Games emblems, the Games wordmarks (e.g. “Tokyo 2020”), and official Games/Team apparel and medals; and it may not imply a relationship between a personal sponsor and Team USA, the Olympic or Paralympic movements, an NGB or the Games. These posts cannot be supported by paid advertising. Any visual imagery of the message cannot contain third-party marks.

Congratulatory and Well-Wishing Messaging Examples

Permitted:

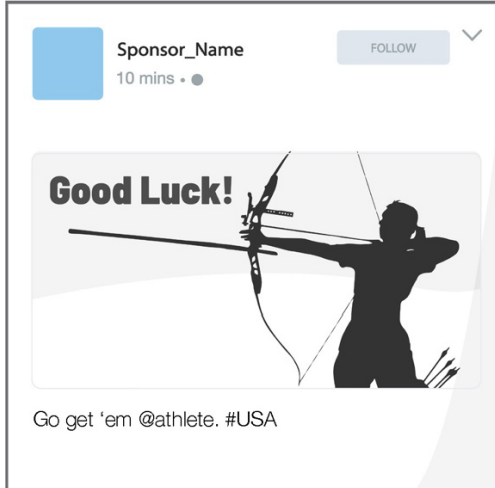
- “Congratulations @athlete on your 100-meter performance”
- “Congratulations @athlete on your personal best. #silver”
- “Go get ‘em @athlete. #USA”
- “You got this @athlete. #100-meter”

Not Permitted:

- “Congratulations @athlete, Olympian”
- “Congratulations @athlete on your Olympic gold medal”
- “Go get ‘em @athlete. #TeamUSA”
- “Today’s your day to shine @athlete #Team[company]”
- “Congratulations @athlete.” [accompanied with image using Company product to simulate Olympic Rings]

- “Congratulations @athlete. [Let’s celebrate with 30% off [product/service]].”
- “Congratulations @athlete. [Company slogan].”
- “Congratulations @athlete. [Proving [product X] is faster than [competitor product]]”

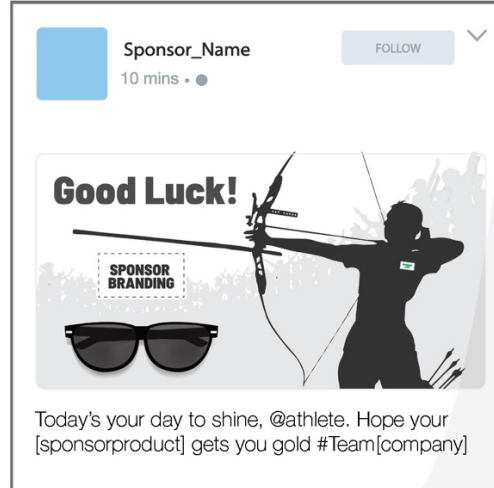
✓ PERMITTED



WHY?

- Post uses a generic image and copy with no sponsor branding.
- Sponsor posts just one congratulatory or well-wishing message per athlete.

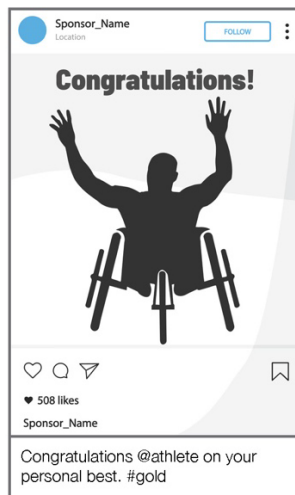
✗ NOT PERMITTED



WHY?

- Post promotes a specific product or service (copy and image - i.e. sunglasses).
- Post includes athlete personal sponsor branding (background, clothing and #Team[company]).

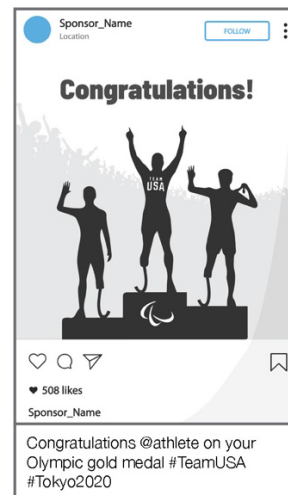
✓ PERMITTED



WHY?

- Post uses a generic image and copy with no sponsor branding.
- Sponsor posts just one congratulatory or well-wishing message per athlete.

✗ NOT PERMITTED



WHY?

- Post uses an image (still or moving) taken from within the Games.
- Post image includes Team USA-branded apparel.
- Copy includes Games IP (e.g. Olympic gold, #TeamUSA, #Tokyo2020).

Understanding Restrictions

Games participants agree not to make commercial use of images of him/herself in USOPC and/or Team USA apparel or branded items from the Games, or with Games medals, without the USOPC's consent. Only official Games or Team USA sponsors may make commercial use of Olympic and Paralympic IP, including but not limited to still and moving images from the Games and trademarks such as:

- Olympic symbol; Paralympic symbol
- Games emblems, mascots, pictograms and graphics
- Flag/5-Ring and Flag/3-Agito emblems
- the words: Olympic, Olympics, Olympiad; Paralympic, Paralympics, Paralympiad
- the name of the host city of the Games + the year of the Games (e.g., Tokyo 2020)
- the names of Olympic and Paralympic Teams (e.g., Team USA, Team Great Britain)
- taglines such as Citius Altius Fortius; Spirit in Motion
- Registered trademarks such as "Go for the Gold" and "Let the Games Begin"

Only Olympic and Paralympic sponsors may promote an association with Team USA, the Olympic or Paralympic movements, or the Games.

Rule 40 Commitments

As a condition to receiving Rule 40 permission, personal sponsors must commit to certain restrictions for the duration of the Rule 40 period, including the terms of this guidance and that:

- The personal sponsor has obtained all necessary consents and approvals from the athlete to be used in the advertising
- Advertising using an athlete during the Rule 40 period may not make negative, comparative claims (e.g., "our network is faster than [x's]").
- Advertising using an athlete during the Rule 40 period may not imply that any product or service enhanced the athlete's performance.
- Advertising may not use the terms: Games, Winter Games or Summer Games in reference to the Olympic or Paralympic Games.
- Advertising may not use iconic Olympic or Paralympic words or imagery (including emojis), such as a torch, flame, laurel wreath, medal or podium.
- Advertising may not use Olympic or Paralympic Games venue or apparel imagery, either current or historic.
- Advertising constitutes a campaign that is not increased in frequency or substantially changed during the Rule 40 period as compared to same period in a non-Games year.

Additionally, Rule 40 permission does not authorize personal sponsors to act as a Games news source. In the United States, only NBCUniversal is authorized to disseminate real-time audiovisual coverage of the Games, including but not limited to real-time posting of results, event live streaming and use of still images to simulate live coverage.

Violation Consequences

Participants who do not comply with Rule 40 may be sanctioned by the IOC or IPC, the Tokyo 2020 Organizing Committee, and their National Olympic Committee or National Paralympic Committee. Any sponsor that uses a Team USA participant for marketing purposes during the Rule 40 period without a permission granted pursuant to this guidance puts the athlete's Games eligibility at risk.

Any personal sponsor that has Rule 40 permission, but fails to comply with the Personal Sponsor Commitment, will be subject to contractual remedies, including but not limited to:

- Cancellation of the Rule 40 permission for all personal sponsors' athletes
- Inability to obtain Rule 40 permission for one or more future Games
- Damages
- Injunctive relief

Multi-national Marketing

These guidelines apply only to Team USA athletes and campaigns targeted at the United States. Team USA participants and their personal sponsors must also obtain IOC or IPC approval for any use of their images in advertising outside the United States during the applicable Rule 40 period. The IOC's guidance allows for generic advertising, based on the requirement that all non-Olympic partners notify the IOC,

Tokyo 2020 and the affected NOC(s) of generic advertising plans outside of the United States by no later than May 15, 2021, unless otherwise agreed by the IOC. The IOC will later provide details regarding its online notification platform, including when it will be active to accept notifications. The IOC's guidance also allows for limited online thank you messages by participants during the Rule 40 period but restricts congratulatory advertising by non-Olympic partners.

Similarly, commercial use in the U.S. of a non-Team USA participant requires the consent of the participant's home National Olympic or Paralympic Committee. The USOPC can help athletes obtain that approval.

Questions or Concerns

We are here to help ensure this process is clear and manageable for Team USA athletes and have developed a comprehensive Rule 40 guide and education process for this purpose.

[Click here to register for Rule 40 Athlete Education Sessions](#)

Team USA athletes should contact the office of the athlete ombudsman for cost-free, confidential, independent advice regarding athlete rights or responsibilities related to marketing, questions related to participation in protected competition, or any other rule, policy, process or athlete agreement.

Phone: (719) 866-5000

Email: ombudsman@usathlete.org

Website: usathlete.org

Team USA athletes with questions about the Rule 40 permission process or athlete marketing in general should contact USOPC marketing at athlete.marketing@usopc.org.

Athlete personal sponsors should contact the USOPC commercial team with any questions at athlete.marketing@usopc.org. Personal sponsors with Rule 40 permission are invited, but not required, to submit proposed generic advertising and proposed athlete-focused advertising for review and comment for conformance with this guidance.

Additionally, the USOPC can assist in providing approval for use of a Team USA athlete's image and/or likeness for advertising purposes outside of the U.S., or obtaining the approval of another NOC or NPC to use a non-Team USA athlete's image for advertising purposes in the United States during the Rule 40 period.