

Regulations on the Protection of Olympic Symbols
Released by the State Council on February 4, 2002

Article 1 These Regulations are formulated for the purposes of strengthening the protection of Olympic Symbols, protecting the lawful rights and interests of the owners of the Olympic Symbols, and ensuring the dignity of the Olympic Movement.

Article 2 Olympic Symbols mentioned in these Regulations refer to:

- (1) The Five Olympic Rings of the International Olympic Committee (hereinafter referred to as the IOC), Flag, Motto, Emblem, and Anthem of the Olympic Games;
- (2) The special terms of OLYMPIC, OLYMPIAD, OLYMPIC GAMES and their abbreviations;
- (3) The name, emblem and symbol of the Chinese Olympic Committee (hereinafter referred to as the COC);
- (4) The name, emblem and symbol of the Beijing2008 Olympic Games Bid Committee;
- (5) The name and emblem of the Organizing Committee of Games of the XXIX Olympiad; the mascots, anthem and slogans of the XXIX Olympic Games; the 'Beijing2008', the XXIX Olympic Games and their abbreviations;
- (6) Other symbols related to the XXIX Olympic Games prescribed in Olympic Charter and Host City Contract for the Games of the XXIX Olympiad.

Article 3 The right owners of the Olympic Symbols in these Regulations refer to the IOC, the COC, and the Organizing Committee of Games of the XXIX Olympiad (hereinafter referred as BOCOG).

The division of the rights among the IOC, the COC and the BOCOG shall be confirmed according to the stipulations in Olympic Charter and Host City Contract for the Games of the XXIX Olympiad.

Article 4 The right owners of the Olympic Symbols shall enjoy the exclusive right according to these Regulations.

Without the authorization of the right owners of the Olympic Symbols (hereinafter referred as the right owner), no one may use the Olympic Symbols for business purposes (includes the potential business purposes, the same hereinafter).

Article 5 The Use for Business Purposes in these Regulations refers to use the Olympic Symbols to make profits in the following ways:

(1) To use the Olympic Symbols on the commodities, the package or the container of the commodities, and the related trade documents;

(2) To use the Olympic Symbols in the service items;

(3) To use the Olympic Symbols in advertisements, commercial exhibitions, commercial performance and other commercial activities;

(4) To sell, import and export the commodities with the Olympic Symbols;

(5) To produce or sell the Olympic Symbols;

(6) Any other activities may make the third parties believe that there are sponsorship or other support relationships between the users and the right owners of the Olympic Symbols.

Article 6 The administration departments for industry and commerce under the State Council shall be responsible for the protection of the Olympic Symbols according to the provisions of these regulations.

The administration departments for industry and commerce at or above the county level shall be responsible for the protection of the Olympic Symbols in their administrative areas according to the provisions of these regulations.

Article 7 The right owners shall report the Olympic Symbols to the administration departments for industry and commerce under the State Council for record. The records shall be proclaimed by the administration departments for industry and commerce.

Article 8 Anyone, who has the authorization to use the Olympic Symbols for business purpose from the right owners, shall make the license contract of using the Olympic Symbols with the right owners. Those, who use the Olympic Symbols in the ways mentioned in article 2 item 1 and item 2, shall make contracts with IOC and the institutions authorized or approved by IOC. Those, who use the Olympic Symbols in the ways mentioned in article 2 item 3, shall make contracts with COC. Those, who use the Olympic Symbols in the ways mentioned in article 2 item 4, item 5 and item 6, shall make contracts with BOCOG by December 31, 2008. The right owners of the Olympic Symbols shall report the license contracts to the administration departments for industry and commerce under the State Council for record.

Those, who have made the license contracts according to the formal item of these Regulations, shall use the Olympic Symbols within the field and duration stipulated in the contracts.

Article 9 Anyone, who has legally use the Olympic Symbols according to laws before these Regulations went into force, may continue to use the Olympic Symbols within the primary scope.

Article 10 No one shall use the Olympic Symbols without the authorization of the right owner for business purpose. Such acts infringe the exclusive right of the right owner. The dispute over the infringement of the exclusive right of the Olympic Symbols may be settled by mediation. If one of the parties refuses to mediate or the mediation is unsuccessful, the right owner of the Olympic Symbols or other interested persons may litigate it to the court, or claim for the resolution to the administration departments for industry and commerce. If the administration departments for industry and commerce affirmed the infringements while they handled such cases, the administration departments for industry and commerce shall order the infringers to stop the infringements immediately, and then confiscate and deface the infringement commodities and the special tools for producing the infringement commodities or the Olympic Symbols for business purpose. The illegal gains of the infringers may also be confiscated and the infringers shall also be fined under five times of the illegal gains. If there are no illegal gains, the infringers may be fined under 50,000 RMB. Any infringers, within 15 days after they received the written decision of the penalty, who object to the administrative penalty, may institute proceedings in the courts according to Law of Administrative Procedure of the People's Republic of China. If the infringers neither institute proceedings nor implement the decision within the above time limit, the administration departments for industry and commerce may apply to court for enforcement.

The administration departments for industry and commerce may preside the mediation about the tort liability about the Olympic Symbols according to the requirement of the related parties. If the mediation is unsuccessful, the parties may institute directly to the court according to Law of Civil Procedure of the People's Republic of China.

If any one use the Olympic Symbols to enact defraud and other illegal acts, if the offense constitutes a crime, they shall be invested for criminal responsibility according to the law.

Article 11 The administration department for industry and commerce has the right to investigate and deal with the infringement of the exclusive right of the Olympic Symbols.

When the administration departments for industry and commerce investigated and dealt with the infringement of the exclusive right of the Olympic Symbols according to the evidences or report of the offense, the administrative departments can exercise the following functions and powers:

- (1) To inquire the relevant parties, and to investigate the situation of the infringements about the exclusive rights of the Olympic Symbols;
- (2) To consult and copy the contracts, invoices, account books and other materials that related to the infringements;
- (3) To investigate the scene related to the infringements about the exclusive rights of the Olympic Symbols;

(4) To investigate the goods related to the infringements; to close up and sequester the goods that can be proved of infringement.

When the administration departments for industry and commerce exercise the above functions and powers, the related parties shall assist and cooperate the administrative department, and shall not refuse and obstruct it.

Article 12 If the imported and exported cargoes were suspected of infringing the exclusive rights of the Olympic Symbols, it shall be investigated and dealt with by the custom according to the competency and procedures of Custom Law of The People's Republic of China and Regulations on the Custom Protection of Intellectual Property Rights of The People's Republic of China.

Article 13 The amount of compensation of the infringements of the Olympic Symbols shall be decided according to the loss of the infringed, or the gain of the infringer caused by the infringement, which includes the reasonable costs to deter the infringements. If the loss of the infringed or the gain of the infringer were not affirmed, the amount of the compensation shall be referred to the fee of license use of the Olympic Symbols.

If anyone sold the goods that infringe the exclusive rights of the Olympic Symbols, and could prove his legal acquisition of the goods and give information of the suppliers, he will not bear the corresponding compensation liabilities.

Article 14 Besides under the protection of these Regulations, the Olympic Symbols shall also be protected under the provisions of the related laws and regulations, such as Copyright Law of the People's Republic of China, Trademark Law of the People's Republic of China, Patent Law of the People's Republic of China, and Regulations on the Administration of Special Signs.

Article 15 This Regulation shall be implemented as of April 1, 2002.

(Source: Trademark Office of State Administration for Industry and Commerce of the P.R.C.)