

**WITHOUT PREJUDICE  
SUBJECT TO THE AGREEMENT OF UNDERTAKINGS**



**Rule 40 - Summary for Team GB Athletes**

This document sets out for Team GB athletes a summary of the key principles around Rule 40 of the Olympic Charter, in relation to the Tokyo 2020 Olympic Games (the “**Games**”).

Rule 40 governs how athletes can use, and can allow their personal sponsors to use, their name and image during the period of 14 July 2020 – 11 August 2020 (the “**Games Period**”) in any ‘advertising or commercial materials’.

‘Advertising or commercial materials’ includes all digital media (including social media) as well as other more traditional forms of advertising (whether paid-for or not) such as out of home, TV, radio and print.

**British Olympic Association Funding Model**

Team GB’s participation at Olympic, European and Youth Games is funded entirely by private income, raised through a combination of revenues from sponsorship, licensing, fundraising events and the IOC’s solidarity programme. The BOA does not receive any central Government or National Lottery funding. Rule 40 helps allow the BOA to generate this necessary income to fund taking all athletes – funded or unfunded – and support personnel to the Games by protecting the exclusive rights of Olympic commercial partners for a short period during the Games.

**Background to Rule 40**

Since London 2012 the BOA – in line with the IOC’s progressive approach around making Rule 40 more permissive – has relaxed the application of Rule 40 to allow athletes to promote their sponsors in limited circumstances.

Athletes are encouraged to generate income through personal sponsorships and appearing in advertising for their sponsors through involvement in well-planned advertising during the Olympic Games although the BOA acknowledges the evolution of the advertising landscape as well as the need to be equitable to athletes selected close to the commencement of the Games Period. However, by accepting some limited restrictions on these activities during the Games, athletes who enjoy personal sponsorship deals are helping to secure funding to support Team GB’s wider participation in the Games (and beyond). It also allows athletes from all sports and nations to enjoy opportunities to compete in the Olympic Games regardless of their profile or funding, in accordance with the IOC’s solidarity principle.

**General Principles**

All athletes are now permitted to promote their sponsors, and all sponsors are permitted to use athlete imagery before, after and during the Games Period provided that any such advertising is ‘generic’ and in accordance with the principles in this document.

*Generic Advertising*

For the purposes of the guidelines below, generic advertising means any advertising of a company or brand where the only connection between the Olympic Games/Tokyo 2020, the British Olympic Association/Team GB and the International Olympic Committee is the fact the advertising uses an athlete’s image. Advertising materials cannot create directly or indirectly, any association between a sponsor or any of its products/services and Team GB, the Olympic Games or the Olympic Movement;

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reference an athlete's participation or performance at the Games (unless set out below); use Olympic image or video; or use Olympic marks or IP (including as hashtags).

*Ambush Marketing*

In benefitting from the proposed relaxations, it is vital that athletes respect the rights of the BOA and its sponsors who fund Team GB's participation at the Olympic Games. Athletes must avoid entering into any concerted ambush marketing campaigns which are likely to undermine the BOA's ability to raise the necessary funds for future Olympians.

It is the responsibility of all athletes to comply with these guidelines, albeit personal sponsors and other organisations will want to be aware of and comply with them also.

**Guidelines**

**(a) Advertising for personal sponsors who are not Olympic/Team GB sponsors**

Non-Olympic partners/brands who sponsor an athlete directly (i.e. not via National Governing Body sponsorship) are permitted to use an athlete in advertising during the Games Period, if:

- (i) they have obtained the prior consent of the athlete;
- (ii) they have notified the BOA of its intended advertising (with details of the nature of the advertising) prior to the 30 June 2020 (subject to the exception (a)(v) below) by email to [rule40@teamgb.com](mailto:rule40@teamgb.com). The BOA will operate a model of deemed consent, meaning notified advertising will be regarded as complying with these guidelines unless the BOA asks for any specific changes or further information within ten days. Early notification is encouraged to avoid possible infringement issues;
- (iii) the advertising is generic and does not contain any references to or intellectual property (e.g. logos) of the Games, the Olympic Movement or Team GB; and
- (iv) the advertising is in market by 30 June 2020 (subject to the exception (a)(v) below), and is run consistently in both nature and frequency for a period of time during and before/after the Games and is not designed to deliberately or otherwise ambush the rights of Olympic and /or Team GB Sponsors.
- (v) All advertising materials must be in market by 14 July 2020 (at the latest) for athletes selected after 30 June and will be subject to the same principles above with regards to duration and ambush.

The BOA will consider exemptions on a case-by-case basis, and athletes/brands are encouraged to contact the BOA at [rule40@teamgb.com](mailto:rule40@teamgb.com) to discuss these.

**(b) Congratulatory advertising**

Congratulatory advertising by non-Olympic sponsors is **not permitted during the Games Period** and only official Olympic sponsors shall be permitted to undertake congratulatory advertising.

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Non-Olympic sponsors will be able to undertake in congratulatory advertising before and after the Games Period without references to or intellectual property (e.g. logos) of the Games, the Olympic Movement or Team GB, save for agreed factual references to Tokyo 2020.

**(c) Thank You advertising**

The BOA recognises that athletes will want to post messages of thanks to their sponsors, some of whom will have been on a long journey together with the athletes in the lead up to the Games. The BOA also recognises that athletes will want to do this in their tone of voice and express their creativity.

Athletes will be permitted to post thank you messages on their personal social media channels and personal website only provided that such posts are limited to one message per sponsor per **event**, no more than one message per sponsor on any one day and a maximum of three per sponsor throughout the Games Period. Thank you messages shall be subject to an overall cap of 10 messages throughout the Games Period.

Any such posts must not contain any Olympic or Team GB-related intellectual property and must not include any images from the Games or any paid spend behind such messages. A single identical message, posted at the same time across multiple social media channels and personal website shall be counted as one post.

As an example, the 100m on the track, the hockey tournament and the gymnastics all round would each constitute one event notwithstanding the fact that each may have multiple preliminary rounds.

**(d) Advertising for personal sponsors who are Olympic/ Team GB sponsors**

Where athletes have sponsorship deals with brands who are Team GB/Olympic sponsors, some of the restrictions mentioned in (a) above do not apply. In such a case, those Olympic sponsors should contact the BOA to discuss their plans either via their usual client services representative or via [rule40@teamgb.com](mailto:rule40@teamgb.com).

**(e) Local businesses**

The BOA recognises that, notwithstanding the above, small, local businesses will want to show their support for local athletes they sponsor with messages during the Games. The BOA encourages this as far as possible provided no commercial conflicts exist with existing Olympic and Team GB sponsors. Brands and businesses should get in touch at [rule40@teamgb.com](mailto:rule40@teamgb.com) to discuss their plans.

**(f) International campaigns**

Where brands/ sponsors want to use Team GB athletes in advertising outside of the UK, IOC approval should be sought before 15 May 2020. This is a requirement of the IOC to ensure compliance with rules outside of the UK.

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**(g) General Social Media Use**

The BOA encourages athletes to engage with social media. Athletes are generally permitted to use photographic imagery from the Games provided that this is limited to talking about their personal experience of the Games and there is no association with third party sponsors.

Please note that the above is a summary, and that more detailed guidelines with examples will be available for sponsors and agents.