

• **IOC Circulars**

To: Presidents of National Olympic Committees

cc: Members of the International Olympic Committee

Lausanne, 30th November 1981

Ref. No : C/126/81

Re: Protection of the Olympic symbol.

You are certainly not unaware that the Nairobi Diplomatic Conference, held on 24th 25th and 26th September 1981, adopted a special Treaty concerning the protection of the Olympic symbol. This is the first interstate Treaty to recognise the IOC as a subject of rights and thus confers on it a legal position that is exceptional in international law.

It is not necessary to dwell here on the various clauses of the Treaty, which will be published very shortly, accompanied by comments, in the Olympic Review¹. It is sufficient to point out that the Treaty had no retroactive effect, that it therefore preserves all the rights of NOCs over their emblems approved by the IOC and that, in any case, it in no way effects the Olympic Charter and its provisions concerning the use of the five rings by the NOCs and OCOGs.

The Treaty is open to the accession of all member states of the United Nations or of a United Nations specialised institution, that is to say that it is open to virtually all states in the world. In view of the fact that it gives protection not only to the Olympic rings alone but to any design lawfully containing them, the Treaty protects the emblems of the NOCs

as much in their own respective countries as on the territory of any other State party to this Treaty.

It is therefore of the highest interest for an NOC to see its State bound by the Nairobi Treaty. The IOC counts on you to take the necessary steps with your competent authorities, and it hopes that you will keep it regularly informed of such steps.

It should be made clear which steps should be taken. The Treaty is open for signature, at Nairobi itself, until 31st December 1982 and thereafter at Geneva, at the WIPO, until 30th June 1983. It has so far been signed by the following 21 countries : Argentina, Austria, Chile, the Congo, Ivory Coast, Spain, Ghana, Greece, Hungary, Indonesia, Israel, Kenya, Mexico, Poland, Portugal, Romania, Senegal, Sri Lanka, Switzerland, Trinidad and Tobago and the Soviet Union. It can still be signed by a diplomatic representative of your country until the dates indicated above.

The signature must be followed by the deposit with the WIPO of an instrument of ratification of the signature as already done by Kenya. If no signature is effected, the State becomes a party to the Treaty by the deposit of an instrument of accession. In either case, the deposit shall, if the Constitution of the State concerned so requires, be preceded by a Parliamentary decision or even a law taking over and integrating the contents of the W Treaty in the internal legislative system.

The steps that you are invited to take consist therefore in persuading your government either to sign the Treaty and then to ratify its signature or to adhere to it without prior signature after fulfilling any parliamentary formalities required by the Constitution of your country...

¹ See "Olympic Review" No. 170. page 703.