

Scott G. Martyn
University of Western Ontario

Fifty Years Post Mortem Auctoris: **Re-establishing the Protection of the** **Olympic Symbol**

The origin and evolution of insignia protection are areas of historical research that have been given little attention to date. Given what is at stake for the International Olympic Committee (IOC) in today's world, that is, literally millions of dollars generated by the Olympic five-ring symbol alone, it is appropriate to revisit the IOC's vigorous efforts to establish its jurisdiction over the use of Olympic words, emblems and rings. More pointedly, what has the IOC done with national and international authorities to secure the protection of its five-ring Olympic logo that identifies and distinguishes it from all others?

From the first public appearance of the Olympic symbol at the 20th anniversary of the Modern Olympic Movement in 1914, the IOC has relied primarily on a reactive policy of identifying the violators and registering protests in order to protect its globally recognized five-ring Olympic mark. The organization initiated its first reactive campaign in July 1949 against increasing misuses of the Olympic words and symbols. To some extent, it has been successful. Yet, until recently, and in spite of a by-law to Rule 6 of the Olympic Charter, which expressly states that the IOC "shall take every appropriate step

possible,” nothing had been done to obtain legal protection of the Olympic symbol on a national and international basis.

Hence, the IOC’s next attempt at securing the protection of the Olympic symbol was to entreat each National Olympic Committee (NOC) to pursue protection in observance of Rule 6, which identified the Olympic flag, symbol, and motto as the “exclusive property of the IOC.” However, the effectiveness of this decision was threatened by the fixed duration of protection for the Olympic symbol of fifty years from the first day of January of the year preceding that in which the author of the rule died. In the case of Pierre de Coubertin, who died in 1937, and the Olympic five-ring symbol, the fifty years of protection enjoyed by the IOC expired on the last day of December 1987.

The IOC’s contemporary efforts to reap revenue by courting and subsequently granting multinational corporations an exclusive opportunity to link its marketing programs to the powerful symbolism of the five-ring Olympic logo, a logo which scientifically-conducted international polls tell us is the most recognized symbol in the world, is contingent upon its ability to protect the mark from being unlawfully used. Many within the Olympic family feel they have a legal and moral right to ensure such protection and that not to do so would be foolhardy in the extreme.

This paper examines the IOC’s efforts to enhance and protect its legal rights to the Olympic five-ring mark, by focusing on the system of specialized agencies of the United Nations and its member States. More significantly, it delves into the activities of the IOC’s Executive Board and its agents to secure the national and international protection of the Olympic symbol. Despite the international stature of the Olympic Games and its five-ring Olympic logo, most of the scholarly work done on this topic has relied on various secondary sources, thereby restricting and sadly warping the scope of the inquiries. In order to redress this state of affairs, much of the present study relies on primary source material located in the IOC archives in Lausanne, Switzerland, and the World Intellectual Property Organization (WIPO) online archives located in Geneva, Switzerland.