



Advertising Opportunities and Restrictions during the Olympic Games

Rule 40 and Social Media

DOSB Guidelines for Germany

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Rule 40

Provisions and Scope of Application in Germany

These guidelines are designed to give you an overview of Rule 40 Paragraph 3 of the Olympic Charter and its application by the National Committee of Germany (DOSB), illustrating how non-Olympic sponsors are permitted to advertise with you during the Olympic Games.

Rule 40 states: **“Except as permitted by the IOC Executive Board, no competitor, team official or other team personnel who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games”**.

The IOC Rule 40 Guidelines state that Rule 40 applies to any use of an athlete’s name or image in any type of advertising (print, TV, digital), including social media, apps, press releases, adverts, mailings and advertising in shops. “During the Olympic Games” means the period from the ninth day before the opening ceremony until the third day after the closing ceremony (the “frozen period”).

Rule 40 is in place to protect the contractual exclusive rights held by the Olympic sponsors of the IOC and the sponsors of the National Olympic Committees and the host nation. The aim of Rule 40 is to ensure the regular hosting of the Olympic Games by preventing non-Olympic sponsors from creating advertising with participants that might unfairly exploit the good standing of the event without the respective sponsor having made a financial contribution to it (“ambush marketing”).

Rule 40

Provisions and Scope of Application in Germany

As a member of Team Germany, however, this does not mean you are prohibited from carrying out any advertising with your sponsor during the Olympic Games (frozen period). On the contrary, Rule 40 only applies to a limited extent to all advertising that falls within the scope of these guidelines in accordance with German law. This means your advertising has to meet certain eligibility criteria.

Advertising is only prohibited if it violates the legal provisions. You must abide by the provisions of trademark law, copyright law and the law against unfair competition, and you must also observe the **Olympic Protection Act** in Germany, which aims to protect Olympic designations and symbols against unlawful third-party use. **The German Federal High Court has already set a precedent on this law through its “Olympic Discount” Decision** (BGH, Judgement of 15 May 2014, Az. I ZR 131/13), which provides fundamental statements regarding the legal assessment of Olympic-related advertising.

The original regulations governing the application of Rule 40 set forth in the DOSB Guidelines for the 2016 Olympic Games (“2016 Guidelines”) were subsequently amended by mutual agreement in proceedings conducted by the Federal Cartel Office (B2 – 26/17). The newly negotiated regulations were first subjected to a market test, i.e. a large amount of athletes and (potential) sponsors were asked whether the regulations promoted healthy competition and interviews were conducted with market players. The market test results were evaluated and further adjustments were made in favour of Team Germany members. Due to commitments made by the DOSB and IOC to the Federal Cartel Office, the amended regulations will remain binding until the end of the 2026 Olympic Games (= end of the frozen period).

Rule 40

Provisions and Scope of Application in Germany

Some of the amendments made to the 2016 Guidelines in favour of Team Germany members include the following:

- You are no longer required to register advertising and obtain approval. However, it is worth submitting an application for review to the DOSB, in order to guarantee the permissibility of the advertising for you and your sponsor.
- During the frozen period, you can now continue your existing advertising campaigns and launch new ones, provided they meet the eligibility criteria. Greetings and congratulatory messages can now be sent from your sponsor to you, and you are also permitted to send thank-you messages to your sponsor.
- The list of Olympic-related terminology that cannot be used during the frozen period has been completed and significantly reduced to the designations protected by the Olympic Protection Act and some other terms. The terms contained in the previous guidelines like “podium”, “medal”, “summer”, “winter” and “performance” have been deleted.
- Your advertising may now feature competitive and non-competitive images of you during the (current) Olympic Games, provided these images meet certain criteria.
- You are now free to use your social media accounts for promotional purposes in accordance with the eligibility criteria and exception clause. Your sponsor can also advertise with you on social media under the same conditions.
- Infringements of Rule 40 will only result in financial sanctions (compensation and/or penalties) and no sport-related sanctions (exclusion, suspension, return of medals, etc.). Any disputes concerning Rule 40 can now be settled in the German courts.

Rule 40 also allows us to ensure the involvement of all nations in the Olympic Solidarity scheme and to support many athletes who may not otherwise have the opportunity to practise their sport and qualify for the Olympic Games in their respective countries.

Scope of Application

These guidelines shall apply until the end of the 2026 Olympic Games (= end of the frozen period) with regard to any advertising created by athletes and other members of Team Germany with their own sponsor (“individual advertising”) who addresses himself to Germany and does not reach beyond other German-speaking countries (Switzerland / Austria) and therefore does not form part of an international advertising campaign run by the sponsor.

These guidelines therefore apply to any advertising between you and your sponsor which:

- is created in German; or
- is created in English and meets one of the following additional criteria:
 - The advertisement is published through a German medium (newspaper, TV station, etc.); or
 - The advertisement is published on a website with the country code “.de” or a re-directed page with the ending “/de”; or
 - The advertising is clearly addressing a German audience or Germany as a nation (through text, images or other circumstances).

Advertising on social media may be considered addressing a German audience or Germany as a nation if a corresponding reference is contained in the domain / user name or hashtag (e.g. @athleteXYforGermany, #Germanfans).

Whenever advertising falls within the scope of these guidelines, the rules indicated here shall restrict and take precedence over the IOC Rule 40 Guidelines (including the IOC Social Media Guidelines).

Scope of Application

If your advertising is related to several non-German-speaking countries or is addressing one or more non-German-speaking country in addition to Germany, it shall be deemed part of an international advertising campaign run by your sponsor.

Any such international advertising campaigns are **governed exclusively** by the **IOC Rule 40 Guidelines** (including the IOC Social Media Guidelines) and **the IOC**. In such cases, you must submit an **application for approval** to the IOC.

You can find more information in advance of the Olympic Games

- on the IOC website at www.olympic.org and
- on the DOSB website at www.dosb.de.

International advertising campaigns do not require the consent of the DOSB, and you do not have to register them with the DOSB. However, you should inform the DOSB about any such advertising campaigns to make sure the IOC is the responsible body.

Procedures

- **As a member of Team Germany, it is your responsibility to...**

- comply with the provisions of these guidelines when creating any advertising that falls within their scope of application;
- comply with the provisions of the IOC Rule 40 Guidelines when creating any advertising that does not fall within the scope of these guidelines; and
- make your own sponsors aware of these provisions.

- **Registration / Approval:**

You are **not obliged** to register and obtain approval for any advertising that falls within the scope of these guidelines. Any advertising that meets the following eligibility criteria (see p. 10-15) and does not fall within the scope of the exception clause (see p. 16) can be created without prior registration and approval. However, registration is **recommended**, so that you and your sponsor can ensure the permissibility of your planned advertising beforehand in accordance with these guidelines.

- If you are sponsored by **Stiftung Deutsche Sporthilfe** and the foundation intends to run an advertising campaign with you and other members of Team Germany, it may submit a joint application for everyone.

Procedures

- If you and your sponsor would like to register any advertising that falls within the scope of these guidelines, an **application for review** must be submitted to the DOSB. The DOSB is exclusively responsible for the review of such advertising. The DOSB requires the following to carry out the review:
 - A completed registration form with your signature;
 - The materials to be used for the planned advertising and the social media content of your sponsors and – if available – the schedule for their publication.

Please fill out everything legibly (preferably in BLOCK CAPITALS) and send the form to athletenkommunikation@dosb.de.

- If your application is fully received by the DOSB within 21 days before the beginning of the 2020 Olympic Games in Tokyo (opening ceremony on 24 July 2020), i.e. **by 3 July 2020**, your advertising shall be deemed compatible with Rule 40 if you do not receive a rejection notification from the DOSB in writing or via email within one day before the beginning of the Olympic Games (i.e. **by 23 July 2020**). This will ensure the permissibility of the planned advertising campaign for you and your sponsor.
- If the review reveals that your planned advertising campaign does not meet the eligibility criteria or falls within the exception clause, the DOSB will notify you promptly in writing or via email and grant you a reasonable deadline within which to take corrective action without postponing the original 21-day deadline. However, if the required changes constitute a redesign of the advertising campaign, a new application for review may be submitted.

Individual Advertising – Eligibility Criteria

- Your sponsor is free to create advertising with you (individual advertising) during the frozen period, provided you do not make any inadmissible reference to the Olympic Games or the Olympic Movement. This is **generally** the case if the following **eligibility criteria** are met:
 1. **No use of unauthorised symbols or terminology**
 2. **No use of unauthorised images or videos**
 3. **No unauthorised link between a product / service offered by your sponsor and your involvement in – or performance at – the Olympic Games**

You must not make any reference to Team Germany as a whole.
- The **publication of individual messages** between you and your sponsor (e.g. greetings, thank-you messages, congratulations) is also permitted during the frozen period, provided the above criteria are met.



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Individual Advertising – Eligibility Criteria

1. Symbols and Terminology

- When creating advertising with your sponsor, you must not use any of the **Olympic symbols or designations protected by the Olympic Protection Act**. This also applies to any trademarks containing these symbols and designations.
 - This means you are not allowed to use the following designations – either on their own or in combination – or the corresponding words or word groups in another language: **Olympics, Olympia, Olympic, Olympian**. This also applies to hashtags like #olympics or #olympicgames.
 - This means you are not allowed to use any symbols or logos that contain the Olympic rings, e.g.



- Furthermore, you are not allowed to use the terms “[host city + year of the Games]” or “**Citius, Altius, Fortius**”. You are also forbidden from using the terms “**Team Deutschland**”, “**Team D**” or “**Team Germany**” during the frozen period, as they make reference to Team Germany as a whole. This also applies to hashtags like #team-deutschland and #[hostcity+year].
- You are free to use any other terms. You are especially permitted to use the terms “medal”, “gold / silver / bronze”, “Summer / Winter Games”, “performance” and “challenge” in German or English. You may also use either the year or the host city of the Games on their own (but not in combination).

Individual Advertising – Eligibility Criteria

2. Images and Videos

Images include all single shots, serial shots or slide shows that are presented in such a way that the viewer is not given the impression of a flowing movement. **Videos** are any moving images (including GIFs and other short video formats) that give the viewer the impression of a flowing movement).

- **Images of you at Olympic venues (“Olympic images”)** may only be used if the **designations, symbols and logos** (see p. 11) **cannot be seen or recognised**. If images of you are made during the frozen period, a distinction must be made between competitive and non-competitive Olympic images.
 - The only images of you considered **competitive Olympic images** are those in which you are depicted **“on the field of play” during a contest or ceremony**. The **“field of play”** is the area of a venue used for a sporting contest or ceremony, including any directly adjacent areas from which spectators are usually separated by a clear boundary; it does not include any **“back-of-house”** areas, i.e. the private areas in and around an Olympic venue that are situated behind the accreditation point and generally support the running of the venue. Its design and specifications vary depending on the sport. Other names include piste, track, lane, pitch, field and ring.
 - **Non-competitive Olympic images of you** are any images in which you are depicted outside a contest or in any other areas of an Olympic venue beyond the “field of play”. These areas particularly include the Deutsches Haus, the Olympic Village, training and practice facilities, viewing areas for accredited persons, and **“back-of-house”** areas. The term **“back-of-house”** refers to private areas in and around an Olympic venue that are situated behind the accreditation point and generally support the running of the venue. These are usually out of the public view, and access is only granted to accredited persons.
“Back-of-house” areas also include any areas reserved exclusively for athletes and coaches.

Individual Advertising – Eligibility Criteria

2. Images and Videos

The following applies to the use of such images:

- **Competitive Olympic images of you** may be used, provided no unauthorised logos, symbols or designations can be recognised as such.
 - Competitive images may be created by yourself or someone you know using non-professional photography equipment, e.g. a smartphone. They must be appropriately edited to obscure any unauthorised logos, symbols and designations that may be recognised as such.
- The IOC shall allow you to use competitive images, provided you use these in accordance with the provisions of these guidelines. In such cases, you shall not be subject to any usage restrictions imposed by other relevant regulations, such as the Accreditation Terms for the respective Games that all athletes must agree to, or the Terms & Conditions of Ticket Purchase, Possession and Use for the respective Games that spectators must agree to when purchasing / using tickets.

Individual Advertising – Eligibility Criteria

2. Images and Videos

- Competitive Olympic images of you may also be purchased by an accredited press agency for the Olympic Games, provided these are “**clean pictures**”. These are competitive Olympic images of you in which no Olympic logos, symbols or designations are recognisable as such from the outset or after cropping. The IOC has granted all athletes its general permission for the commercial use of clean pictures, which may be purchased by accredited press agencies. Therefore, you no longer need to ask its permission in each case.
- If you and your sponsor are permitted to use such clean pictures for promotional purposes in accordance with these guidelines, this shall not result in the violation of any other advertising regulations set forth in the Olympic Charter beyond Rule 40, even if these images feature competitive clothing and/or non-Olympic symbols, logos or third-party names.

Individual Advertising – Eligibility Criteria

2. Images and Videos

- On **non-competitive Olympic images of you**, you must not be wearing any official Olympic attire or any clothing with the name or logo of your sponsor or any other reference to their products / services. You can take such photos in neutral clothing in the areas indicated on p. 12.
 - Wearing neutral clothing to take such photos does not constitute a breach of the dress code applicable during the Olympic Games.
 - Sponsors from the public sector (e.g. the German Armed Forces, the Federal Police and the Federal Customs Administration) may also use the Olympic images of the athletes they sponsor to recruit new public sector workers, provided no unauthorised logos, symbols or designations can be seen. This does not constitute a commercial use of the images within the scope of these guidelines.
- **Videos of you at Olympic venues** must not be used. **Videos of you in the Deutsches Haus, Olympic Village or back-of-house areas** may only be used if the designations, symbols and logos (see p. 11) **cannot be seen or recognised**.

Please note that Olympic images and videos may only be used if the privacy and rights of third parties are respected. These include personal rights, image rights and copyrights. Furthermore, images and videos must not be used in any way that constitutes a violation of criminal law or the principles of mutual respect and fair play.

Individual Advertising – Eligibility Criteria

3. References to Products and Services

Like all other sponsors (including official sponsors), your sponsor must not create any advertising that suggests a **link between its products and services** and your participation in the Olympic Games or your sporting performance in such a way that the product or service is depicted as being responsible for your participation and sporting success at the Games.

- Such a product reference may be created, for example, if a shoe insert manufacturer creates an advertisement with a runner that suggests he can only participate and perform well at the Olympic Games because he wears the inserts.

Individual Advertising – Exception Clause

Even if the eligibility criteria described above are met, individual advertising may still be inadmissible during the frozen period in extraordinary exceptional cases.

This will only be the case if the **advertising design**

- is otherwise **likely to cause confusion**. This includes the likelihood of any association with the Olympic Games or the Olympic Movement. The potential for confusion shall only be deemed likely if the consumer's perception of a specific advertising campaign leads to the assumption of an economic or organisational relationship between your sponsor and the DOSB or IOC (BGH, Judgement of 15 May 2014, I ZR 131/13 (“Olympic Discount”), Rn. 43 ff.)

or

- **unfairly exploits / negatively affects** the Olympic Games or the Olympic Movement. This can only be assumed if an image transfer is determined on the basis of specific circumstances (BGH, a.a.O., Rn. 20 ff., 27 f., 32). Such an image transfer may be considered likely, for example, if the advertisement features the Olympic flag, the Olympic torch, the Olympic flame or the Olympic anthem in an identical or similar form.

“[...] if the advertising design is otherwise [...]” means an advertising campaign cannot be deemed inadmissible due to the use of authorised symbols / terms, the use of authorised images / videos or a combination of the two. There must be further circumstances which, when considered as a whole, cause a likelihood of confusion or the unfair exploitation / damage of Olympic values.

Social Media – General Information

- **You can use your social media accounts during the frozen period.** This applies to your existing accounts and any accounts that you have created specifically for your participation in the Olympic Games. The IOC and DOSB are open to communication via digital channels and platforms and encourage members of Team Germany to make good use of the possibilities offered by Facebook, Twitter, Instagram, Snapchat, etc. during the Olympic Games in [host city].
- **Please make sure all content published through these channels respects the privacy and rights of third parties.** These include personal rights, image rights and copyrights. Accredited persons who publicly post online about their personal experiences at the Olympic Games are personally responsible for their own content. They may be held personally liable for any insults or other illegal content.
- **You are involved in the Olympic Games as a participant and not a journalist.** Please do not exploit the exclusive insights you enjoy through your status as an accredited individual to engage in journalistic activities. This means you are not allowed to report on the experiences, performances and impressions of other participants at the Olympic Games as a journalist might do. Please remember this principle if you are ever asked to create content for publication by third parties, especially media companies.
- However, **you are allowed to publish first-person reports on your personal experiences, performances and impressions at the Olympic Games** (e.g. in diary entries, online chats and blogs). However, if such posts establish a link between your sponsor or its products / services on the one hand and the Olympic Games / Olympic Movement on the other, the restrictions indicated on p. 20 and 21 with regard to the promotional use of social media must be observed.

Social Media – General Information

- When using your social media accounts, you are **not allowed to use any domain / user names or hashtags that contain any of the designations protected by the Olympic Protection Act (see p. 11) or “[host city + year]”**. This means the following domain / user names and hashtags are forbidden:

#olympia	#olympics	#[hostcity+year]
#olympischespiele	#olympicgames	@athleteXY[hostcity+year]
@athleteXYOlympia	@athleteXY2020olympics	

However, the following domain / user names and hashtags are permitted: #Summergames2020, @athleteXYgames2024.

- You are **not allowed** to publish or use **videos from Olympic venues**.
- There are a few other things to keep in mind, especially if you would like to use social media for promotional purposes. **The use of social media is considered promotional** if a post establishes a link between your sponsor or its products / services on the one hand and the Olympic Games / Olympic Movement on the other. **The use of social media is considered non-promotional** if a post does not establish such a link.

Please note that any **posts written in English on your social media account** will only fall within the scope of these guidelines and be governed by these rules if one of the additional criteria is met (see p. 6). A post may be considered addressed to the German public or Germany as a nation if the domain / user name or hashtag contains a corresponding reference, e.g. @athleteXYforGermany, #Germanfans.

Social Media – Promotional Use

- You are permitted to use social media for promotional purposes, especially to **send greetings or thank-you messages to your own sponsors**. Any such posts are subject to the eligibility criteria (see p. 10-16) and the exception clause (see p. 17).
- If you use your social media accounts for promotional purposes, you are **not allowed to use domain / user names** that contain the terms “**Team Deutschland**”, “**Team D**” or “**Team Germany**” (e.g. @athletexyteam+D). Likewise, these terms must not be used in any hashtags included in promotional posts (e.g. #team-deutschland).
- If you make reference to your sponsor or its products in a **personal experience report** (see p. 18), this is considered advertising. Any posts that make such a reference are subject to the eligibility criteria (see p. 10-16) and the exception clause (see p. 17).

Social Media – Promotional Use

- **Members of Team Germany** may also **re-tweet, re-post or share content published by the IOC / OCOG / DOSB / Team Germany (including photos)** and link this to a greeting or thank-you message for their sponsor. This shall even apply if the content contains any of the unauthorised logos, symbols or terms indicated on p. 11. The greeting or thank-you message alone must meet the eligibility criteria (see p. 10-16) and must not fall within the scope of the exception clause (see p. 17).
- You may only re-tweet, re-post or share any **content published by your sponsor or any third-party content that makes reference to your sponsor or its products / services** if the re-tweet / re-post and the original content meet the eligibility criteria (see p. 10-16) and do not fall within exception clause (see p. 17).
- **Olympic images and videos of you at Olympic venues** may be used in accordance with the provisions indicated on pages 13 to 15.

Social Media – Non-Promotional Use

- If you use your social media accounts for **non-promotional** purposes (i.e. you do not make reference to your sponsor or its products / services in a post), you may overcome the restrictions imposed on promotional use and:
 - use the **Olympic symbols, logos and designations** (see p. 11) in your post;
 - use **hashtags with the terms “Team Deutschland”, “Team D” or “Team Germany”** for non-promotional posts;
 - re-tweet, re-post or share **content published by the IOC / OCOG / DOSB / Team Germany** (including photos) without restriction;
 - share, post and use **non-competitive Olympic images**, even if you are wearing the equipment of Team Germany in them;
 - share, post and use **competitive Olympic images**, even if Olympic symbols, logos and designations can be seen in them;

Consequences of Infringements

- If any advertising campaigns subject to these guidelines infringe the provisions of Rule 40, this shall result in **exclusively financial sanctions in accordance with German law** (penalties and/or compensation). Any such infringements shall not result in sport-related sanctions, such as an exclusion from the Games, a suspension, the return of medals, etc.
- The same shall apply to members of Team Germany in the event of:
 - Violations of the dress code applicable during the Olympic Games due to clothing worn for the creation of non-competitive images; or
 - Violations of other advertising rules set forth in the Olympic Charter beyond Rule 40 due to clothing worn in competitive Olympic images.

When calculating penalties / compensation in the event of such infringements, consideration is given to the value of the infringement for the member of Team Germany and his/her sponsor on the one hand and the need to create a deterrent to prevent sponsors from deliberately violating the rules on the other.

Legal Action

- Any disputes arising from the infringement of Rule 40 by any advertising that falls within the scope of these guidelines **can be settled in the German courts**. Such disputes are not subject to arbitration. This also applies to any disputes concerning the applicability of these guidelines to a particular advertisement.
- The same shall apply to members of Team Germany in the event of disputes concerning:
 - Violations of the dress code applicable during the Olympic Games due to clothing worn for the creation of non-competitive images; or
 - Violations of other advertising rules set forth in the Olympic Charter beyond Rule 40 due to clothing worn in competitive Olympic images.

Annex: Concrete Examples

Permitted

Social media / non-promotional use of competitive Olympic images

- You are permitted to share content published by the DOSB and other competitive images, including any content that contains Olympic logos, symbols and designations.
- You may use the hashtags “Team Deutschland”, “Team D” or “Team Germany”.
- You must ensure that no reference is made to your sponsors or their products / services (otherwise considered promotional use).



Permitted

Advertising on social media / greetings and motivational messages from sponsors / promotional use of competitive non-Olympic images

- Including greetings from you to your sponsor and vice versa
- You must ensure that the eligibility criteria are met (see p. 10-16) and there are no other circumstances that make reference to the Olympic Games / Olympic Movement and thereby fall within the scope of the exception clause (see p. 17).



Permitted

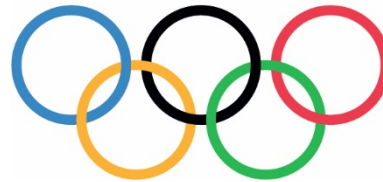
Advertising on social media / greetings and motivational messages from sponsors / promotional use of competitive non-Olympic images

- Greetings from your sponsor, including on specially created accounts / websites
- You must ensure that the eligibility criteria are met (see p. 10-16) and there are no other circumstances that make reference to the Olympic Games / Olympic Movement and thereby fall within the scope of the exception clause (see p. 17).



Do you have any questions?

T E A M



Please send any queries to athletenkommunikation@dosb.de.

We're happy to help!