Panel Session VII: On the ball – IP and sport

Monday, October 16 2017
09:00-10:30
• Stuart Corbishley, Corbishley Sport & Law (Moderator)

• Paula Robinson, Gold Coast 2018 Commonwealth Games
• Koichi Tsujii, Nakamura & Partners
• Annabelle Williams, Australian Olympic Committee
• Gillian Harris, Football Federation Australia
• Janey Draper, Australian News Channel
This video contains flashing images. Viewer discretion is advised.
Panel Session VII: On the ball – IP and sport

• Why is the protection of IP in sport important?
• How are IP rights in sport infringed?
• How do you protect IP rights in sport?
• What are the current trends to look out for?
• What issues will arise in the future?
Example 1

GC2018 Games Accommodation
Find exactly what you're looking for

With every conceivable kind of accommodation, from 5-star hotels to family-owned beachside apartments and villas, you’ll be able to stay in the style you deserve, and at the price you want. Finding the Perfect Accommodation close to all the commonwealth games locations... SO BOOKTODAY OR! Borobi has found you all the best places to enjoy the Commonwealth Games.
Example 2
Example 3
Olympic Marketing
- Creating Value and Securing Financial Resources -

October 16, 2017

Koichi Tsujii
Nakamura & Partners
Characteristics of Olympic Marketing

Long-term support from a small number of companies

- Mechanism to stably support the financial resource of the Olympic movement
- Mechanism for appropriate allocation of resource to the Olympic family for the promotion of Olympic movement
- Mechanism to promote the “Olympic brand” under control of excessive commercialism

1. Category System – Principle of exclusivity of 1 company from 1 business category
2. Territory System – Use of right only in the agreed territory
3. Partnership System – 4 years partnership
Advantages of the Olympic Sponsors

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**Market Value**
(Supports your company's business strategies)

By becoming an Olympic sponsor, you can secure an interlock with your company’s marketing, which enables you to expect rise in the sales of your strategic products, etc.

**Media Value**
(Outstanding performance by top athletes secure more exposure and topic than top talents)

By becoming an Olympic sponsor, you can utilize top athletes who have more exposure than talents, so as to provide high exposure and topic of yourself.

**Brand Value**
(Fosters the brand image in the market)

By becoming an Olympic sponsor, you can expect to enhance your band image and reputation among the consumers.

**Motivation Value**
(Motivates your company’s employees to increase and secures their motivation to increase)

By becoming an Olympic sponsor, you can increase your employees’ loyalty to the company, and provide opportunity to motivate them in their duties.
Under the leadership of IOC, IOC, NOC and OCOG respectively contributes its rights, so that all rights to the Olympics may be used world widely.
Due to the principle of 1 company from 1 business category, the TOP Partners who are partners of IOC are ranked higher than the NOC partners and OCOG partners.
Income and Allocation of Olympic Marketing

**2009-2012 Income** Approx. 8.046 Billion Dollars

Income:
- Broadcast right: 47.8%
- Partnership: 34.7%
- Licensing: 2.2%
- Ticket sales: 15.4%

*NOC’s marketing income is not included.

Allocation:
- OCOG/NOC/IF: 90.0%
- IOC: 10.0%

*TOP Program:
- 10%: IOC
- 50%: OCOG
- 40%: NOC
TOKYO 2020 Games
~Joint Marketing~
### Primary Budget of Tokyo 2020 Games

**V1 Budget**: 4,673 million USD

#### Income (Unit: Million USD)

<table>
<thead>
<tr>
<th>Items</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment from IOC</td>
<td>1,130</td>
</tr>
<tr>
<td>Domestic sponsors</td>
<td>2,336</td>
</tr>
<tr>
<td>Licensing</td>
<td>131</td>
</tr>
<tr>
<td>Ticket sales</td>
<td>766</td>
</tr>
<tr>
<td>Others</td>
<td>308</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,673</td>
</tr>
</tbody>
</table>

*Tokyo2020’s own marketing income: 3,233 million USD*

#### Expenditure (Unit: Million USD)

<table>
<thead>
<tr>
<th>Items</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site related fees</td>
<td>841</td>
</tr>
<tr>
<td>Temporary facilities, etc.</td>
<td>748</td>
</tr>
<tr>
<td>Energy infrastructure</td>
<td>93</td>
</tr>
<tr>
<td><strong>Operational fee for the games</strong></td>
<td>3,832</td>
</tr>
<tr>
<td>Transportation</td>
<td>93</td>
</tr>
<tr>
<td>Security</td>
<td>187</td>
</tr>
<tr>
<td>Technology</td>
<td>514</td>
</tr>
<tr>
<td>Operation</td>
<td>467</td>
</tr>
<tr>
<td>Management and PR</td>
<td>748</td>
</tr>
<tr>
<td>Marketing (royalty)</td>
<td>748</td>
</tr>
<tr>
<td>Others</td>
<td>607</td>
</tr>
<tr>
<td>Adjustment fee</td>
<td>467</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,673</td>
</tr>
</tbody>
</table>

※1USD=107JPY
Joint Marketing

Aggregate and integrate the domestic rights related to Olympics and Paralympics to Tokyo 2020

Term: Jan. 1, 2015 to Dec. 31, 2020

Tokyo 2020 to develop and deploy the program based on the Marketing Program Agreement between IOC and IPC

Certain revenue will be paid to JOC and JPC from the marketing revenues of Tokyo 2020
Tokyo 2020 Games Sponsorship Program

Worldwide sponsors (Olympic Games)

National sponsors for Tokyo 2020 (Olympic Games / Paralympic Games)

*Within the TOP Partners, the following 5 companies have the rights to the Paralympics:
- Worldwide Paralympic Partners – Panasonic and Toyota
- Gold Paralympic Partners in Japan – Athos, Bridgestone, Omega
<table>
<thead>
<tr>
<th>Tier 1 Partners</th>
<th>Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Asahi</td>
<td>Beer and wine</td>
</tr>
<tr>
<td>2 Canon</td>
<td>Still camera and desktop printers</td>
</tr>
<tr>
<td>3 NEC NTT</td>
<td>Advanced products for public safety (biometric identification, behavioral detection and analysis thereof, drone), networking products (SDN, wired and wireless network)</td>
</tr>
<tr>
<td>4 FUJITSU</td>
<td>Communication service</td>
</tr>
<tr>
<td>5 JXTGエネルギー</td>
<td>Datacenter hardware</td>
</tr>
<tr>
<td>6 Tokio Marine &amp; Nichido Fire Insurance Co., Ltd.</td>
<td>Casualty insurance</td>
</tr>
<tr>
<td>7 日本生命</td>
<td>Life insurance</td>
</tr>
<tr>
<td>8 NOMURA</td>
<td>Security</td>
</tr>
<tr>
<td>9 ASICS</td>
<td>Sport equipment (sports apparel and game equipment)</td>
</tr>
<tr>
<td>11 MIZUHO Mizuho Financial Group</td>
<td>Banking</td>
</tr>
<tr>
<td>12 SMFG</td>
<td>Banking</td>
</tr>
<tr>
<td>13 MITSUI FUDOSAN</td>
<td>Real estate development</td>
</tr>
<tr>
<td>14 MEIJI LIXIL</td>
<td>Dairy and confectionery</td>
</tr>
<tr>
<td>15 Components for housing equipment and plumbing appurtenances</td>
<td></td>
</tr>
</tbody>
</table>
Why is the protection of IP in sport important?
Rule 40 – Olympic Games

Outside Games Time
This would be approved
• No breach of OIPA (rings/’Olympic’)
• No use of AOC/IOC trade marks
• Factual reference to ‘Olympian’ – permissible
• under OIPA

Blackout Period
This would NOT be approved unless granted a Rule 40.3 Waiver
• Activity identifies a participants name and a non-Olympic commercial partner

Under Armour ad
Ambush Marketing – Football Federation Australia

tripadeal Did you catch @tim_cahill, our new brand ambassador, doing the TripADeal 'T' after he scored the winning goal last night? Congratulations Tim! 🎉

115 likes
How are IP rights in sport infringed?
Ambush Marketing
Delhi 2010 Commonwealth Games
Ambush Marketing
AFC Asian Cup Australia 2015

Yes that’s right. For the first time ever, the Socceroos won the Asian Cup with a 2-1 final score against South Korea. It was a very tight match with South Korea scoring an equaliser in the second half to send the match into extra time. However, the Socceroos came through with a defeat as James Troisi scored the winning goal.

The boys definitely deserve their ‘Kings of Asia’ crown as their hard work and dedication awarded them this historic triumph. We are very proud and are looking forward to many more champion titles from the Socceroos!
Ambush Marketing
Australian Olympic Committee

AOC v Telstra
Ambush Marketing
Australian Olympic Committee
Ambush Cases
Prevention of Ambush Marketing

Advertisements and PRs with use of the Olympic/Paralympic emblems

Advertisements and PRs that mislead the consumers as if the advertiser is a partner of the Olympic/Paralympic games

Advertisements and PRs that mislead the consumers as if the advertiser is a partner of the Olympic/Paralympic National team

Advertisements and PRs that is likely to cause image of the Olympic/Paralympic
Case 1
Olympic fairs at restaurants and bars

Case 2
Advertisements diverting the image of Olympic
Case 3
Campaigns taking advantage of the fact that the Japan National Team is winning medals

Case 4
Advertisement taking advantage of the Olympic games
**Case 5**
Campaigns in D.I.Y. stores

**Case 6**
Sale of products with colors associated with the medals
Case 7
Unauthorized use of Olympic emblems/symbols

Let’s support the Tokyo 2020 Games!
Case 8
Unauthorized use of Olympic terms and image of the torch
Case 9
Unauthorized issuance of PR journals, etc.
Case 10

Unauthorized issuance of press releases

New store opened in the Olympic area

The Olympian is coming!
Case 11
Graphics that is likely to cause image of the Olympic/Paralympic
Case 12
Advertisements that mislead the consumers as if the advertiser is a sponsor of the Japan National Team for the Olympics
Case 13
Advertisements using the Olympics logo, game results and/or game performances

Congratulation to the Winner of 5th prize in the Men’s Marathon!

Congratulation to the Winner of 10th prize in the Ladies’ 800m!
Thank you for your attention

Koichi Tsujii
Nakamura & Partners
Shin-Tokyo Building, Room No. 616, 3-1, Marunouchi 3-chome, Chiyoda-ku, Tokyo 100-8355, Japan
E-mail: k_tsujii@nakapat.gr.jp
Ambush Marketing
Gold Coast 2018 Commonwealth Games

GC2018 Games Accommodation
Find exactly what you're looking for

With every conceivable kind of accommodation, from 5-star hotels to family-owned beachside apartments and villas, you’ll be able to stay in the style you deserve, and at the price you want. Finding the Perfect Accommodation close to all the commonwealth games locations...SO BOOK TODAY OR! Borobi has found you all the best places to enjoy the Commonwealth Games.

APARTMENTS
RESORTS
HOTELS
Villas

GOLD COAST APARTMENTS
View a wide selection of 2018 Commonwealth Games holiday apartments family
Ambush Marketing
Gold Coast 2018 Commonwealth Games
Ambush Marketing
Gold Coast 2018 Commonwealth Games
Ambush Marketing
England & Wales Cricket Board
Ambush Marketing
England & Wales Cricket Board
Ambush Marketing
England & Wales Cricket Board
Ambush Marketing
Football Federation Australia

"My tactics? Just let Timmy save my arse again." #AUSvSYR

Well, if Robbie Kruse ever became a nation, he'd already have a flag... #AUSvSYR
Counterfeit Merchandise
AFC Asian Cup Australia 2015
Media Rights

Foxtel

Last Friday I streamed Foxtel's broadcast of Mundine v Green 2 fight via my Facebook page to thousands of people. I know that this was illegal and the wrong thing to do. Foxtel and the event promoters invested hundreds of thousands of dollars to produce the fight and to broadcast it. I unreservedly apologise to Anthony Mundine and Danny Green, to the boxing community, to Foxtel, to the event promoters and to everyone out there who did the right thing and paid to view the fight. It was wrong and I apologise.
Media Rights
Media Rights

FOXTEL FIGHT
FOXTEL IS TAKING LEGAL ACTION AGAINST SEVERAL PEOPLE WHO LIVE STREAMED THE MUNDINE V GREEN FIGHT ON FACEBOOK
How do you protect IP rights?
What are the current issues to look out for?

What issues do you see arising in the future?
Audience Q&A
Thanks for your attention!