

## Fact Sheet

### IOC Rule 40, para 3 German Federal Cartel Office ruling (27 Feb 2019)

6. Dec. 2019

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#### The impact of the German Federal Cartel Office ruling on IOC Rule 40 (27 Feb 2019):

- Athletes no longer have to notify their NOCs of any advertising activities (existing or future contracts) they were linked to during the previously restricted window of an Olympic Games period (covering 9 days before and 3 days after the Olympics).
- As for “generic advertising” the following rules apply for German Olympic athletes during the next Olympic Games:
  - Words and phrases previously barred from use, such as “medal”, “gold”, “silver”, “bronze”, “winter Games”, “summer Games” may now be used. There remains a list of forbidden terms, such as “Olympic Games” (as protected by the German Olympic Protection Act)
  - Competition photographs taken at the Games and previously barred are now allowed to be used by sponsors during the Games as long as no Olympic Rings and other official symbols are in the frame.
  - Athletes can thank their sponsors on social media during the Games. In return the individual sponsor can send or post congratulation messages to the athletes.
- Meaning that within the existing legal framework for German Olympic athletes “generic advertising” in German and English during the Olympic Games will be possible like at any other national and international sport event.

If they wish to do so, Athletes and/or sponsors can notify the DOSB of their existing relationships or ongoing or planned activities.

- In case of dispute over content used by an athlete, no sanction can be applied by sports authorities, including the Court of Arbitration for Sport, which no longer has jurisdiction over such cases, which can only be heard by civil courts under the standard legal process of the German judicial system (or national equivalent in any nation when the ruling is rolled out beyond Germany).