

Grab the Rings and Go For the Gold, At Your Own Risk

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The 2016 Summer Olympic Games are about one month away, and as athletes are getting ready to compete for medals, companies are getting ready to compete for consumers. Many marketers think that including Olympics-related themes – ranging from the overt (like the rings) to the more subtle (like references to “going for the gold”) – are the best path to victory. Although it’s understandable for a marketer to want to link their company to the excitement of the Olympics, that can be risky, if the company isn’t an official sponsor.

Remember that the International Olympic Committee and the United States Olympic Committee have exclusive rights to Olympic marks and that the unauthorized use of those marks could constitute infringement. The protected marks include Olympic rings, the Olympic flame, “Team USA,” and “Rio 2014.” Some companies pay a lot of money for the right to use these marks, so if you use them without paying that money – even on social media – it’s likely to get noticed, and you could get challenged.

For example, when the Olympic torch blew out in Sochi, a bystander with a Zippo lighter re-lit the flame. Zippo capitalized on that



event and posted pictures on social media with the hashtag #ZippoSavesOlympics. The company was quickly contacted by Olympic officials and it stopped using the hashtag soon after. (Revised ads referred more generically to “winter games.”) It could have been worse. The USOC can bring a civil action against any company who uses an Olympic trademark in a way that tends to cause confusion or falsely suggests an association between the Olympics and that company.

Feel free to cheer Team USA on from your personal social media accounts this summer. But remember that what may be called “patriotic” when done from your personal account could be called “infringement” when done from a business account.