

Advertisers Should Be Wary of Olympics Themes

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The Sochi 2014 Winter Olympic Games are about one month away. How do I know? I know because several companies have recently asked me to review concepts for ads that include Olympics-related themes, ranging from the overt (like the rings) to the more subtle (like references to "going for the gold"). It's understandable to want to capitalize on these historic themes, but that can be risky.

Remember that the United States Olympic Committee has exclusive rights to all 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 "Sochi 2014." You could also run into trouble if your ads suggest some connection to the Olympics, even if you don't use these marks.

For example, during the 2010 Olympics, Subway ran a [TV commercial](#) in which Michael Phelps swam through the wall of a pool, across the country, and towards Vancouver, the site of that year's games. Neither the USOC nor McDonald's (a top sponsor in the Quick Service Restaurant category) took kindly to the ad, and the USOC [lashed out](#) at Subway for engaging in "ambush marketing."

It may be patriotic to include Olympic-themes in your daily life as you cheer for your team. But it's not OK to include those themes in your marketing, unless you're an official sponsor. It's not always easy to know where the line is drawn, so if you need help, feel free to contact one of the Olympic-caliber attorneys in our group.