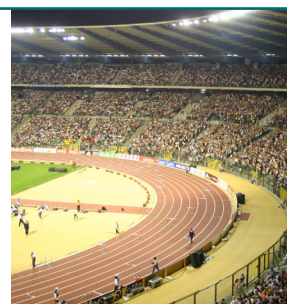


Review

Intellectual Property & Technology



Advertising and trading in open spaces during London 2012 Olympics

The Government has published the draft London Olympic Games and Paralympic Games (Advertising and Street Trading etc) Regulations 2011 (the "Regulations") to regulate advertising activity and trading in open public places around Olympic and Paralympic events during the 2012 Games. It has issued a 12 week consultation period seeking stakeholders' opinions, which closes on 30 May 2011. LOCOG have set out the consultation document at <http://www.culture.gov.uk/consultations/7759.aspx>.

1 RESTRICTION

- 1.1 Advertising activity is prohibited within the 'Event Zones' during the 'Event Periods'; Regulation 5(1). Any activity which will come under the scope of this will have to be authorised by LOCOG.
- 1.2 The 'Event Zones' vary for the different sporting events. See the maps on the following link: <http://www.culture.gov.uk/consultations/7760.aspx>. The restriction will apply no further than a few hundred metres around an Olympic or Paralympic venue perimeter. These 'Event Zones' have been influenced by people flow, camera sight lines and areas of potential ambush marketing.
- 1.3 Each map depicts the 'Event Zones' and also states the 'Event Period' during which the Regulations will have affect. For the majority of 'Event Zones', the Regulations will only apply for a few days – from the day before the event and remaining in effect for the period of the event. The only exception is the Olympic Park zone where the Regulations will come into force four days before the Opening Ceremony of the Olympic Games.

2 MEANING OF ADVERTISING ACTIVITY

- 2.1 Advertising activity is broadly defined under the Regulations. The Regulations will apply to all types of advertising activity, including billboards, posters and other 'traditional' forms of advertising, but also to the distribution of flyers and giveaways, projected advertising (e.g. lasers and light shows), moving and aerial advertising and advertising in the form of costumes or which is displayed on clothing worn as part of an ambush marketing campaign. The Regulations will apply to advertising activity on public or private land within an 'Event Zone' regardless of whether it is the subject of existing permissions or consent (e.g. from the landowner or the local planning authority).
- 2.2 There are a number of exceptions to the meaning of "advertising" under the Regulations, such as public demonstrations for a belief or cause; advertisements displayed inside a building or incorporated into the fabric of a building; and the distribution or provision of newspapers or periodicals.
- 2.3 The Regulations will apply to all those who are directly or indirectly responsible for advertising activity, for example, the brand owner and even the advertising agency.

3 AUTHORISATION

- 3.1 Advertisers can apply to LOCOG for authorisation to advertise or trade during the restricted period around the relevant event.
- 3.2 LOCOG has indicated that it proposes to authorise advertising activity which is consistent with the aims of the Regulations and has identified the following types of activity (among others) which it therefore anticipates would obtain authorisation:
- (a) advertising activity undertaken by official London 2012 sponsors for products within their sponsor product category, including displaying advertisements on outdoor advertising spaces in the 'Event Zones';
 - (b) the display of London 2012 'Look' (i.e. decorative Games-related street dressing) displayed by local authorities and other organisations, with LOCOG's consent; and
 - (c) advertising activity undertaken by non-commercial partners (including the Greater London Authority, local authorities and government departments) which is non-commercial in nature.
- 3.3 Advertising, whether by official sponsors or third parties, will generally not be authorised if it will be visible from the field of play.
- 3.4 Any authorisation granted by LOCOG is subject to a number of conditions imposed by the Regulations including the following:
- the person engaging in the advertising activity must obtain any other applicable licence or authorisation (in addition to authorisation from LOCOG) before they may advertise (Regulation 10(4)(a));
 - any advertisement must be sited and displayed in a safe manner (e.g. so as not to obscure traffic signs or obstruct roads, rail or waterways);
 - any advertisement must be maintained so that it does not to impair the "visual amenity" of the site or endanger the public.

4 SANCTIONS

- 4.1 The Regulations will be enforced by designated enforcement officers appointed by the Olympic Delivery Authority ("ODA"). The ODA intend to take a light touch approach to minor infringements that can be rectified easily but persistent offenders could face having offending advertising seized, removed or destroyed. Serious and deliberate ambush marketing attempts will be dealt with using the full enforcement powers conferred on designated officers and may result in prosecution through the criminal courts.

5 FURTHER INFORMATION

- 5.1 For more information relating to this client alert, please contact:

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