



Sydney 2000 Games (Indicia and Images) Protection Amendment Act 1997

No. 24, 1997

An Act to amend the *Sydney 2000 Games (Indicia and Images) Protection Act 1996*, and for related purposes

Contents

1	Short title.....	335
2	Commencement	335
3	Schedule(s).....	336
Schedule 1—Amendments		337
<i>Sydney 2000 Games (Indicia and Images) Protection Act 1996</i>		<i>337</i>



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[Assented to 7 April 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Sydney 2000 Games (Indicia and Images) Protection Amendment Act 1997*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Sydney 2000 Games (Indicia and Images) Protection Act 1996

1 Subsection 10(1)

Omit “indicia and images”, substitute “indicia or images”.

2 Section 11

Repeal the section, substitute:

11 Use for commercial purposes

- (1) This section sets out the 2 situations in which a person is said to use Sydney 2000 Games indicia or images for commercial purposes.
- (2) For the purposes of this Act, if:
 - (a) a person (the *first person*) causes Sydney 2000 Games indicia or images to be applied to goods or services of the first person; and
 - (b) the application is for advertising or promotional purposes, or is likely to enhance the demand for the goods or services; and
 - (c) the application, to a reasonable person, would suggest that the first person is or was a sponsor of, or is or was the provider of other support for:
 - (i) the Sydney 2000 Olympic Games, the Sydney 2000 Paralympic Games, or both Games; or
 - (ii) any event arranged by SOCOG, the Australian Olympic Committee Inc., or the International Olympic Committee in connection with the Sydney 2000 Olympic Games; or
 - (iii) any event arranged by SPOC, the Australian Paralympic Federation, or the International Paralympic Committee in connection with the Sydney 2000 Paralympic Games;the application is use by the first person of the indicia or images for commercial purposes.
- (3) For the purposes of this Act, if:
 - (a) a person (the *first person*), other than SOCOG, SPOC or a licensed user, causes Sydney 2000 Games indicia or images to be applied to goods or services of the first person; and

- (b) the application is for advertising or promotional purposes, or is likely to enhance the demand for the goods or services; and
- (c) the application, to a reasonable person, would suggest that the first person is or was a sponsor of, or is or was the provider of other support for:
 - (i) the Sydney 2000 Olympic Games, the Sydney 2000 Paralympic Games, or both Games; or
 - (ii) any event arranged by SOCOG, the Australian Olympic Committee Inc., or the International Olympic Committee in connection with the Sydney 2000 Olympic Games; or
 - (iii) any event arranged by SPOC, the Australian Paralympic Federation, or the International Paralympic Committee in connection with the Sydney 2000 Paralympic Games; and
- (d) any of the following conditions are satisfied in relation to a person (the *second person*) other than the first person:
 - (i) in the case of goods or services—the second person supplies, or offers to supply, the goods or services;
 - (ii) in the case of goods—the second person exposes the goods for supply by the second person;
 - (iii) in the case of goods—the second person keeps the goods for supply by the second person or by another person;

the supply, offer, exposure or keeping, as the case may be, by the second person is use by the second person of the indicia or images for commercial purposes.

(4) In this section:

supply includes:

- (a) in the case of goods—supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase; and
- (b) in the case of services—provide, grant or confer.

3 Subsection 12(1)

Omit “indicia and images”, substitute “indicia or images”.

4 Subsection 12(4)

Omit “indicia and images” (wherever occurring), substitute “indicia or images”.

5 After section 13

Insert:

13A Persons involved in contraventions of section 12

For the purposes of this Act, a person is taken to have contravened section 12 if the person:

- (a) has attempted to contravene section 12; or
- (b) has aided, abetted, counselled or procured a person to contravene section 12; or
- (c) has induced, or attempted to induce, a person, whether by threats or promises or otherwise, to contravene section 12; or
- (d) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of section 12; or
- (e) has conspired with others to contravene section 12.

6 After section 14

Insert:

14A Limitation on licence

A licence under section 14 does not authorise the use of indicia or images for commercial purposes if the use is covered by subsection 11(3).

7 Paragraph 17(1)(b)

Omit "indicia and images" (wherever occurring), substitute "indicia or images".

8 Subsection 19(1)

Omit "indicia and images", substitute "indicia or images".

9 Subsection 25(1)

Omit "indicia and images", substitute "indicia or images".

10 Subsection 25(1)

Omit "paragraph 11(c)", substitute "paragraph 11(2)(c) or (3)(c)".

11 Subsection 31(1)

Omit "indicia and images" (last occurring), substitute "indicia or images".

12 Subsection 31(2)

Omit "indicia and images" (last occurring), substitute "indicia or images".

13 Subsection 32(5)

Omit "indicia and images", substitute "indicia or images".

14 At the end of section 32

Add:

- (8) A reference in this section to the use of indicia or images for commercial purposes does not include a reference to use covered by subsection 11(3).

15 At the end of section 33

Add:

- (5) A reference in this section to the use of indicia or images for commercial purposes does not include a reference to use covered by subsection 11(3).

16 Subsection 43(4)

Omit "conduct constituting use of".

17 Subsection 43(5)

Omit "conduct constituting use of".

18 Subsection 43(6)

Omit "conduct constituting a use of".

19 Subsection 43(9)

Omit "the use of", substitute "an".

20 Subsection 43(9)

Omit "use of" (last occurring).

21 Transitional—pre-commencement licences

- (1) This item applies to a licence in force under section 14 of the *Sydney 2000 Games (Indicia and Images) Protection Act 1996* immediately before the commencement of this item.
 - (2) The amendments made by this Schedule do not affect the continuity of the licence.
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*[Minister's second reading speech made in—
House of Representatives on 18 September 1996
Senate on 10 February 1997]*