

# **Sydney 2000 Games (Indicia and Images) Protection Regulations 1997 No. 65**

## EXPLANATORY STATEMENT

Statutory Rules 1997 No. 65

Issued by the Authority of the Minister for Industry, Science and Tourism

*Sydney 2000 Games (Indicia and Images) Protection Act 1996*

Sydney 2000 Games (Indicia and Images) Protection Regulations

Section 56 of the *Sydney 2000 Games (Indicia and Images) Protection Act 1996* (the Act) (Act No 22, assented to on 28 June 1996) allows the Governor-General to make Regulations for prescribing matters required or permitted by the Act and for prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act came into force on the day on which it received royal assent. Its purpose is to assist in preserving the financial integrity of the Sydney 2000 Olympic and Paralympic Games (the Games) by facilitating the raising of licensing revenue for the Games through protection of the use of the indicia and images associated with the Games. Without this protection the value derived from being licensed to use the indicia and images could be reduced by ambush marketing, with a consequential loss of revenue.

The Act provides that the Sydney Organising Committee for the Olympic Games (SOCOG) and the Sydney Paralympic Organising Committee (SPOC) have the power to use and license others to use the Sydney 2000 Games indicia and images for commercial purposes as defined in the Act. It gives SOCOG, SPOC and licensed users the power to seek injunctions and be awarded damages for loss incurred by reason of unlicensed use of the indicia and images. It also empowers the Chief Executive Officer of Customs (CEO) to seize infringing goods imported into Australia when a request for their seizure has been made by SOCOG, SPOC or a licensed user.

So that the public becomes aware of the identity of those licensed to use the Sydney Games indicia and images, SOCOG has established and will maintain a register of licensed users which will also be accessible throughout Australia at State Offices of the Australian Industrial Property Organisation.

The Sydney 2000 Games (Indicia and Images) Protection Regulations:

- \* provide an administrative procedure to ensure that corrections that are required to be made to entries in the register of licensed users will be made.,
- \* prescribe the fees payable for the purpose of the Act and Regulations;
- \* prescribe the documents that must be provided to the CEO when a request is made by SOCOG, SPOC or a licensed user to seize infringing goods; and
- \* provide modifications of the Act in its application to Christmas Island, Cocos (Keeling) Islands and Norfolk Island.

The attachment provides a summary of the contents of the Regulations.

The Regulations commence upon gazettal and cease to have effect after 31 December 2000 when the Act ceases to have effect.

## **ATTACHMENT**

### **DETAILS OF THE SYDNEY 2000 GAMES (INDICIA AND IMAGES) PROTECTION REGULATIONS**

#### Regulation 1 - Citation

Provides that the Regulations may be cited as the Sydney 2000 Games (Indicia and Images) Protection Regulations.

#### Regulation 2 - Interpretation

Lists and defines certain words and phrases used in the Regulations in addition to those defined in the Act.

#### Regulation 3 - Changes to entries in the register

\* Prescribes the information that must be provided in a request to amend an entry in the register.

\* Provides that the Chief Executive Officer of SOCOG or a person authorised by the Chief Executive Officer of SOCOG may amend the register.

\* Provides that if the Chief Executive of SPOC, a licensed user or an authorised agent of the licensed user makes a request for correction of the register in an approved form, the Chief Executive Officer of SOCOG or a person authorised by the Chief Executive Officer of SOCOG must make the correction if the register is in error.

\* Provides that if a licensed user has changed his or her name or address, they must notify the Chief Executive Officer of SOCOG in an approved form.

#### Regulation 4 - What fees are payable and to whom

Prescribes the fees payable for the purposes of the Act and Regulations and to whom they should be paid.

#### Regulation 5 - Notice of objection to importation

Prescribes the documents that must be provided to the CEO (Chief Executive Officer of Customs) to accompany a notice of objection to importation given by SOCOG, SPOC or a licensed user when goods infringing the Act are imported into Australia.

#### Regulations 6, 7 and 8 - Modification of the Act in its application to Christmas Island, Cocos (Keeling) Islands and Norfolk Island

Prescribe that Division 2 of Part 4 of the Act will be modified in its application to Christmas Island, Cocos (Keeling) Islands and Norfolk Island by Schedules 1, 2 and 3 respectively.

#### Schedule 1 - Modification of Division 2 of Part 4 of the Act-Christmas Island

Sets out the modifications to be made to Division 2 of Part 4 of the Act when it is applied to Christmas Island.

Schedule 2 - Modification of Division 2 of Part 4 of the Act-Cocos (Keeling) Islands

Sets out the modifications to be made to Division 2 of Part 4 of the Act when it is applied to Cocos (Keeling) Islands.

Schedule 3 - Modification of Division 2 of Part 4 of the Act-Norfolk Island

Sets out the modifications to be made to Division 2 of Part 4 of the Act when it is applied to Norfolk Island.