# Olympics Advertising: How to Comply With the USOPC's Super Trademark Right

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The Olympics are underway in Northern Italy, and many companies want to join the conversation, celebrate elite performance and align with values like excellence and perseverance, but they must be careful not to overstep. In the United States, Olympic-related intellectual property is governed by a specialized statutory framework that gives the U.S. Olympic and Paralympic Committee (the "USOPC") broad rights—a form of "super trademark" protection.

**The USOPC's Exclusive Statutory Rights.** Congress granted the USOPC expansive rights through the 1978 Ted Stevens Olympic and Amateur Sports Act. The Act granted the USOPC the exclusive right to use—and to prohibit certain unauthorized commercial and promotional uses of—protected Olympic and Paralympic indicia, including the words "Olympic" and "Olympiad" and core Olympic symbols such as the five-ring emblem. It also protects against the use of "any trademark, trade name, sign, symbol, or insignia" that falsely represents association with, or authorization by, the International Olympic Committee, the International Paralympic Committee, the Pan-American Sports Organization or the USOPC.

The statute provides a direct enforcement mechanism. Under 36 U.S.C. § 220506(c), the USOPC may bring a civil action and seek remedies available under the Lanham Act for unauthorized uses.

**Why This Operates as a "Super Trademark".** Section 220506 grants the USOPC broad exclusive rights that exceed traditional trademark protection in two critical ways. First, the USOPC need not prove likelihood of confusion to establish infringement, eliminating the central requirement of ordinary trademark law, as confirmed by the Federal Circuit in *U.S. Olympic Committee v. Toy Truck Lines, Inc.*, 237 F.3d 1331 (Fed. Cir. 2001). Second, unauthorized users cannot assert the normal statutory defenses available under the Lanham Act, such as fair use, abandonment or functionality. This means the Committee can prevent any commercial use of protected terms like "Olympic," "Olympiad," "Paralympic" and "Pan-American" regardless of whether consumers would actually be confused about sponsorship or affiliation. The USOPC most notably exerted this right in *San Francisco Arts & Athletics, Inc. v. U.S. Olympic*

*Committee*, 483 U.S. 522 (1987), where the Supreme Court held that the USOPC could enjoin the Gay Olympic Games' use of the term "Olympic," rejecting a First Amendment challenge and affirming the USOPC's exclusive rights even absent proof of likelihood of confusion.

**A Recent Reminder: Olympic-Themed Branding Disputes**. Recent disputes have highlighted the perils of using these terms and symbols without permission. In the lead up to the 2024 Paris Games, the USOPC challenged Olympic-themed marketing tied to Prime Hydration's partnership bottle with Kevin Durant that utilized the terms "Olympian" and "Team USA" in *United States Olympic & Paralympic Committee v. Prime Hydration LLC*, No. 1:24-cv-02001-MDB (D. Colo. July 19, 2024). While case outcomes turn on specific facts, the broader lesson is consistent: Olympic-adjacent commercial campaigns can draw scrutiny even where a company believes consumers will not be misled.

**Recommendations**. Olympic-related IP in the United States is not "business as usual" trademark law. Section 220506 gives the USOPC unusually strong control over protected Olympic words and symbols, and courts have enforced those rights without requiring the full trademark playbook.

Companies who want to celebrate performances at the Olympics might be able to use euphemisms like "Winter Games" or "Competitions in Italy" as long as they do not falsely imply any association with the USOPC or that they are official sponsors of the Olympics. Because of the breadth of the USOPC's statutory rights, any advertising campaigns like this should be carefully considered and vetted by counsel.

Please do not hesitate to reach out with any questions.

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