

Extended Athletes' Rights – A Necessary Power Shift in Elite Sport?

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Play the Game 2017
Eindhoven, NL



Outline

1. Current situation in elite sports

a) Sports organizations

b) Athletes

c) Rule 40 (symbol of an extreme legal system)

- General information
- Superstars vs. regular Olympic participant
- Consequences for athletes and Non-Olympic sponsors

2. Structural changes – How to extend athletes' rights

3. Conclusion



1 Current situation in elite sports

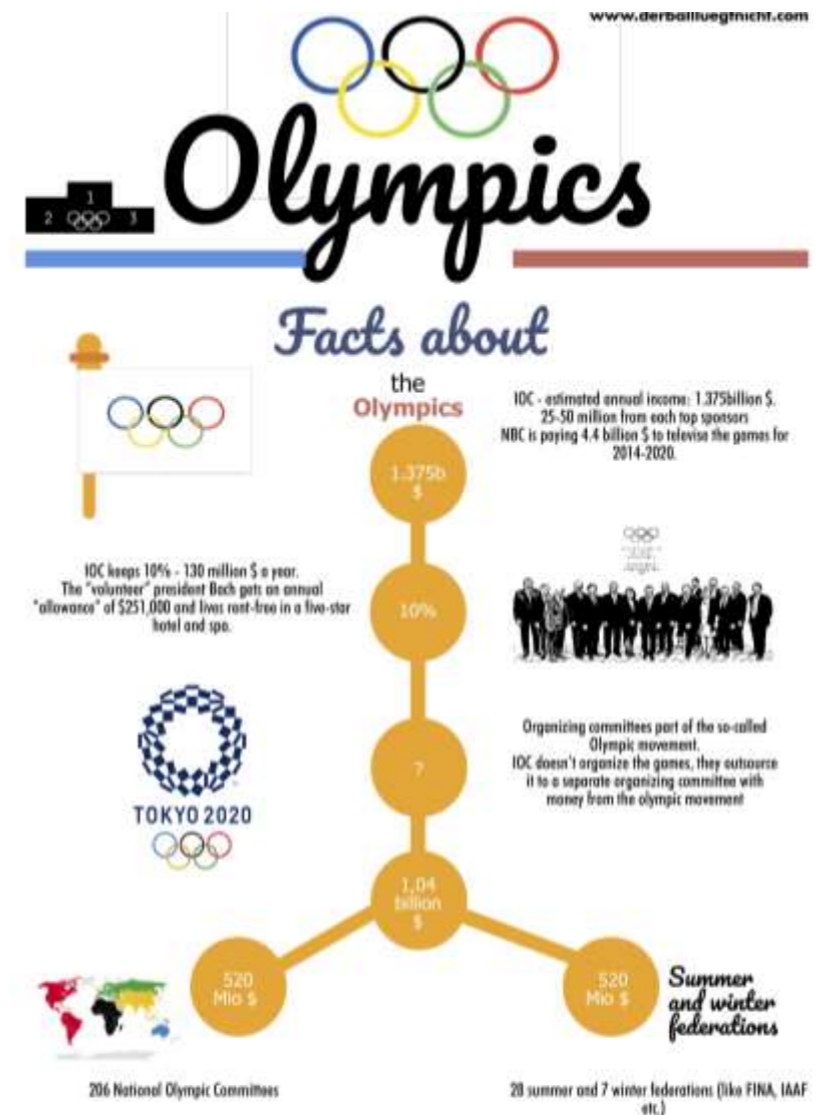
- High profile crises
- Massive injection of capital (IOC, NOCs, IFs, NCAA)
- Expected benefits of professionalization - **IN SPORTS BENEFITS ARE OFTEN MISSING**
- Many profit from athletic performances - except athletes
- Similar situations in Olympic, Non-Olympic, Paralympic movements, US-college sports
- Athletes
 - Basic human and workers rights are not guaranteed
 - Livelihood is not assured
 - Part time or full time jobs
 - Rule 40 - Many (German and US-athletes) see it as symbol of the oppression



1 Sports Organizations - structure and money distribution

- Powerful entities, traditional model of self-governance of sport
- Independent from national regulation and government control
- Power of sports federations
 - Govern the sport
 - Ensure sports promotion and development
 - monitor the administration
 - guarantee the organization of competitions

RESULT: Monocracy



ATHLETES?

- USOC only NOC that gets a cut out of the sponsor deals.
- gets 49 million dollars, pays its CEO 1 million dollars, 600 employees
- 14 executives make 200.000 \$ or more each
- 121 employees with 100.000 \$ or more each
- Track and Field CEO Max Siegel received 1.1 million \$
- Swimming CEO received 854.000\$
- Triathlon CEO Rob Urbeck 362.000\$
- IOC, USOC, and all NOCs have sold Olympic sponsorship rights for huge amounts of money.
- German Chairman of NOC 300.000\$ (source: 2009, 2013)
- Chief Executive Officer of BOA gets 370.000 \$ (source: 2013)



THE ATHLETES WITHIN THE OLYMPIC MOVEMENT

TOP 10%

OLYMPIC
MOVEMENT

01

IOC EXECUTIVE MEMBERS

travel first class, 5 stars hotels, receive money to attend Games, get an 'allowance', 17 members in the executive board, 100 members in the IOC

02

EXECUTIVES OF THE ORGANIZING COMMITTEE

Get thousands of dollars

03

NATIONAL OLYMPIC COMMITTEEs (NOCs)

Thousands of officials around the world - USOC: 14 executive members earn more than 200.000\$, 121 employees more than 100.000\$

04

INTERNATIONAL FEDERATIONS

Hundreds of officials around the world - some CEOs earn more than 1 Mio \$

05

NATIONAL FEDERATIONS

Thousands of officials around the world - some CEOs earn more than 1 Mio \$

06

Extreme legal system/ Restrictions THE ATHLETES

11,237 athletes participated in Rio, most of them depend on private financial support



WORLD ANTI DOPING AGENCY

BOTTOM

many athletes live off the financial support of friends, family, charity and public assistance — the only reward they'll get for making the Olympic team is a big bag full of free clothing, they are forced to wear at all events

RULE 40 AS SYMBOL OF INDENTURED SERVITUDE



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Rule 40

- Tool to retain and control revenue
- To protect rights of Olympics exclusive partners
- Limits what Non-Olympic partners can do and say
- Trademarks
 - Olympic, Olympics, Games, Rio2016, Gold, Silver or Bronze, Games Medal, Victory, Rio or Rio de Janeiro, Summer, Games, Let the Games begin, Rings etc., **US Trademark Electronic Search reveals more than 200 trademarks for Rio**
- Blackout / Frozen period



Use of a Participant's image for advertising purposes during the Rio 2016 Olympic Games

Rule 40 of the Olympic Charter: What you need to know as a Participant

Are you an athlete, coach/trainer or official participating in the Rio 2016 Olympic Games? If so, read the following document to learn more about Rule 40.

By-law 3 to Rule 40 of the Olympic Charter (commonly referred to in this context as "Rule 40") states that: "Except as permitted by the IOC Executive Board, no competitor, coach, trainer or official who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games."

The Olympic Charter is the guiding document for the entire Olympic Movement. It defines the mission and role of the International Olympic Committee (IOC), National Olympic Committees (NOCs) and International Federations (IFs). It also provides rules for the organisation and administration of the Olympic Games, as well as guidance on disciplinary procedures and other governance issues.

1. What is the purpose of Rule 40?

Rule 40 is in place for various reasons, including:

- To preserve the unique nature of the Olympic Games by preventing over-commercialisation.
- To allow the focus to remain on the athletes' performance.
- To preserve sources of funding, as 90 per cent of the revenues generated by the IOC are distributed to the wider sporting movement. This means that USD 3.25 million every day goes to the development of athletes and sports organisations at all levels around the world.

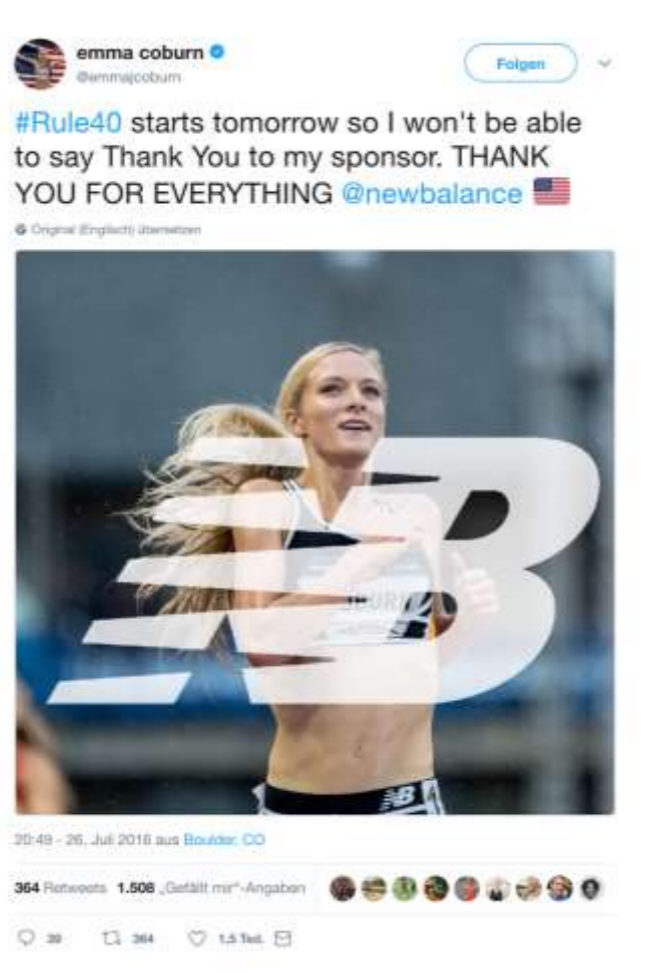
2. Who does Rule 40 apply to?

Athletes, coaches/trainers and officials participating in the Rio 2016 Olympic Games.

3. When does Rule 40 apply?

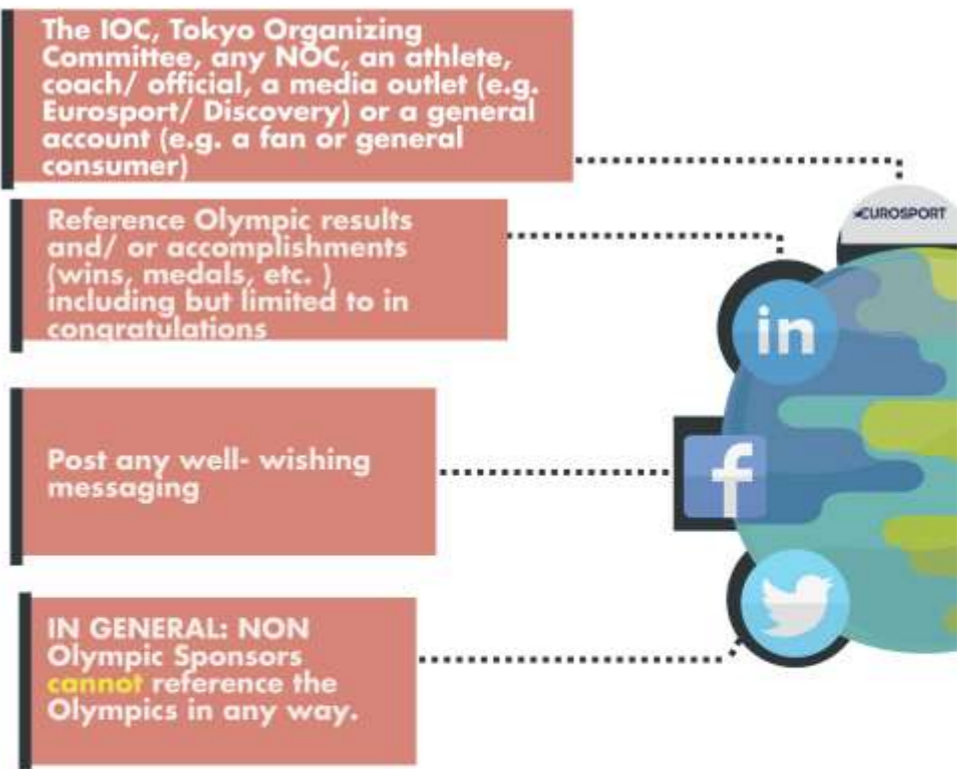
During the Olympic Games period from 27 July until 24 August 2016 (nine days prior to the Opening Ceremony until three days after the Closing Ceremony of the Rio 2016 Olympic Games).

Rule 40: Examples



1. Share...
2. Repost...
3. Re-tweet any content with Olympic references

This includes content from...



Violations of Rule 40 (below)



Olympic logo on the swimming trunks and usage of the term Olympic diver (DOSB, 2016)

These rules are legally binding for example through agreements between IOC, USOC, and US Patent & Trademark Office.
 Punishment by IOC or NOC: legal action, disqualification of the athlete, revoke credentials



Rule 40: Consequences for athletes

- Superstars
- Regular Olympic athlete
 - Less public exposure
 - Harder recruitment of sponsors
 - Elimination of local sponsors
 - No communication allowed
 - Consequence: less equity

RULE 40: Insurmountable barrier that was erected by design to keep athletes indentured.

Soh removes social media posts promoting personal sponsors



Runner Soh Rui Yong also posted on Instagram a picture of himself in nothing but his underwear and 2015 gold medal with the hashtag #NoSponsorZone attached. PHOTO:



2 Changes: How can extended athletes rights be achieved?

Athletes are not the problem, they are the solution:

- International human rights laws via binding policy - „Universal Declaration of Athletes Rights“
- Athletes or athletes representatives as equal partners (50:50 quota)
- Fair share of marketing rights
- Alter the structure of sports governance
 - Political and legislative influence (ISU case, German Federal Cartel Office)
- Unionization

2 Changes: Unionization

- Internationally regulations are enforced by the CAS, regulated by the ISOs (IOC, WADA), without real athletes' participation
- Unions for every sport, possibly in every country necessary
- Competition law / anti-trust law - might give athletes the power to put a lid on the officials power / influence.
- Germany's athletes' commission launched an independent „Verein“ (club)
- Unions give athletes power (NBPA, NHLPA, Uni Global...)

3 Conclusion

- Probes in Brussels and Berlin
- ISOs under surveillance (general public, sponsors)
- SOs and reforms not athlete-centric (e.g. Elite sport reform in Germany)
- Need of powerful and independent athletes
 - Checks and balances (unions / quota) in all boards / councils / CAS arbitration committee. Athletes control officials + vice versa.
 - Transparency regarding financing, doping, corruption, fraud, harassments, match-fixing
 - Nothing wrong with making a lot of money, but troubling when athletes don't get paid (Indentured servitude - Rule40)

Thank you for listening

Play the Game 2017

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P.S. Sometimes you have to be creative to bring change.
P.P.S. The fake Rule 40 twitter account was made by creative athletes.



Non-Olympic Partners are not allowed to...



1. Share...
2. Repost...
3. Re-tweet any content with Olympic references

This includes content from...

The IOC, Tokyo Organizing Committee, any NOC, an athlete, coach/ official, a media outlet (e.g. Eurosport/ Discovery) or a general account (e.g. a fan or general consumer)

Reference Olympic results and/ or accomplishments (wins, medals, etc.) including but limited to in congratulations

Post any well- wishing messaging

IN GENERAL: NON Olympic Sponsors cannot reference the Olympics in any way.



These rules are legally binding for example through agreements between IOC, USOC, and US Patent & Trademark Office.

Punishment by IOC or NOC: legal action, disqualification of the athlete, revoke credentials

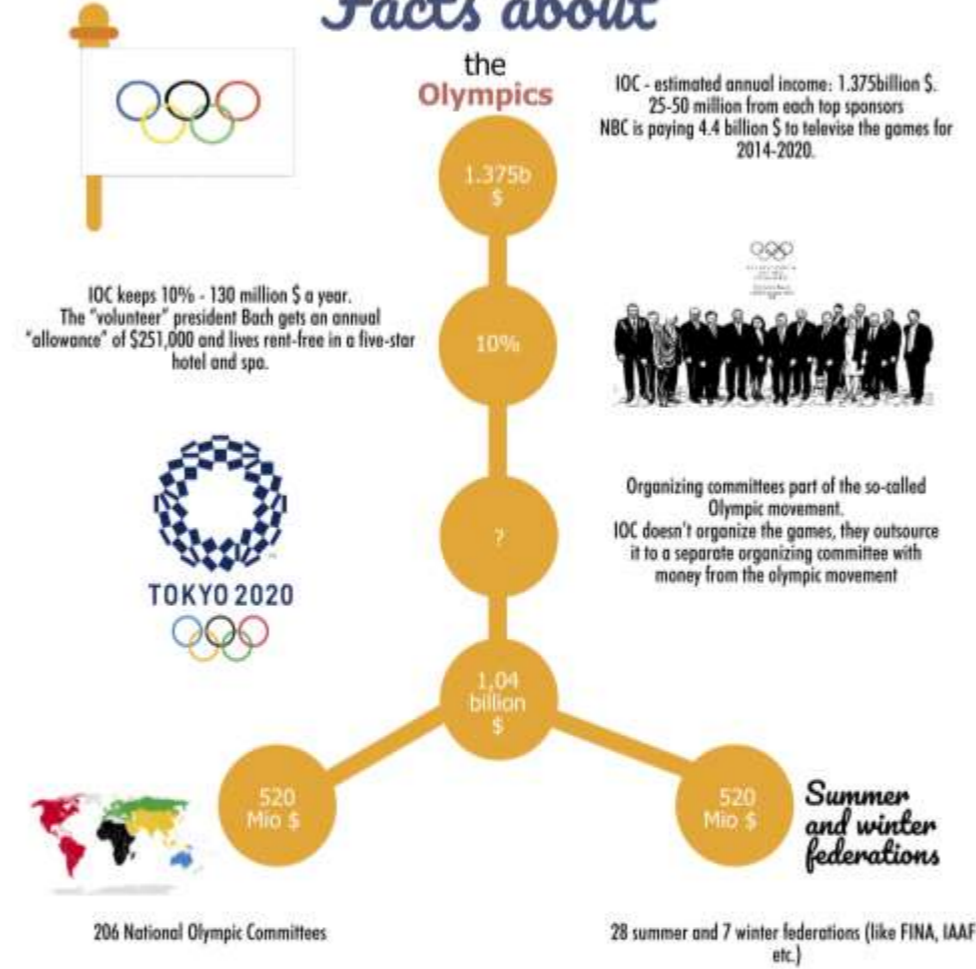





Olympics



Facts about

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- German Chairman of NOC 300.000\$ (source: zapp.2013)
- Chief Executive Officer of BOA gets 370.000 \$ (source: daily mail).

OUR

ATHLETES?





oiselle

Following

3,751 likes

1d

oiselle "Guys I did it! I can't believe I actually did it!!" - @fastkate, now an Olympian with all the heart in the world right now! #tracktown16 #totallytrials16

[view all 60 comments](#)

yomommaruns Yes, yes, yes!

suziebanzer Sooo tremendously amazing over the the moon beyond the universe 100 % deserved!! Wow wow wow:) so very very thrilled for you Kate Grace!!! No words.. You are amazing!!!!

aliciarunfast All the feels for Kate!!
❤️❤️

sallyletsrun ❤️❤️❤️

est1986shop Wahoo!! Congrats

eatrunlove ❤️❤️👏❤️❤️👏 @

sidmanlaw That line from "Jerry Maguire" kept running through my head for @oiselle all night: " But tonight, our little



Add a comment...



Patrick O'Neil

Abonnieren · 6. Juli 2016 · 🌐

Team USA welcomed my girlfriend Kate Grace to the team by making her support system of 5 years, Oiselle, delete all images of her winning the USA Olympic Trials and realizing her Olympic Dream.

This company, these people, have stuck with her through all the highs and lows that come with chasing the Olympic Dream. They have not only supported her financially, but have been part of her emotional bed rock for all these years and they are there for her now as she prepares to try to bring home an Olympic Medal for her country.

They posted photos on Facebook, Instagram, Twitter, and their website of her dream of making the Olympic Team come true. Now, the so called champions of the U.S. Olympic Dream Team USA are forcing (legal threats) Oiselle to delete the evidence of this magical moment from all their social channels and website. Erasing this amazing moment that wouldn't have happened with out them from internet history.

This is one of the photos they posted as they saw her for the first time after she made the Olympic Team. If this doesn't embody the joy and Olympic spirit I don't know what does.

I ask you to please SHARE this post to make people aware of the behind the scenes bullying that Team USA does to the athletes chasing their dreams and the people and companies that are there for them during the years of training when no one else is. -- hier: 📍 Historic Hayward Field - Track Town USA.