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

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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**
THE ATHLETES WITHIN THE OLYMPIC MOVEMENT

TOP 10%

OLYMPIC MOVEMENT

01 IOC EXECUTIVE MEMBERS
travel first class, 5 star 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

WORLD ANTI DOPING AGENCY

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 $

BOTTOM

05 NATIONAL FEDERATIONS
thousands of officials around the world - some CEOs earn more than 1 Mio $

Extreme legal system / Restrictions

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

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
Rule 40: Examples

Violations of Rule 40 (below)

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

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.
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.
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 - Rule 40)
Thank you for listening

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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.
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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

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 bedrock 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. --

Historic Hayward Field - Track Town USA.