

CHAPTER 315A

PROTECTION OF THE OLYMPIC SYMBOL 1985-26

This Act came into operation on 1st January, 1986 by Proclamation (S.I. 1985 No. 214).

Amended by:

This Act has not been amended

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Arrangement of Sections

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SCHEDULE

**BARBADOS****PROTECTION OF THE OLYMPIC SYMBOL
1985-26**

An Act to give effect to the Nairobi Treaty on the Protection of the Olympic Symbol.

[Commencement: 1st January, 1986]

Short title

1. This Act may be cited as the *Protection of the Olympic Symbol Act*.

Definition

2. For the purposes of this Act, “mark” has the meaning assigned to it by section 2 of the *Trade Marks Act*, Cap. 319.

Olympic Symbol

3. For the purposes of this Act, the Olympic Symbol comprises five interlaced rings, whether delineated in a single colour or in different colours, as shown in the Schedule.

Prohibition

4. No mark comprising or containing the Olympic Symbol may be registered under the *Trade Marks Act*, Cap. 319, or used for commercial purposes as a mark or sign, unless its registration or use is authorised by or on behalf of the International Olympic Committee.

Prior registration or use

5.(1) The registration of a mark mentioned in section 4 before the 1st January, 1986 of this Act is not invalidated by that section.

(2) Where, before 1st January, 1986 any person was lawfully using a mark mentioned in section 4 for commercial purposes, the continued use of that mark is not affected by section 4.

Derived right

6. Any person entitled to use a mark pursuant to subsection (2) of section 5 may authorise another person to use the mark; and use by the other person shall be considered as use by the person entitled under that subsection.

Use by media

7. The use by the media of the Olympic Symbol is permissible where the symbol is used only for the purpose of informing the public about the Olympic movement and the activities of the International Olympic Committee and the Barbados Olympic Committee.

Suspension of prohibition

8.(1) The Minister responsible for Industry, may by order suspend section 4 where there is no agreement in force between the International Olympic Committee and the Barbados Olympic Committee

- (a) respecting the conditions subject to which the International Olympic Committee will authorise the use of the Olympic Symbol in Barbados; and
- (b) respecting the share of the Barbados Olympic Committee in any revenue obtained by the International Olympic Committee for authorising the use of the Olympic Symbol.

(2) The registration or use of a mark referred to in section 4 is permissible only during the period for which section 4 is suspended pursuant to an order made under subsection (1); and any such registration or use is invalid and is contrary to section 4.

Civil remedies

9.(1) Any interested person may institute proceedings in the High Court to recover damages for the use of a mark contrary to section 4.

(2) The court may, in addition to awarding damages under subsection (1), grant an injunction prohibiting any person from continuing any contravention of section 4.

Penalty

10. Any person who contravenes section 4 is, in addition to any award made or injunction granted under section 8, liable on summary conviction to a fine of \$5 000 or to imprisonment for 1 year or both.

SCHEDULE

(Section 3)

