

# The **i**NTERPATENT newsletter



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## OLYMPIC GAMES AND INTELLECTUAL PROPERTY: THE VALUE OF DISTINCTIVE SIGNS

Every four years, the Olympic Games capture the attention of millions of spectators worldwide. Yet behind the medals and competitions lies another equally strategic arena: the protection of trademarks and intellectual property.

The International Olympic Committee (IOC) rigorously protects and regulates the intellectual property associated with the Games, collectively referred to as “Olympic and Paralympic Property”.

The most widely recognized Olympic asset is the Five Rings, the only symbol in the world protected by an international treaty. However, the concept of Olympic (and Paralympic) Property is far broader and more articulated. Indeed, it encompasses every emblem, symbol, trademark, logo, mascot, motto, anthem, or denomination, as well as copyright-protected works, designs, patents, confidential information, and any other element functional to the organization of the Olympic and Paralympic Games.

Among these are:

- The **Olympic emblem** (the Five Olympic Rings) and the **Paralympic emblem** (the Agitos);
- The official **trademarks** of the Milano Cortina 2026 Winter Olympics;
- The **symbols, pictograms, mascots**, and the visual identity of the Games (the so-called “Look of the Games”);
- The **official** Olympic and Paralympic **expressions and designations**, including “Olimpico”, “Olimpiade”, “Giochi Olimpici e Paralimpici”, “Olimpiade di Milano Cortina 2026”, “Olimpiade Di Milano Cortina”, “Milano Cortina 2026”, “Milano Cortina”, “Giochi Olimpici E Paralimpici Invernali”, “Giochi Del 2026”, “Giochi Di Milano Cortina 2026”, “Giochi Di Milano Cortina”, “I XXV Giochi Olimpici Invernali” and equivalent expressions in any language;
- The **Olympic motto** “*Altius, Citius, Fortius*” -

*Committer*” and the **Paralympic motto** “*Spirit in Motion*” including all their translations in any language;

- The Olympic **creed** “*The most important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph but the struggle*” and the Paralympic creed “*To enable Paralympic athletes to achieve sporting excellence and to inspire and excite the world*”, including all their translations in any language;
- The Olympic and Paralympic **flag, torch, flame, and medals**.

These assets are complemented by images and audiovisual materials, publications, and any other materials relating to the Milano Cortina 2026 Winter Games as well as archival materials from past editions of the Games, any design, patent, trade secret instrumental to the organization of the Games, and official merchandising.

### **The Legal Framework Protecting Olympic and Paralympic Property**

A multi-layered system of international, European, and national provisions ensures robust protection.

#### **1. The Nairobi Treaty (1981)**

The Nairobi Treaty of 26 September 1981 on the Protection of the Olympic Symbol provides that the Olympic symbol may not be registered as a trademark or other distinctive business sign, in any class of goods or services, without the express written authorization of the IOC.

#### **2. Italian Civil Code**

Unauthorized reproduction of Olympic or Paralympic Property may constitute unfair competition, particularly where it involves:

- The use of names or distinctive signs likely to create confusion with those legitimately used by others;
- Slavish imitation;
- Misappropriation of reputation.

#### **3. Copyright Law**

Where the legal requirements are met, creative elements related to the Games may qualify as protected works under copyright law. Their unauthorized reproduction may therefore amount to copyright infringement.

#### **4. Italian Industrial Property Code**

In addition to general provisions preventing the registration of identical or similar trademarks or designs, Article 8(3) of the Italian Industrial Property Code expressly reserves the registration and use as trademarks of well-known signs used in the sporting field - including distinctive signs identifying the Games - to the organizers of the Olympic and Paralympic Games, or subjects such use to their consent.

The same rule applies to:

- Images reproducing trophies (including Olympic and Paralympic medals);
- Names and acronyms of sporting events (including Olympic and Paralympic events);
- Their characteristic emblems.

### **Special Legislation for Milano Cortina 2026**

Furthermore, in the territories affected by the Games, special regulations and guidelines are in place, which precisely establish the limits within which businesses and third parties may use certain signs or references.

Under host city contractual commitments imposed by the IOC, the host city -and through it, the host State - must adopt ad hoc legislation strengthening existing IP protection, particularly to combat ambush marketing (i.e., benefiting from an undue association with the Games to gain a commercial advantage), unauthorized ticket sales, marketing rights infringement, and counterfeiting, in order to preserve the value of the event.

In Italy, this obligation led to the adoption of Law Decree No. 16 of 11 March 2020 (converted into Law No. 31 of 8 May 2020), entitled “*Urgent provisions for the organization and staging of the Milano Cortina 2026 Winter Olympic and Paralympic Games and the ATP Finals Turin 2021-2025, as well as provisions prohibiting parasitic activities.*”.

This decree:

- Reinforces ordinary industrial and intellectual property protections;
- Reserves the use of Olympic Property exclusively to authorized entities;
- Expressly prohibits the registration as trademarks - in any class and in any language - of terms or references that directly evoke the Olympic symbol, the Games, or related events where such elements may objectively suggest a connection with the organization or staging of the Games (e.g., “Olimpico”, “Olimpiade” and “Milano Cortina 2026” and equivalent expressions);
- Introduces a specific prohibition against parasitic, misleading, deceptive, or fraudulent promotional and commercial practices (ambush marketing), and provides specific penalties and measures to punish such unfair conduct;
- Establishes administrative fines ranging from €100,000 to €2.5 million, unless the conduct constitutes a criminal offense or a more serious administrative violation;
- Provides for seizure or descriptive measures by the Italian Financial Police during the Games in relation to infringing goods or materials.

### Awareness and Enforcement Initiatives

The Fondazione Milano Cortina 2026, in cooperation with the IOC and INDICAM (an Italian association that brings together trademark owners with the aim of combating counterfeiting and protecting intellectual property), has also promoted awareness campaigns through dedicated international conferences aimed at preventing unauthorized use of distinctive signs.

On 24 October 2025, the event “*IP Protection in the context of Milano Cortina 2026*” underscored the strategic importance of intellectual property in the sports sector, with particular emphasis on major international events such as the Olympic Games. As highlighted by the organizers, effective IP protection constitutes a fundamental safeguard against ambush marketing, counterfeiting, and unauthorized use of distinctive signs, while protecting the rights of consumers, official sponsors, athletes, and institutions.

In conclusion, while the Olympic Games celebrate sporting excellence, they equally demonstrate that every victory rests on a solid IP defensive strategy.

*In the arena of intellectual property, preparedness is the ultimate competitive advantage, and our attorneys, with their extensive and solid experience, can be of help in this sense.*

## DISCLOSING BEFORE FILING: THE “GRACE PERIOD” BETWEEN LIFELINE AND MINEFIELD

In the world of patents, there is an almost religious dogma: **absolute novelty**. Under this principle, for an invention to be patentable it must never have been made public in any way - whether through a scientific article, a social media post, or even a trade fair - before the patent application filing date.



However, to err is human. A researcher's enthusiasm or the commercial need to present a prototype can sometimes outweigh legal caution.

What happens if an invention is disclosed "too early"? Is everything lost?

The answer is: *it depends on where you are*. Welcome to the complex world of the **Grace Period**.

### The Novelty Requirement: An (Often) Unbreakable Pillar

For the European Patent Office (EPO) and for Italy, novelty is an objective and absolute requirement. Anything made available to the public before filing destroys patentability. It is a strict rule designed to provide legal certainty for third parties: if a technology is public, anyone should be free to use it without fear of future claims.

But not the entire world sees it this way.

### The Grace Period: Three Global Approaches

Some jurisdictions recognize that the "sin" of pre-disclosure may deserve a chance at redemption. While the Grace Period landscape is highly diverse - as illustrated in the detailed [comparative overview provided by the World Intellectual Property Organization \(WIPO\)](#), which is a useful resource for those wishing to explore the specificities of individual jurisdictions - it can broadly be grouped into three macro-categories.

#### 1. The "North American" Model (USA, Canada)

In the United States and Canada, the Grace Period is seen as an inventor's right. If the inventor (or someone who obtained the information from the inventor) discloses the invention, they have **12 months** to file a patent application. During this time, their own disclosure does not destroy the novelty of their patent.

Moreover, third-party disclosures deriving from the inventor's initial disclosure are also excluded from the prior art.

#### 2. The "Pacific" Model (Australia, Japan, South Korea)

In Australia, Japan, and South Korea, a Grace Period exists (12 months for Japan and South Korea; 6 or 12 months for Australia), but it is often limited to specific cases and subject to formal requirements.

For example, a declaration must be filed at the time of application indicating which disclosures are to be "graced." Furthermore, in these countries, the Grace Period does not protect against independent third-party disclosures. In short, it is a safety net, but not a license for carelessness.

#### 3. The "Conservative" Model (Europe, China, India)

Europe (through the EPO), as well as countries such as China and India, provide an extremely narrow Grace Period. Generally, the "grace" applies only in two situations:

- i. **Evident abuse** against the applicant (e.g., industrial espionage or breach of a confidentiality agreement);
- ii. Display at **officially recognized international exhibitions** (rare and highly specific events).

Outside these cases, pre-disclosure in these jurisdictions is typically fatal.

#### The "San Marino Loophole": A Gateway to the Italian Market

There is an interesting legal anomaly that every company or individual interested in obtaining patent protection in Italy should be aware of. The Republic of San Marino provides for a 6-month Grace Period for disclosures made by the inventor.

Why does this matter?

Thanks to the historic **1939 Convention of Friendship and Good Neighborliness between Italy and San Marino**, patents granted in San Marino can be validated and enforced in Italy. If someone has accidentally disclosed an invention, they can no longer obtain a valid Italian patent. However, they may file a patent

application in San Marino, take advantage of the Grace Period, and then - at least in theory - enforce their San Marino patent on the Italian territory.

This is a complex strategy that must be handled with extreme caution, but it may represent a valuable last resort.

### Strategic Considerations: Advantages and Pitfalls

Where available, the Grace Period is undoubtedly an **opportunity**. It protects companies from overzealous employees or information leaks, allows researchers to publish in scientific journals without immediately forfeiting commercial exploitation, and enables businesses to test market interest or seek investors by "openly" presenting a product before bearing the costs of a global patent strategy.

However, the Grace Period is not a panacea.

If universally extended without strict rules, it would create significant **legal uncertainty**. Imagine a company that sees a product on the market, checks that it is not patented and invests in its production, only to find out that a patent application claiming the very same product was filed after the product appeared on the market.

Furthermore, **Freedom-to-Operate** analyses, which are designed to verify that a product can

be placed on the market without the risk of counterfeiting, would also become far more complex, costly and uncertain.

The **lack of international harmonization** on this issue is, more generally, a major problem. In the face of global trade, fragmented patent regulations make patent portfolios uneven and often create potential traps for companies operating across multiple markets.

### Conclusions

The Grace Period is like an emergency parachute: it is vital when the plane is on fire, but it is equally crucial to ensure that it works in every country where you intend to land.

To stay on the safe side, our recommendation remains unchanged: **maintain strict confidentiality until the patent application is filed**.

That said, if the "damage" has already been done, the Grace Period - within the limits provided by the various jurisdictions - can serve as an important tool to mitigate the consequences.

*Our firm is of course available to assess specific cases and provide prompt assistance should issues arise from pre-disclosure, identifying the best remedial strategies still available at both national and international level.*

## EPO - ADJUSTMENT OF OFFICIAL FEES: ADVANCE PLANNING RECOMMENDED

INTERPATENT wishes to inform its foreign associates that the **European Patent Office (EPO)** has announced an increase of several official fees relating to the European patent procedure **starting from April 1, 2026**.

The adjustment concerns, inter alia, filing, search, examination and renewal fees. As per established practice, the new fee schedule will

apply to payments made on or after the date of entry into force, while fees validly paid before that date will remain subject to the current rates.

Although the percentage increase may vary depending on the specific fee, the cumulative impact on filing programmes and portfolio management should not be underestimated.

### Practical Impact for Applicants

In view of the above, applicants considering European protection may wish to review their filing strategies.

In particular:

- European patent applications that are ready for filing may be filed before the new fees become applicable;
- Euro-PCT applications approaching the 31-month deadline may be assessed to determine whether early regional phase entry is appropriate;
- Ongoing budget forecasts for 2026 may require adjustment to reflect the revised official fees.

Timely action may result in measurable cost efficiencies, especially for clients with multiple anticipated filings.

### Our Assistance Before the EPO

INTERPATENT, through its European Patent Attorneys, is happy to represent international clients in proceedings before the EPO, including:

- direct European application filings;
- Euro-PCT regional phase entries;
- examination and prosecution;
- oppositions and appeals;
- strategic advice on European patent portfolio management.

We remain at your disposal should you wish to discuss specific cases, request updated cost estimates under the current fee schedule, or coordinate forthcoming European filings.

*For any further information, please feel free to contact our attorneys at INTERPATENT.*



The aim of this newsletter is to keep our Clients and Associates updated about developments in the sector of Intellectual Property in general and our firm in particular. In this way, we wish to provide a broader view of the tools that the field of trade marks, domain names, patents, designs and related rights offers to entrepreneurs to enhance and protect their efforts in researching and developing new solutions and ideas.



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