

## **Report to Task and Finish Review on The 2012 Games – Is Buckinghamshire Ready?**

**Title:** Trading Standards Response to 2012 Games

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***\*\* This template should be used to provide the key information for members. Detailed information may be provided in appendices but must be referenced and set in context in the main report. \*\****

### **Background**

1. The Trading Standards service has a statutory duty to enforce a variety of legislation much of which has some relevance in relation to the increased commercial activities associated with major national events such as the Olympics and particularly when part of the event occurs in Buckinghamshire.
2. The main concern in relation to the Eton Dorney event is the protection of trademarks and combating counterfeiting and associated breaches of legislation such as the Trade Marks Act 1994. In addition to generic legislation of this type there is additional legislation protecting marks specifically associated with the Olympic Games and further legislation associated with each Games site for the 2012 Games.
3. The financial viability of the Games relies on sponsorship. The commercial interests of sponsors in part rely on the protection of their market through brand protection. The Olympic organisers have stated 'The London 2012 brand is our most valuable asset and we must protect its value to ensure we can fund the staging of the Games in 2012'. The reputation of the 2012 Games therefore relies on the country's ability to provide brand protection for the commercial interests of the Games sponsors and the Olympic organisation.



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## **Summary**

The main issues for Trading Standards are:-

### **‘Anti-Counterfeiting’**

4. Providing protection from breaches of the legislation for the relevant parties as follows :-
5. Protection from counterfeiting for sponsors having the legal right to use their brand in association with the protected 2012 Olympic names, symbols and marks e.g. a counterfeit Adidas (a sponsor) T shirt with a 2012 symbol.
6. Protection of the Olympic organisation and of sponsors’ commercial interests from the misuse by others of the 2012 Olympic names, symbols and marks, including such misuse whether deliberate or inadvertent by otherwise legitimate businesses and enterprises e.g. A non branded or a non sponsor branded T shirt with a 2012 symbol.
7. Protection from ‘ambush’ marketing. Ambush marketing includes a non sponsor business carrying out promotional activity in the event ‘zone’, usually with the intention of it being caught by the world’s media. Legislation restricts marketing activities in the zone to sponsors e.g. a non sponsor drinks company arranging for 100 spectators in the stands to be dressed in T shirts bearing their name.
8. Maintain a level of general protection from counterfeiting activities for any trademark holder who may legally promote and sell their products during the 2012 Games whether a sponsor or not e.g. the counterfeiting of any branded goods.

### **Other enforcement activities**

9. Ticket Touting – the illegal resale of genuine Olympic tickets, at the event or beforehand.
10. Olympic Scams – ticket sale frauds, travel and accommodation frauds etc.
11. Food Standards – Trading Standards has a role in ensuring the quality of food. Major event such as Eton Dorney will create an additional market for existing businesses and for other businesses such as caterers to operate in and around the area for the duration of the event.
12. Much of the ‘other enforcement activities’ will occur in the period from now until the games themselves and are irrespective of Buckinghamshire being a host authority. In many respects this is representative of the normal day to day work of the service, although enhanced due to the staging of the Olympics in the UK. During the events these other enforcement activities can be carried out alongside the anti-counterfeiting operations.

### **Other Locations, Events and the period in the run up to the Games**

13. In addition to activities at Eton Dorney and in general in the run up to the games some operational activity will be considered for:-

The torch relays through Buckinghamshire

Parallel and associated events (official and unofficial)

## **The Importance of Protecting the Olympic Brand**

14. The 2012 Olympic Games are said to be worth up to £8bn to the UK economy. The target for sponsorship is valued at £2bn without which the Games would either not be possible or would not be possible unless paid for by the host nation. In bidding for the Games the UK undertook to protect the image and reputation of the Olympics and the Olympic organisation and the commercial interests of the sponsors and legitimate businesses associated with the Games.
15. The reputation of Buckinghamshire and other host authorities depends on our ability to provide the protections required for the Olympic movement, its partners and sponsors and the thousands of spectators that will attend the Games and the billions that watch across the world. A major ambush marketing success will go down in history as was the case of the Bavaria beer ambush at the World Cup 2010 in South Africa.

## **Operational Activity**

16. By far the most significant element of additional work is that required at the 20 days of games at Eton Dorney and the most significant aspect of this is the anti-counterfeiting operation.
17. Buckinghamshire's Trading Standards service has significant experience in anti counterfeiting work including experience at large events such as the British Grand Prix at Silverstone, which on a day by day basis is a much larger event than Eton Dorney.
18. At present any intelligence regarding the likely level of counterfeiting at the event is at best sketchy. However experience has shown that any large event such as this with large crowd sizes and repeated over 20 days will attract a criminal element of counterfeiters. The question is how large will this problem when simultaneous and often larger events will be occurring across London and the South of England.
19. We are presently planning to devote sufficient resources throughout the event days and particularly on medal winning event days to ensure we can combat any reasonably anticipated level of counterfeiting activity.
20. Regarding ambush marketing, the prohibition 'event zone' at Eton Dorney is quite restricted compared to that of the London events. It is shown on the map (see appendix 1) and encompasses the lake, surrounding grounds, spectator stands and a number of fields north of the lake, the river Thames alongside the event arena and Royal Windsor Racecourse in the Royal Borough of Windsor and Maidenhead.
21. We have been asked by the Olympic Delivery Authority (ODA) to contribute an officer to a team targeting ambush marketing in the zone, funded by the ODA and supported by Games officials. The officer will be in addition to that which we will provide for general anti-counterfeiting activity. In principle we have agreed to provide this resource subject to negotiations on the detail.
22. Regarding ticket touting, the police have been targeting ticket touting gangs in preparation for the Olympics and had indicated that this would be their territory during the event. However more recent indications are that they will not be able to devote resources to this at the events and that it will fall to Trading Standards. It is an area of work where we will have to develop our approach over the coming year. However as with anti-counterfeiting activities there does come a point where Trading Standards are unable to act without police support e.g. breach of the peace and threats of harm etc. In general with regard to the Olympics, police support to Trading Standards has been

assured subject of course to other operational demands. At a local level liaison has and will continue to take place with Thames Valley Police.

23. We are working in partnership with both the Royal Borough of Windsor and Maidenhead as the co-host Trading Standards service and Slough Borough Trading Standards who will have a significant role to play along the transport routes and hubs. We are also involved in a wider regulatory services planning and coordination group with those authorities and South Bucks District Council. Along with other service areas we maintain an issues log as part of that group (the content of which is reflected in this paper).
24. Consideration is being given to cross border and cross authority authorisation to enable officers from one service to act and respond in assistance to others. A national review of Trading Standards officer powers and authorisations (not Olympic Games related) is considering whether officers should be authorised across all of England and Wales and this may be acted upon before the Olympics. Officers already have limited authorisation and powers to act outside their local authority area.
25. We also have contact with other Trading Standards Services across the South East should additional resources be required, although this is not anticipated at present.
26. The ODA has taken the step with regard to the London event sites of inviting Trading Standards services across London, the South East and East of England to provide staff to supplement those being made available by the London Boroughs where events are taking place. A similar move could be made in relation to the out of London sites including Eton Dorney. However I do not anticipate that this will be necessary.
27. We plan to provide officers involved with any additional or refresher training as may be required and to carry out site familiarisation before the event. The ODA will provide training for the officers operating inside the zone.
28. Logistical support is also under consideration such as vehicles, means of travel on site during the event, interview facilities for defendants, secure storage for seized goods etc.
29. Normally during events such as this Trading Standards are supported by brand owners and brand protection agencies to assist with identification of counterfeit products, answer issues around parallel and grey imports and their status and provide some logistics. Whilst we would expect this during the Games we are conscious that they will be in demand from all event sites.

## **Resource Implications**

30. As indicated above the current plan is to provide an operational capacity at all event days of both the Olympic Games and the Paralympic Games.
31. The resource implications for the operations at the Games for both anti-counterfeiting and other activities are estimated to be £20,000 - £25,000 or equivalent to approximately 100 officer days which represents approximately 2.5% of the services annual operational resources.
32. There is the potential for additional resources to be required to carry out follow up investigations where counterfeiting is detected and full criminal investigations are launched.
33. At present there does not appear to be any external funding available to meet this pressure.

34. The commitment of this resource over 20 days for the Service is a significant concentration of resources in a short period of time. Staff have been told not to expect to be able to take leave during the Games period and other significant operational activities are not to be planned for that period.
35. One of the issues with Eton Dorney is that travel times are a significant element relative to the operational time and it is not certain how this might translate into the need for additional shifts of officers on some event days.
36. The funding from the ODA for an officer to operate within the zone, whilst still subject to negotiation, may not fully compensate for the cost.
37. We would estimate that by the time of the event approximately 50 hours of Trading Standards officer time will have been spent in meetings, briefings and preparing various reports (excluding training).
38. Responding to Olympic associated enforcement issues during the year in the run up to the events will form part of the normal day to day work of the Service.
39. If the pressure is met from within existing Trading Standards resources it will mean that a wide range of Trading Standards activities will be reduced by an equivalent level of resource (Salami Slicing) e.g. fewer residents will be provided with help and assistance with consumer issues, fewer rogue traders may be tackled or if so less robustly, fewer unfair trading practices will be addressed.

## **Next Steps**

40. The resource pressure will feature in the next round of the Medium Term Planning process and it is currently intended that the cost of this commitment will be met from within Trading Standards or the wider Localities and Safer Communities service group.
41. Were this a 'normal' major entertainment event Trading Standards operational detail would not usually be finalised until the period of 3 months before the event. Our detailed planning must follow that of others e.g. transportation, site logistics etc.
42. Over the coming months as more ODA attention with respect to Trading Standards activity is focused outside of London we will establish with more confidence the level of anti-counterfeiting work required in relation to the whole Eton Dorney event, including the transport routes and hubs.
43. The risks to the project are mitigated by the Trading Standards network of authorities directly associated with Eton Dorney, the wider Trading Standards South East network and the ODA's commitment to bring in resources from a wider area if required for policing the zone.
44. At this stage we would consider the status of Trading Standards planning for the Olympics to be Green.