

# A border task of Olympic proportions

By Chris Schofield

*What have dolls and drawstring bags, shirts and spoons got to do with the Sydney 2000 Olympic Games? Plenty ... and they're keeping Customs officers busy across the country in the build-up to the biggest single sporting event to be staged in Australia.*

Our international airports and ports are not just preparing for the expected influx of people and goods associated with the Olympics. There is another significant issue: protection of trademark and copyright entitlements, known as 'intellectual property rights', of those involved with the Games. 'Intellectual property rights' is an often-misunderstood term. In this case, it refers to Customs preventing the importation of counterfeit merchandise bearing official Sydney 2000 Olympic Games logos, words and markings.

As soon as International Olympic Committee President Juan Antonio Samaranch declared, back in 1993, that Sydney was the location for the 2000 Games Customs began planning to deal with Olympic-related issues.

Consultations were initiated shortly after the Sydney Organising Committee for the Olympic Games (SOCOG) and the Sydney Paralympic Organising Committee (SPOC) were up and running.

From knowledge gained at previous Olympics, particularly at the last ones in Atlanta in the United States in 1996 and in Barcelona in Spain in 1992, Sydney Games organisers were well aware of the financial threat posed by fake imports. Although various pieces of legislation protecting intellectual property rights were on the statute book, these measures were not considered sufficient or specific enough to deal with the special circumstances surrounding the 2000 Olympics. So a new law was enacted through the Federal Parliament in 1996. Called

the *Sydney 2000 Games (Indicia and Images) Protection Act*, it is aimed at protecting the interests of the owners and licensed users of Sydney Games indicia and images. The legislation has a sunset clause and ceases on 31 December this year.

The Act provides for Games organisers to use, and license others to use, the Sydney Olympic logos and markings for commercial purposes. It also enables Customs to protect these indicia and images such as the mascots—Syd, Millie, Ollie and Lizzie—and even the Olympic Torch. Without this legislative protection, the revenue return to the Games organisers would be eroded and the value to licensed operators would be reduced. Preserving the revenue raised from licensing marketing rights has always been fundamental to achieving a good

budget outcome to assist in offsetting the high cost of mounting the Olympics.

Once products began to be licensed, Customs officers were on the lookout for unlicensed imports. It did not take long for the first illegal cargo to arrive. Among the early interceptions was a sample shipment of children's dolls from China that landed in South Australia, proving the point that it is not only Sydney where such merchandise can be expected to turn up. Printed on the dolls' clothing were the distinctive Olympic rings logo and the number '2000'. As both markings used together infringed the Games intellectual property rights, Customs seized the dolls, pending an official objection being lodged by SOCOG. In this case, the importer agreed to forfeit the goods so no further legal action was necessary.

While the dolls' seizure was small, it was a timely message to other

potentially unscrupulous importers, wholesalers and retailers that Customs will remain vigilant in the lead-up to the Games. Customs interceptions continue at a steady pace with most occurring, predictably, at Sydney. The Customs section designated to ensure that Olympic intellectual property rights are upheld is the Commerce Prohibitions and Restrictions Group. To date, officers in the group have been responsible for seizing in excess of 25,000 items.

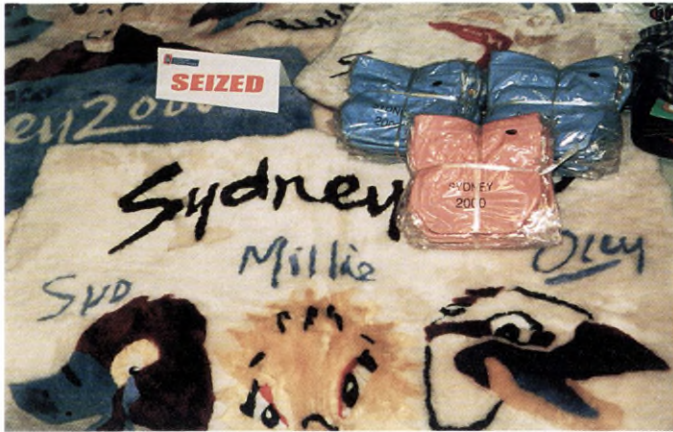
Customs does not have the power to initiate court action against rogue operators—its role is to advise the intellectual property holder, SOCOG or SPOC, of the detection. It is up to them to decide whether to pursue the matter through the courts. The courts determine the outcome, issuing such damages as they see fit and perhaps order the destruction of the offending goods. As in the case of the dolls, the importer may

choose to forfeit the goods before any court action is started.

Customs Minister Amanda Vanstone has a keen interest in the various Olympic seizures made by Customs officers. When the Minister showed off a sample collection of seized goods to the national and international media in Sydney in February, she warned that Customs was ready to deal with any unscrupulous merchants who tried to cash in illegally on the event. If any importers were considering bringing in fake and unlicensed merchandise which breached Olympic legislation, she said, they should be aware that their goods would be seized at substantial financial loss to them. The Minister pointed out that the policing role carried out by Customs was an example of the strong support being made by Federal Government agencies to ensure that the Sydney Games would be an outstanding success.



*The Minister for Justice and Customs, Senator Amanda Vanstone, examines counterfeit Sydney Olympic goods.*



The Customs effort also earned the praise of SOCOG. In acknowledging Customs intervention, its Brand Protection Manager, Catherine McGill, said vigilance against brand piracy was essential to protect the major financial investments of SOCOG's licensed product manufacturers and sponsors.

It is a united approach. While Customs is responsible for detecting fake goods at the border, SOCOG polices infringements concerning goods made in Australia.

The commitment by Customs to enhance the ability of officers to detect illegal products comes from a

coordinated training strategy, not just aimed at the key Commerce Prohibitions and Restrictions Group officers.

Specially designed awareness training is conducted regularly at all regional centres. In addition, Customs seeks to enlist the help of members of the Frontline program (in which industry reports any Customs-related illegal activities that it comes across). As well as acting on information received, Customs uses risk management profiling to look at

potentially illegal shipments. This continues to produce significant results.

The experience in Atlanta suggests the greatest risk of counterfeit imports is in the last six months before the Games so, as the event fast approaches, Customs is positioning itself well to deal with any unauthorised imports that arrive at our border.

## Examples of seized fake Olympic goods

ITEM	QUANTITY	COUNTRY OF ORIGIN
Pins	6,370	USA
Badges	3,000	Hong Kong
Watches	984	China
Beer Mugs	504	Indonesia
Soccer Balls	344	Pakistan
Caps	300	Philippines
Boys' Clothes	264	Thailand
Picture Frames	240	Taiwan
Fridge Magnets	162	Malaysia
Rugs	45	Republic of Korea

