

SUBJECT: Prohibiting the unauthorized use of Olympic symbols

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 9 ayes — Brimer, Brady, Corte, Crabb, Eiland, Giddings, Janek, Rhodes, Solomons

0 nays

WITNESSES: None

DIGEST: HB 1731 would prohibit the use, without the permission of the U.S. Olympic Committee, of certain Olympic names and symbols for the purpose of trade, to induce the sale of goods or services, or to promote theatrical exhibitions, athletic performances or competitions.

Protected matter would include:

- the symbol of the International Olympic Committee;
- the emblem of the U.S. Olympic Committee;
- a trademark, trade name, sign, symbol, or insignia that falsely represents association with or authorization by the International or U.S. Olympic Committees; or
- the words "Olympic," "Olympiad" or "Citius Altius Fortius" or a combination of these words that would tend to confuse, mislead or deceive a consumer.

Violations would be subject to remedies available to the U.S. Olympic Committee for trademark infringement under Business and Commerce Code Subchapter C, Chapter 16, which include damages and injunctive relief.

The bill would take effect September 1, 1995.

SUPPORTERS SAY: The U.S. Olympic Committee utilizes its trademarked symbols in order to facilitate funding to benefit U.S. Olympic athletes, especially since it receives no federal or state funding in its efforts. When individuals use the official U.S. Olympic Committee for their own profit, they deprive the Olympic Committee of much-needed revenue.

Black-market products using Olympic symbols without authorization sold for much less than the authentic goods are flooding the consumer market. Individuals who infringe on well-respected trademarks should be deterred with appropriate civil penalties, yet enforcement under federal trademark law can be difficult. Enactment of a specific state law would help make it easier to deter such practices by allowing state court enforcement.

OPPONENTS
SAY:

No apparent opposition