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International Olympic Committee
- The President -
Dr. Thomas Bach

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OPEN LETTER – Athletes Position in German Federal Cartel Office Proceedings (Rule 40 § 3)

Dear Dr. Bach,

in the legal proceedings of the German Federal Cartel Office "Complaint because Restriction of the (individual) Sponsoring of Athletes by the Application of Rule 40 § 3 of the Olympic Charter" the German Athlete Representatives are integrated by "Athleten Deutschland e.V.". The German Athletes Commission inside the German NOC now takes position on these issues as follows:

Athletes worldwide, with various socio-economic conditions prepare for almost a lifetime to participate at the Olympic Games. The National Olympic Committee of each country sends their Olympic Team and thus every single athlete to the Games.

The participation of each athlete depends on submitting to the rules of the International Olympic Committee (IOC), the Olympic Charter. By signing, uncontradicted, an Athletes' Agreement with their National Olympic Committee, an athlete has almost no alternative to negotiate.

With its Rule 40 §3, the Olympic Charter restricts the athletes who participate in the Olympic Games as much as possible in advertising in the period of the so-called "frozen period" together with their partners and sponsors.

By submitting to the IOC Charter and thus under Rule 40 §3, it is only marginally possible for athletes worldwide to advertise with partners and sponsors in the economically most important phase of their sporting career. This period is so important for Olympic athletes in particular because they are rather underrepresented in the media presentation in addition to football coverage.

Athletes are losing crucial advertising revenues and possible further partnerships that can contribute to securing their financial and economic situation. In addition, at the Olympic Games, the placed athletes - in contrast, for example, to World or European Championships - get no bonuses. From our point of view, Rule 40 § 3 constitutes an impermissible interference with the constitutionally guaranteed freedom of profession under German and European law and thus with the exercise of the profession as an athlete.

The IOC itself monopolizes the marketing of the Olympic Games, their terms and symbols in conjunction with the participating athletes. It guarantees its business and broadcasting partners exclusive advertising and broadcasting rights.

By signing the Athletes' Agreements of their National Olympic Committees, all Olympic Games participants will transfer essential image and personality rights to the IOC as the owner and right holder of the Olympic Games.

The IOC alone decides on the use of broadcasting rights at the Olympics. In the broadcasting rights, the image and personal rights of the athletes are passed on, without the athletes being able to give their specific consent.

With exclusive broadcasting rights and thus also the use of images at the Olympic Games, the IOC will generate revenues of USD 5.7 billion in the 2013-2016 Olympics.

Athletes worldwide participate negligibly in the marketing profits of the IOC, even though they provide their far-reaching image and personality rights.

Many athletes worldwide - even in leading industrialized countries - are balancing their preparation for the Olympic Games with a balance between sports and education. They usually do so with high economic and personal social risks.

The German Athletes Commission demands that that Olympic athletes must participate in the marketing profit of the Olympic Games. Only with this way the use of the image and personal rights can be rated as "fair" under the Olympic seal.

Athletes can and should participate. The German Athletes Commission is recommending a distribution of 25 percent of the total profit from the marketing and transmission revenues of the IOC to athletes' interests. It must be ensured that the funds go directly to the athletes.

Against the background of international doping scandals and the visible weaknesses of international anti-doping management, the German Athletes Commission demands 10% of the profits from marketing and broadcasting rights to finance an independent anti-doping management and thus an independence of the World-Anti-doping-Agency.

We have concrete proposals for both pillars - athletes and anti-doping management.

The German Athletes Commission believes that these demands will significantly contribute to a positive development of the socio-economic conditions of all athletes worldwide. In addition, anti-doping management - independent of sports - is of the highest relevance. Athletes see it as the only way to restore credibility and value creation to the international, organized sports.

The athletes expect a maximum of transparency and a complete disclosure of the marketing and transmission income as well as the use of funds by the sports organizations.

Please, do not hesitate to contact us for any further inquiries.

Yours sincerely
German Athletes Commission