

EXECUTIVE ORDER No. 51

September 23, 2004

MAYOR'S ENFORCEMENT BOARD ON OLYMPIC BRAND PROTECTION

WHEREAS, New York City is preparing for submission to the International Olympic Committee a candidature to host the 2012 Olympic and Paralympic Games;

WHEREAS, New York's Olympic Plan will leave an unprecedented legacy of economic and environmental revitalization, new parks, recreation facilities, and world-class amateur sports facilities; and

WHEREAS, the International Olympic Committee requires New York City to demonstrate that it will take the necessary steps, including seeking injunctive relief, to protect the economic value of Olympic sponsors by preventing illegal and misleading uses of Olympic brands, including ambush marketing and illegal street vending;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Establishment of the Enforcement Board on Olympic Brand Protection. There is hereby established the Mayor's Enforcement Board on Olympic Brand Protection (the "Board"). The Board shall be appointed by the Mayor and include the Commissioners of those City agencies with the powers to effectively reduce and sanction illegal and misleading uses of Olympic brands, including ambush marketing and illegal street vending, in order to protect the economic value of Olympic sponsors and the rights of Olympic marketing partners. The Board will be chaired by the Commissioner of Consumer Affairs and include the Corporation Counsel, the Commissioner of Buildings, the Commissioner of Parks and Recreation, the Commissioner of Sanitation, the Police Commissioner, the Commissioner of the Community Assistance Unit, the Commissioner of Small Business Services, the Criminal Justice Coordinator, and representatives of the Environmental Control Board and Office of Administrative Trials and Hearings.

§ 2. Purpose of the Enforcement Board on Olympic Brand Protection. The Board shall protect the economic value of Olympic sponsors and the rights of Olympic

marketing partners by preventing and addressing intentional and unintentional attempts to create a false or unauthorized commercial association with the Olympic Movement or the Olympic Games, including infringement of laws that protect the use of Olympic imagery and indicia.

The Board shall:

(a) focus the existing enforcement and regulatory powers of City agencies, including the authority of the:

(1) Department of Consumer Affairs to license and regulate general vendors, and to develop and disseminate appropriate written guidelines for them, with assistance from the City's Department of Small Business Services and various Business Improvement Districts ("BIDs"), to ensure full compliance;

(2) Police Department to seize goods from unlicensed vendors; remove goods from licensed vendors in prohibited spots; give summonses to unlicensed and illegal vendors; arrest sellers of counterfeit goods; move vendors when exigent circumstances warrant it; enforce vending restrictions in parks; stop the erection of illegal signs; and clear commercial advertising from the City's airspace;

(3) Department of Buildings to permit erection of signs; enforce zoning restrictions on all signs in the City; and, remove illegal signs;

(4) Department of Parks and Recreation to enforce the prohibition of signage in the parks; grant authorization for vending in the parks; and, enforce vending restrictions in the parks;

(5) Community Assistance Unit to authorize street closures for special events which can include vending;

(6) Criminal Justice Coordinator to coordinate various criminal justice agencies, including the Offices of the District Attorneys as appropriate, in enforcing all applicable criminal laws against illegal vendors;

(7) Department of Sanitation to remove illegal postings;

(8) Environmental Control Board to determine propriety of enforcement actions expeditiously;

(9) Office of Administrative Trials and Hearings to authorize the removal of illegal signs.

(b) educate the employees of New York City agencies, private advertising and media companies, and the public concerning the importance of protecting the integrity of the Olympic Movement and its ideals as embodied by the Olympic brand and through

official Olympic sponsors in the City through employee training programs, public outreach, public service announcements, and such other mechanisms as the Board shall determine;

(c) evaluate the existing mechanisms and efforts to protect the integrity of the Olympic Movement and its ideals as embodied by the Olympic brand and through official Olympic sponsors in the City, facilitate public and private organizations in their efforts to protect the Olympic brand and official Olympic sponsors, and advise the Mayor on issues relating to the effective coordination of such efforts among various entities. Such review shall include a thorough assessment of current legislation related to Olympic brand protection measures, the enforcement of existing laws, and the status of public and private efforts to protect the Olympic brand and official Olympic sponsors, while ensuring maximum coordination between, and full enforcement from, each Board member's organization. Should the Board deem additional legislation necessary, it will also oversee the drafting and seek passage of additional Olympic brand protection legislation no later than June 30, 2010. The Board shall consider including in the legislation enhancement to current law to provide:

(1) immediate injunctive relief for the use of illegal signs and illegal vending; and

(2) increased fines up to Two Hundred Fifty Thousand Dollars (\$250,000) per day for thirty (30) days before the Olympic Games and during the course of the Games on all outdoor sign companies, property owners, advertisers and sign hangers who violate the zoning resolution and other applicable laws with regard to signage, participate in the hanging of illegal signs, or otherwise violate the laws protecting Olympic brands and Olympic sponsors who have invested millions of dollars to promote the 2012 Olympic and Paralympic Games;

(d) seek additional opportunities for an enhanced presence and recognition of the Olympic brand and official Olympic sponsors consistent with the Olympic ideals during the 2012 Olympic and Paralympic Games;

(e) establish a special City hotline to report the illegal use of Olympic brands and counterfeit merchandise;

(f) recruit and train "Auxiliary Olympic Brand Enforcement Agents" who will monitor certain routes and areas to detect and discourage illegal use of Olympic brands;

(g) devise other mechanisms to recruit, train and assist volunteer groups in discouraging illegal use of Olympic brands; to detect, monitor and support the on-going efforts of volunteer groups to discourage illegal use of Olympic brands; provide such guidance to volunteer groups as may be helpful, and recommend to the Mayor ways in which the efforts of these groups can be further encouraged, assisted and expanded;

(h) work with the Department of Buildings and private parties to remove illegal signs; deputize, train and mobilize small teams from City agencies and Business Improvement Districts to identify and take appropriate action against signs that use the Olympic brands in an illegal or misleading manner;

(i) work with the Police Department to build upon the precedents created by the Times Square New Year's Eve celebration and other large celebrations to create vendor-free zones surrounding the Olympic venues during the 2012 Olympic and Paralympic Games;

(j) coordinate with the Police Department, the Department of Parks and Recreation and the Community Assistance Unit Street Activity Permit Office to allow official Olympic vending kiosks in and around the venues;

(k) work with the Federal Aviation Administration to ensure that in keeping with the National Security Special Event status that the United States government is expected to grant to the Olympic Games, New York City's airspace is restricted such that planes, helicopters, blimps, and dirigibles used for advertising purposes are prohibited;

(l) work closely with the International Olympic Committee and the United States Olympic Committee to ensure protection from ambush marketing for all international and domestic Olympic sponsors; and

(m) partner with the United States Olympic Committee to support its mission under United States law to protect the Olympic marks.

§ 3. Powers of the Enforcement Board on Olympic Brand Protection. In carrying out its mandate, the Board is authorized to:

(a) consult with:

(1) Federal, state, and local elected and other government officials,

(2) experts, civic associations,

(3) community groups,

(4) community boards, and

(5) others as it deems appropriate in order to carry out its missions as set forth in this Executive Order;

(b) hold public hearings and obtain all information and data necessary to fulfill the purposes identified by Section 2 of this Order;

(c) submit an action plan to the Mayor in 2009, and thereafter provide regular updates every six months leading up to the Games; and

(d) appoint an Advisory Committee including representatives from the outdoor advertising companies who have entered into option contracts to make their signage available to Olympic sponsors, Sheet Metal Workers International Association (Local 137 representing the employees of licensed sign hangers), the Real Estate Board of New York, Chambers of Commerce, major advertising agencies, the International Olympic Committee, the United States Olympic Committee, and the New York Organizing Committee for the Olympic Games.

§ 4. Agency Assistance and Cooperation. All City agencies shall cooperate in providing to the Board such personnel, facilities, information and other assistance as are necessary and required by the Board to carry out its responsibilities.

§ 5. Effective Date. This Order shall take effect immediately.

Michael R. Bloomberg
Mayor