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OLYMPIC AND PARALYMPIC MARKS BILL

Second Reading of Bill C-47

Speech by:

The Honourable Larry W. Campbell

Tuesday, June 19, 2007

THE SENATE

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OLYMPIC AND PARALYMPIC MARKS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Tkachuk, for the second reading of Bill C-47, respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trademarks Act.

Hon. Larry W. Campbell: Honourable senators, I speak today with reference to Bill C-47. I will be relatively brief, as I believe that the government minister yesterday explained the bill in great detail.

This bill makes the will of Parliament clear on the protections and legal remedies that the Vancouver Organizing Committee, or VANOC, should have. It waives the onus on VANOC to prove the most difficult part of the trademark legal test — that of proving irreparable harm. This will allow VANOC to react quickly and effectively stop illicit use of this brand.

This bill is in line with the strengthened legal provisions given to the Olympic Games by Australia, the United States, Greece and Italy. It is limited to commercial uses and will not affect the non-profit community at all. It will help to address any potential Olympic cost overruns by allowing VANOC to raise a significant amount of money from sponsorship, partnership and licences. It is interesting to note that approximately 40 per cent of the revenues for VANOC will come from these sources.

This bill allows clear exemptions for freedom of speech, freedom of expression and freedom of commentary. It exempts artistic creations, news, criticism and parody from the restrictions. It allows legitimate use of the Olympic or Paralympic mark words in a business context. Businesses will be able to use geographic names to describe their market or explain their services, for example, addresses such as 2010 Olympic Avenue or similar. Athletes with sponsors other than official Olympic Game sponsors maintain their relationships with these sponsors. Anyone who adopted or used an Olympic mark prior to March 2, 2007, will be able to continue using the mark for the same purpose and will not have to change the name of the business.

Honourable senators, this is an important bill for the Olympics, for Vancouver, for British Columbia and for Canada. I urge your support.
