



Little Athletics Australia (LAA) Internal Website and Social Media Guidelines

23 July 2024 (Updated 31 July 2024)

Internal Website and Social Media Guidelines

1 Introduction

1.1 Overview

This document sets out guidelines to mitigate the risk of Little Athletics Australia Limited (**LAA**) under Australian law:

- (a) infringing the copyright or moral rights of other persons;
- (b) infringing the trade mark rights of other persons,
- (c) engaging in passing off, misleading or deceptive conduct, or false or misleading representations;
- (d) contravening restrictions on the use of protected Olympic expressions; and
- (e) violating the privacy of individuals,

in the online materials that are controlled or operated by LAA, including social media posts (such as on Facebook) and websites (such as the website at LittleAthletics.com.au).

Each State & Territory Member of LAA, and each Affiliated Centre and Affiliated Club of each State & Territory Member, should comply with these guidelines as if it were LAA. The terms 'State & Territory Member', 'Affiliated Centre' and 'Affiliated Club' are defined in the Constitution of LAA adopted on 20 September 2018, as amended from time to time by LAA.

1.2 Important note

Nothing in these guidelines constitutes legal advice.

It is important to remember that the law is nuanced, and complying with these guidelines will not necessarily guarantee compliance with the law. Each scenario needs to be considered on its own merits and facts, and these guidelines are a starting point rather than tailored advice for all scenarios. If you are unsure how to apply these guidelines in any particular scenario:

- (a) if you work for LAA, you should seek guidance from the LAA CEO or LAA Legal & Integrity Manager;
- (b) if you do not work for LAA, you should seek guidance from the Management of the organisation for whom you are working; and
- (c) if you are an organisation other than LAA, you should seek independent legal advice.

2 Copyright and Moral Rights


Under Australian law, copyright protects a wide range of materials, including written text, artworks, graphics, logos, music, photographs and videos. The copyright owner has the exclusive right to deal with those materials in certain ways, such as by reproducing and electronically communicating the materials or a substantial part of the materials. If another person exercises any of those exclusive rights, without the permission of the copyright owner or the benefit of a statutory defence, that conduct is likely to constitute copyright infringement. The identity of the copyright owner will not always be clear, and it will not always be the person who created the materials.

Irrespective of copyright ownership, the creator of copyright materials owns moral rights in the materials under Australian law, which are: (a) the right to be attributed as the creator of the material; (b) the right not to have somebody else falsely attributed as the creator of the material; and (c) the right not to have the material subjected to derogatory treatment, such as material distortion, mutilation or alteration, or anything else that is prejudicial to the honour of the creator. Therefore, displaying copyright materials in certain ways might also constitute moral rights infringement.

The above applies even if the material is publicly available on the internet.

Generally speaking, copyright expires 70 years after the death of the creator of the copyright material. However, there are some exceptions. In some cases, it may be clear that copyright has expired and the material is free to use. For example, a painting by Vincent van Gough, who died in 1890. In other cases, whether copyright has expired will be less clear.

Do	Do not
Where possible, use photographs taken by employees of LAA in the course of their employment.	Use materials from Getty Images, or other stock image libraries, without paying the licence fee and complying with the other Terms of Use that accompany the materials.
Where you want to use materials from another source, obtain the permission from the copyright owner to do so. (If you cannot identify the copyright owner, you should err on the side of caution and refrain from using the materials.)	Copy materials, or parts of materials, from other sources without obtaining permission from the copyright owner to do so. For example, do not reproduce photographs that have been posted by Athletics Australia or any other third party without permission from the copyright owner. (If you cannot identify the copyright owner, you should err on the side of caution and refrain from using the materials.)

<p>Credit the creator of the materials in close proximity to the materials. For example, under a photograph: 'Photographer: John Smith'</p>	<p>Share or repost social media content that contains any copyright materials without obtaining permission from the copyright owner to do so.</p>
	<p>Distort or alter materials, or use materials in controversial contexts, without obtaining permission from the creator of the materials. (If you cannot identify the creator, you should err on the side of caution and refrain from using the materials.)</p>
	<p>Credit somebody who is not the creator of the materials. For example, do not state in close proximity to a photograph taken by John Smith: 'Photographer: Myles Foreman'</p>
	<p>Use images that contain logos without permission from the logo owner to do so. For example:</p> <div style="text-align: center;">  </div> <p>This applies even if the logo is not the focus of the image. For example, a photograph of an athlete who is wearing a uniform bearing the logo.</p>
	<p>Photoshop, digitally remove or otherwise amend images in order to remove, cover up or disguise logos.</p>


3 Trade Marks

Under Australian law, trade marks are brands, or badges of origin, which distinguish the goods and services of one trader from those of another. Trade mark registrations last for 10 years, but they can be renewed indefinitely. Therefore, trade mark registrations can last forever, as long as the owner continues to pay the renewal fees.

Trade marks are most commonly business names (such as LITTLE ATHLETICS), stylised logos (the as the Little Athletics 'running man' logo) or slogans (such as BE YOUR BEST). However, they can be anything that distinguishes the goods and services of a trader from those of other traders, including colours, scents and sounds. Certain Olympic and Paralympic insignia, such as the Olympic rings and words and phrases such as PARALYMPIC and PARIS 2024, are registered as trade marks. Trade marks are registered in respect of certain classes of goods or services, rather than the entire market.

Generally speaking, a person infringes a registered trade mark by using, as a trade mark, a sign that is substantially identical with or deceptively similar to the registered trade mark, in relation to the same or similar goods or services in respect of which the trade mark is registered.

Do	Do not
<p>Use a third party trade mark in a way that is descriptive. For example, it might not be an infringement of the trade mark JUST DO IT to say: 'For anybody thinking about joining Little Athletics, we encourage you to just do it!'</p>	<p>Use a third party trade mark in a way that consumer might recognise as a brand, tagline or slogan. For example, by using the trade mark in a prominent way, such as:</p> <ul style="list-style-type: none"> • in a headline; • in a breakout; • in capital letters: 'For anybody thinking about joining Little Athletics, we encourage you to JUST DO IT!' • in quotation marks: 'For anybody thinking about joining Little Athletics, we encourage you to "just do it"!' • in bold, underlining and/or italics: 'For anybody thinking about joining Little Athletics, we encourage you to <i>just do it!</i>' or • with a hashtag: 'For anybody thinking about joining Little Athletics, we encourage you to #JustDoIt'.


Do	Do not
<p>Use a third party word mark as a means of identifying that third party. For example: 'Many young athletes grow up to join clubs affiliated with Athletics Australia.'</p>	<p>Use a third party logo, unless you have permission from that third party to do so. That includes on images of athlete uniforms. For example:</p> 
	<p>Photoshop, digitally remove or otherwise amend images in order to remove, cover up or disguise trade marks.</p>

4 **Passing Off, Misleading or Deceptive Conduct, and False or Misleading Representations**

Broadly under Australian law, a trader engages in passing off when they misrepresent that they (or their goods or services) have some sort of association or affiliation with another trader (or its goods or services).

Section 18 of the Australian Consumer Law prohibits a person from engaging, in trade or commerce, in conduct that is misleading or deceptive or is likely to mislead or deceive.

Section 29 of the Australian Consumer Law prohibits a person from making, in trade or commerce, various types of specific false or misleading representations, such as misrepresentations that the person or its products or services have certain sponsorships, approvals or affiliations.

Do	Do not
	Make any representations that are incorrect, inaccurate or untrue in any way.
	Make any claims or other representations that cannot be substantiated.
	<p>Apply an LAA logo to images or footage of the athletes, uniforms or events of another organisation (such as Athletics Australia), or otherwise falsely suggest sponsorship or endorsement of or by, or approval or affiliation with, another organisation. For example:</p> 

5 Protected Olympic Expressions

The *Olympic Insignia Protection Act 1987* (Cth) (**OIPA**) provides that a person must not use a 'protected Olympic expression' for 'commercial purposes' without a licence. The protected Olympic expressions are OLYMPIC, OLYMPICS, OLYMPIC GAMES, OLYMPIAD and OLYMPIADS (but not OLYMPIAN or OLYMPIANS). A person will be using a protected Olympic expression for a commercial purpose if:

- (a) the person causes a protected Olympic expression to be applied to their goods or services;
- (b) the application is for advertising or promotional purposes, or is likely to enhance the demand for the goods or services; and
- (c) the application would, to a reasonable person, suggest that the person using the protected Olympic expression is or was a sponsor of, or the provider of sponsorship support for, the Australian Olympic Committee, the International Olympic Committee, a Summer of Winter Olympic Games or its organising committee, or an Australian Olympic team or individual member or section of an Australian Olympic team.

Do	Do not
<p>If you think use of a protected Olympic expression is permitted under the OIPA, consider whether the use might still infringe copyright (see section 2 above), a registered trade mark (see section 3 above) or constitute passing off or contravene the Australian Consumer Law (section 4 above).</p>	<p>Use any protected Olympic expression in advertising or marketing materials where the use might suggest that any sponsor-like relationship exists between LAA, a State & Territory Member, an Affiliated Centre or an Affiliated Club on one hand, and the Olympic Games, Olympic institutions or athletes on the other hand.</p> <p>The follow are examples of something that might suggest a sponsor-like relationship:</p> <ul style="list-style-type: none"> • 'LAA is supporting Australia's Olympic efforts with our former athletes!' • 'LAA is proud to be represented by the following athletes at this year's Olympic Games...' <p>The following is an example of something that is unlikely, in and of itself, to suggest a sponsor-like relationship: 'Congratulations to the former Little Athletics stars who have been selected to represent Australia at the Olympic Games!'</p>

<p>If using a protected Olympic expression, consider clarifying that your organisation is not an official sponsor of the Olympics or Olympic athletes.</p>	<p>Use a protected Olympic expression as a hashtag, unless it is very clear from the post that LAA and/or your organisation is not an official sponsor of the Olympics (for example, through use of a disclaimer).</p>
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6 Privacy

Privacy law regulates the disclosure of 'personal information', which is information or an opinion that identifies an individual. Particular care should be taken when disclosing 'sensitive information', which includes any information or opinion about the racial or ethnic origin, political opinions or associations, religious or philosophical beliefs, trade union membership or associations, sexual orientation or practices, criminal record, health or genetic information, or disability of an individual.

Do	Do not
Ensure that your use of any name and/or images of individuals complies with the LAA Privacy Policy, which is currently available at https://little-athletics-australia-backup-may2023.mystagingwebsite.com/wp-content/uploads/2022/11/LAA-Policy-Privacy-Policy-2020.pdf .	Share any 'sensitive information' about an individual without consent form that individual or their parent/guardian. Particular care should be taken when posting content about athletes with disabilities, which may involve disclosure of sensitive information.

Internal Website and Social Media Guidelines – Further Examples

The purpose of this document is to provide some examples of social media content that has a lower risk of contravening the *Olympic Insignia Protection Act 1987* (Cth) (**OIPA**). It supplements, and should be read in conjunction with, the 'Little Athletics Australia (LAA) Internal Website and Social Media Guidelines' dated 23 July 2024. In particular, LAA should also keep in mind the risks of copyright infringement, moral rights infringement, trade mark infringement, passing off, contravention of the Australian Consumer Law and breach of privacy. Nothing in this document constitutes legal advice.

Promoting selection of former Little Athletics members

Example 1

We congratulate the former Little Athletics stars who have been selected to represent Australia at the Olympic Games!

[list of athlete names]

Example 2

We're cheering on the [number] former Little Athletics members who are representing Australia in Paris this year.

Referring to an event featuring a former Little Athletics member

Example 3

Tune in at 6pm tonight to see Little Athletics alumna [athlete name] represent Australia in the [event] at the Olympics.

Example 4

Congratulations to former Little Athletics star [athlete name] who won the gold medal in the Olympic [event] today!

Promoting Little Athletics programs

Example 5

At [club/centre] we encourage kids to be their best. Whether your child is a future Olympian in the making, or just looking to stay active and have fun on the weekend, there's a place for them here. Registrations are open for the Summer Track & Field season. [Link]

Example 6

Could your child be a future Olympic star? Register for the upcoming Summer Track & Field season and give them a starting chance. [link to Little Athletics registration page]

Little Athletics is not a sponsor of, and is not affiliated in any way with, the Olympics.

This example includes a disclaimer to clarify that Little Athletics is not affiliated with the Olympics. Without the disclaimer, the post may be higher risk, because it might suggest that Little Athletics programs are associated with, or feed into, Olympic training programs.