

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220503	36:374.	Sept. 21, 1950, ch. 975, title I, §104, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3046.

Before clause (1), the word "objects" is omitted as included in "purposes".

In clause (4), the word "competition" is omitted as included in "each event".

AMENDMENTS

1998—Pars. (3), (4). Pub. L. 105-277, §142(d)(1), substituted "Olympic Games, the Paralympic Games" for "Olympic Games" wherever appearing.

Par. (13). Pub. L. 105-277, §142(d)(2), added par. (13) and struck out former par. (13) which read as follows: "to encourage and provide assistance to amateur athletic programs and competition for individuals with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals; and".

§ 220504. Membership

(a) ELIGIBILITY.—Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation.

(b) REQUIRED PROVISIONS FOR REPRESENTATION.—In its constitution and bylaws, the corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of—

(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and

(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;

(3) amateur sports organizations that conduct a national program or regular national amateur athletic competition in 2 or more sports that are included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games on a level of proficiency

appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(4) individuals not affiliated or associated with any amateur sports organization who, in the corporation's judgment, represent the interests of the American public in the activities of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1467; Pub. L. 105-277, div. C, title I, §142(e), 112 Stat. 2681-603.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220504	36:376.	Sept. 21, 1950, ch. 975, title I, §106, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3048.

In subsection (a), the words "is as provided in" are substituted for "shall be determined in accordance with" for consistency in the revised title.

AMENDMENTS

1998—Subsec. (b)(1), (2). Pub. L. 105-277, §142(e)(1), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) amateur sports organizations recognized as national governing bodies under section 220521 of this title;

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years;".

Subsec. (b)(3). Pub. L. 105-277, §142(e)(2), inserted "the Paralympic Games," after "Olympic Games".

§ 220505. Powers

(a) CONSTITUTION AND BYLAWS.—The corporation shall adopt a constitution and bylaws. The corporation may amend its constitution only if the corporation—

(1) publishes, in its principal publication, a notice of the proposed amendment, including—

(A) the substantive terms of the amendment;

(B) the time and place of the corporation's regular meeting at which adoption of the amendment is to be decided; and

(C) a provision informing interested persons that they may submit materials as authorized in clause (2) of this subsection; and

(2) gives all interested persons an opportunity to submit written comments and information for at least 60 days after publication of notice of the proposed amendment and before adoption of the amendment.

(b) GENERAL CORPORATE POWERS.—The corporation may—

(1) adopt and alter a corporate seal;

(2) establish and maintain offices to conduct the affairs of the corporation;

(3) make contracts;

(4) accept gifts, legacies, and devise in furtherance of its corporate purposes;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) publish a magazine, newspaper, and other publications consistent with its corporate purposes;

(8) approve and revoke membership in the corporation;

(9) sue and be sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this chapter shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and

(10) do any other act necessary and proper to carry out the purposes of the corporation.

(c) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—The corporation may—

(1) serve as the coordinating body for amateur athletic activity in the United States directly related to international amateur athletic competition;

(2) represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization and as its national Paralympic committee in relations with the International Paralympic Committee;

(3) organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games, the Paralympic Games, and the Pan-American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;

(4) recognize eligible amateur sports organizations as national governing bodies for any sport that is included on the program of the Olympic Games or the Pan-American Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;

(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes that involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and that arise in connection with their eligibility for and participation in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, the Pan-American world championship competition, or other protected competition as defined in the constitution and by-laws of the corporation; and

(6) provide financial assistance to any organization or association, except a corporation organized for profit, in furtherance of the purposes of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1468; Pub. L. 105-277, div. C, title I, §142(f), 112 Stat.

2681-604; Pub. L. 109-284, §5(15), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220505(a)	36:375(b).	Sept. 21, 1950, ch. 975, title I, §§105 (less (a) (words before cl. (1) related to perpetual succession)), 109, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3047, 3048.
220505(b)	36:375(a) (words before cl. (1) less perpetual succession), (6)-(10), (12)-(16). 36:379.	
220505(c)	36:375(a) (words before cl. (1) less perpetual succession), (1)-(5), (11).	

In subsection (a), before clause (1), the words "not inconsistent with the laws of the United States or of any State" are omitted as unnecessary. In clause (1), the word "amendment" is substituted for "alteration" for consistency. Before subclause (A), the word "general" is omitted as unnecessary. In subclause (B), the words "adoption of the amendment" are substituted for "the alteration" for clarity. In clause (2), the word "comments" is substituted for "views, or arguments" to omit unnecessary words. The words "a period of" are omitted as unnecessary.

In subsection (b), the text of 36:379 is omitted as executed and obsolete. In clause (4), the word "devises" is substituted for "devices" to use standard contemporary spelling. In clause (5), the words "acquire, own, lease, encumber, and transfer" are substituted for "acquire, hold, and dispose of" for consistency in the revised title. The words "real and personal" and "may be" are omitted as unnecessary. The words "to carry out the purposes of the corporation" are substituted for "for its corporate purposes" for consistency in the revised title. In clause (6), the words "to carry out its corporate purposes" are omitted as unnecessary and for consistency in the revised title. The words "issue instruments of indebtedness, and secure its obligations by granting security interests in its property" are substituted for "issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage" for consistency in the revised title. The words "subject in each case to the laws of the United States or of any State" are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (b)(9). Pub. L. 109-284 substituted "this chapter shall be" for "this Act shall be".

1998—Subsec. (b)(9). Pub. L. 105-277, §142(f)(1), substituted "sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this Act shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and" for "sued; and".

Subsec. (c)(2). Pub. L. 105-277, §142(f)(2)(A), substituted "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;" for "Organization".

Subsec. (c)(3). Pub. L. 105-277, §142(f)(2)(B), substituted "Games, the Paralympic Games, and" for "Games and of".

Subsec. (c)(4). Pub. L. 105-277, §142(f)(2)(C), substituted "Games, or as paralympic sports organizations

for any sport that is included on the program of the Paralympic Games;" for "Games;"

Subsec. (c)(5). Pub. L. 105-277, §142(f)(2)(D), substituted "Games, the Paralympic Games, the Pan-American Games, world championship competition," for "Games,"

§ 220506. Exclusive right to name, seals, emblems, and badges

(a) EXCLUSIVE RIGHT OF CORPORATION.—Except as provided in subsection (d) of this section, the corporation has the exclusive right to use—

(1) the name "United States Olympic Committee";

(2) the symbol of the International Olympic Committee, consisting of 5 interlocking rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;

(3) the emblem of the corporation, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief; and

(4) the words "Olympic", "Olympiad", "Citius Altius Fortius", "Paralympic", "Paralympiad", "Pan-American", "America Espirito Sport Fraternite", or any combination of those words.

(b) CONTRIBUTORS AND SUPPLIERS.—The corporation may authorize contributors and suppliers of goods or services to use the trade name of the corporation or any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan-American Sports Organization, or of the corporation to advertise that the contributions, goods, or services were donated or supplied to, or approved, selected, or used by, the corporation, the United States Olympic team, the Paralympic team, the Pan-American team, or team members.

(c) CIVIL ACTION FOR UNAUTHORIZED USE.—Except as provided in subsection (d) of this section, the corporation may file a civil action against a person for the remedies provided in the Act of July 5, 1946 (15 U.S.C. 1051 et seq.) (popularly known as the Trademark Act of 1946) if the person, without the consent of the corporation, uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition—

(1) the symbol described in subsection (a)(2) of this section;

(2) the emblem described in subsection (a)(3) of this section;

(3) the words described in subsection (a)(4) of this section, or any combination or simulation of those words tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with the corporation or any Olympic, Paralympic, or Pan-American Games activity; or

(4) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee, the International Para-

lympic Committee, the Pan-American Sports Organization, or the corporation.

(d) PRE-EXISTING AND GEOGRAPHIC REFERENCE RIGHTS.—(1) A person who actually used the emblem described in subsection (a)(3) of this section, or the words or any combination of the words described in subsection (a)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(2) A person who actually used, or whose assignor actually used, the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(3) Use of the word "Olympic" to identify a business or goods or services is permitted by this section where—

(A) such use is not combined with any of the intellectual properties referenced in subsection (a) or (c) of this section;

(B) it is evident from the circumstances that such use of the word "Olympic" refers to the naturally occurring mountains or geographical region of the same name that were named prior to February 6, 1998, and not to the corporation or any Olympic activity; and

(C) such business, goods, or services are operated, sold, and marketed in the State of Washington west of the Cascade Mountain range and operations, sales, and marketing outside of this area are not substantial.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1469; Pub. L. 105-277, div. C, title I, §142(g), 112 Stat. 2681-604; Pub. L. 109-284, §5(16), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220506(a)	36:380(c).	Sept. 21, 1950, ch. 975, title I, §110, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3048.
220506(b)	36:380(b).	
220506(c)	36:380(a) (1st sentence).	
220506(d)	36:380(a) (2d, last sentences).	

Subsection (a)(2) and (3) is substituted for "the symbol described in subsection (a)(1) of this section; the emblem described in subsection (a)(2) of this section" because of the reorganization of the section.

In subsection (b), the words "or any trademark" are substituted for "as well as any trademark" to eliminate unnecessary words. The words "furnished . . . or for the use of" are omitted as unnecessary.

In subsection (c), the words "the corporation may file a civil action against a person" are substituted for "any person . . . shall be subject to suit in a civil action by the Corporation" for clarity.

In subsection (d)(2), the words "the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section" are substituted for "any other trademark, trade name, sign, symbol, or insignia described in subsections (a)(3) and (4) of this section" for clarity.