



SURF LIFE SAVING AUSTRALIA POLICY STATEMENT INTELLECTUAL PROPERTY

POLICY NUMBER 6.1 FEB 2004

1 PURPOSE

- (a) The purpose of this policy is to protect the Intellectual Property owned by Surf Life Saving Australia Limited (SLSA) and, in particular, the red and yellow imagery associated with surf lifesaving flags, caps, uniforms and equipment ('Intellectual Property') against ambush marketing and unauthorised use, both within surf lifesaving and also by external parties for commercial gain. Unauthorised use of Intellectual Property, particularly for commercial gain, devalues that property and the image of surf lifesaving as a whole. The Intellectual Property includes all SLSA trademarks and logos.
- (b) This policy is formally issued by the Council of SLSA under Rule 24 (c) of the SLSA Constitution. The policy defines the working arrangements within SLSA for exploitation of the Intellectual Property as detailed by the SLSA policy statement on the use of the Intellectual Property adopted by the Australian Council on 12 February 2000. It is to be interpreted in accordance with the SLSA Constitution and is binding on SLSA, State Centres, Branches, Surf Clubs and all Members of SLSA. SLSA recognises that each Surf Club, Branch and State Centre has its own particular intellectual property. This Policy does not confer on SLSA any rights of ownership, use or control in respect of any intellectual property owned by or licensed to a Surf Club, Branch or State Centre.
- (c) SLSA has successfully demonstrated that a united approach to protecting and exploiting the surf lifesaving imagery provides the movement with a unique opportunity to influence public perceptions of surf lifesaving and generate significant financial and in-kind support for surf lifesaving activities and programs across the entire country.

2 SURF LIFESAVING INTELLECTUAL PROPERTY

- (a) SLSA has developed considerable goodwill and value in the Intellectual Property. The Intellectual Property includes all SLSA trademarks and logos.
- (b) SLSA acknowledges (but also wishes to demonstrate) the importance of the Intellectual Property. The red and yellow surf lifesaving imagery is a readily identifiable feature of the surf lifesaving movement and the valuable community service it provides around Australia. The imagery is an integral

component of the surf lifesaving movement and presents a positive picture to the community and the nation at large.

- (c) The surf lifesaving imagery includes the red and yellow surf life saving caps and the red and yellow flags marking patrolled areas on the beach. The distinctive red and yellow surf lifesaving patrol uniforms and rescue equipment also form part of the valuable surf lifesaving imagery.
- (d) SLSA has taken many steps towards protecting the Intellectual Property, including trade mark registration, copyright and enforcement action against third parties using the Intellectual Property without SLSA's consent.
- (e) Ongoing protection of the Intellectual Property will ensure that community, public and corporate perception of surf lifesaving remains positive whilst providing a basis for SLSA to secure much needed revenue to support lifesaving initiatives at all levels.
- (f) It is in the interests of all surf lifesaving organisations seeking to use the Intellectual Property to abide by the following SLSA protocols. Surf Clubs, Branches and State Centres must apply and adhere to the following conditions when dealing with the Intellectual Property and should also consider applying similar principles to the development, protection and exploitation of their own respective intellectual property.

3 SLSA'S POLICY FOR USE OF THE INTELLECTUAL PROPERTY

3.1 General Principles

- (a) No Intellectual Property shall be used to sell, promote, endorse or approve any product or service without prior written authorisation from SLSA. Subject to this Policy, in the case of the proper use or exploitation of the Intellectual Property by a State Centre, SLSA shall not unreasonably withhold or delay its consent, but in all other cases SLSA may withhold its consent without cause or reason.
- (b) The Intellectual Property must be portrayed in a positive light.
- (c) Surf lifesaving must be depicted accurately and fairly at all times.
- (d) The Intellectual Property must not be varied or amended in any manner without the prior written consent of SLSA. In this sense:
 - (i) no names or logos shall appear on or be attached to the red and yellow flags;
 - (ii) no names or logos shall appear on the red and yellow cap;

- (iii) sponsorship recognition on patrol uniforms may only be done in accordance with the SLSA Patrol Uniform Policy No. 1.5 and in accordance with the directions of SLSA or a State Centre; and
- (iv) surf lifesaving equipment must at all times conform with SLSA standards and specifications, particularly in regard to the colour, size and nature of wording appearing on such equipment.
- (e) The right to use the Intellectual Property must not be granted to any sponsor or third party otherwise than in accordance with this policy.
- (f) SLSA recognises that difficulties may arise with conflicting sponsors across local, state and national boundaries but these difficulties should be minimised and managed through open consultation between all relevant parties.

3.2 SLSA

- (a) SLSA holds the Intellectual Property, and is responsible for managing and controlling the use of the Intellectual Property, on behalf of the surf lifesaving movement as a whole. As the owner of the Intellectual Property, SLSA has the exclusive legal right to use, license and/or sell the Intellectual Property.
- (b) SLSA has sought to adopt a consistent approach in respect of this use with national sponsors and in respect of issues which may arise from time to time.
- (c) Where SLSA wishes to use or exploit the Intellectual Property nationally (across State boundaries) it will consult with each State Centre in respect of that proposed use to ensure there is no conflict with existing State sponsors or suppliers. Any monies raised as part of a national sponsorship will be distributed as per the sponsorship agreement. Any monies generated from a proposal (other than a sponsorship) submitted by SLSA will be distributed as follows, (subject to any variation by the Board of Management):
 - (i) ninety per cent (90%) of all monies will be distributed to State Centre(s) on a pro rata basis calculated on the number of surf life saving clubs in the relevant States; and
 - (ii) the remaining ten per cent (10%) will be retained by SLSA.

3.3 State Centres and any other Affiliates

- (a) Subject to the SLSA Constitution and this policy, and in consideration of each State Centre/any other Affiliates agreeing to abide by this policy, SLSA grants to each of the State Centres/any other Affiliates a royalty free perpetual licence to:
 - (i) promote the Intellectual Property within its respective State (including the right to sub licence that right); and
 - (ii) use or display the Intellectual Property on its web site (even though the reach of this web site may transcend state and national borders), in accordance with this policy.
- (b) Where a State Centre/any other Affiliates wishes to use or exploit the Intellectual Property outside its State (that is across State boundaries excluding the use or display on that State Centre's website) it must submit the proposed use to the CEO of SLSA for consideration and approval.
- (c) The CEO of SLSA will respond to the relevant State Centre/any other Affiliates within 30 days of receiving the proposal. Within that 30 day period the CEO of SLSA will consult with all other State Centres/any other Affiliates in respect of the proposal to ensure there is no conflict with existing State sponsors or suppliers.
- (d) The CEO of SLSA, in respect to any proposal submitted under this paragraph, can approve unconditionally or approve conditionally or reject any proposal so submitted. State Centres/any other Affiliates acknowledge and agree to the CEO exercising this discretion.
- (e) Where a proposal is approved (either conditionally or unconditionally) the State Centre/any other Affiliates will be authorised to enter into a licence on behalf of SLSA with relevant third parties in the proposal in respect to the use of the relevant Intellectual Property by those third parties.
- (f) Any monies generated from a proposal submitted by a State Centre/any other Affiliates will be distributed as follows (these proposals cover both sponsorships and advertising unrelated to sponsorships):
 - (i) fifty per cent (50%) of all monies will be retained by the State Centre(s)/any other Affiliates which submitted the proposal.
 - (ii) the remaining fifty per cent (50%) will be returned to SLSA for distribution amongst itself and the other State Centres/any other Affiliates in accordance with clause 3.2(c).
 - (iii) distribution to the State Centres/any other Affiliates will be on a pro rata basis calculated on the number of surf life saving clubs in the relevant States.

3.4 Branches and Surf Clubs

- (a) Branches and Surf Clubs must not commercially promote the Intellectual Property without first consulting their State Centre and obtaining its approval. Any promotion by a Branch or Surf Club can only be within the boundaries set by its State Centre. Where a Branch or Surf Club seeks to promote the Intellectual Property within its authorised area it must submit an application to its State Centre stating the nature, term and extent of the proposed promotion. The word “promote” in this paragraph means the use or exploitation of the Intellectual Property and includes granting the right for sponsors to use the Intellectual Property in their own advertising, as well as using sponsor's names or logos on or in conjunction with the Intellectual Property.
- (b) State Centres shall have the right to approve, reject or conditionally approve any application by a Branch or Surf Club to commercially promote the Intellectual Property. In exercising its discretion whether or not to approve an application a State Centre will consider:
 - (i) the nature and scope of the proposed promotion;
 - (ii) the level of revenue or in-kind support being received in consideration for the promotion;
 - (iii) whether or not the proposed promotion is in conflict or competition with sponsorship or commercial arrangements already existing within the relevant geographic region or State;
 - (iv) the impact of the promotion on the value, positioning, perception and / or integrity of the Intellectual Property; and
 - (v) any other matter which the State Centre reasonably considers to be relevant to its decision to grant or withhold the approval sought by the Branch or Surf Club.

4 UNAUTHORISED USE OF INTELLECTUAL PROPERTY

- (a) State Centres/any other Affiliates, Branches and Surf Clubs must report any use of the Intellectual Property which they suspect may not be authorised in accordance with this Policy to their State Centre or SLSA.
- (b) Any use of or dealing with the Intellectual Property by surf lifesaving organisations in contravention of this Policy will be considered a serious matter and result in disciplinary proceedings being instituted under the SLSA Regulations.

5 INTELLECTUAL PROPERTY USE APPLICATION FORM

Any organisation (including Surf Clubs) wishing to use any Intellectual Property, other than for the purposes of permitting government, government tourism and educational organisations to use the Intellectual Property for non commercial purposes must complete the application form published by SLSA from time to time. The application form must be submitted to SLSA in respect of a national use or to respective State Centres for internal state use, for processing.

For enquiries please contact:

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