

Media granted fair use of 2010 phrases

The Department of Trade and Industry (dti) has granted the media fair use of terms related to the 2010 FIFA World Cup, which are now protected by intellectual property rights.

By [Lavinia Mahlangu](#) 6 Feb 2008

"The prohibition does not apply to the media, provided reportage is fair and not imbued with business enterprising," reads Minister Mandisi Mphahlele's notice on the terms of use, and list of protected phrases and images in the Government Gazette.

Entitled "Prohibition on the use of certain words and emblems for the 2010 FIFA World Cup South Africa, the legally binding notice falls under the Merchandise Marks Act of 1941.

"The prohibition only applies to activities connected to the 2010 FIFA World Cup South Africa in the area of Football or Soccer 2010 FIFA World Cup."

The measures seek amongst others, to protect FIFA's intellectual property rights and identify genuine merchandise and official events organised by the South African government, FIFA and their affiliated partners and sponsors.

Prohibitions also pertain to the African Confederations Cup in 2009, which is another FIFA owned event to be hosted by South Africa, and seen by many as a "dry run" for the international spectacle. Matches will take place at some of the venues to be used for the 2010 tournament.

These prohibitions are however, not permanent.

The measures will expire six months after the last game of the 2010 tournament. This is in line with the Special Measures Act of 2006, and the government notice declaring the 2010 FIFA World Cup South Africa a "protected event".

Protected phrases for the 2010 tournament and the 2009 Confederations Cup are:

- 2010 FIFA World Cup South Africa
- World Cup 2010
- RSA 2010
- Football World Cup
- FIFA World Cup
- South Africa 2010
- SA 2010
- 2010 FIFA World Cup
- Africa 2010
- Soccer World Cup
- World Cup
- South Africa World Cup
- World Cup South Africa
- Confederations Cup
- 2010

- Twenty Ten
- Win in Africa for Africa
- Football for a better world

Protected host city names:

- Cape Town 2010
- Bloemfontein 2010
- Mangaung 2010
- Durban 2010
- Johannesburg 2010
- Mbombela 2010
- Polokwane 2010
- Pietersberg 2010
- Port Elizabeth 2010
- Nelson Mandela Bay 2010
- Pretoria 2010
- Tshwane 2010
- Rustenburg 2010

The dti made every effort to collect comment from the public, business owners and others in order to inform their decision.

Speaking last year, the department's Director of Commercial Law and Policy, McDonald Netshitenzhe, said the minister had been inundated with appeals for an extension to the original deadline from 2 August 2007 to 2 October 2007.

The call for public comment to FIFA's request for certain trade mark rights was gazetted on 21 June 2007 and made available for public scrutiny on 2 July 2007.

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